

Responsiveness Summary: Public Comments

Best Management Practices for Furbearer Trapping

Public Hearings: June 20, 21, and 22, 2023

Public Comment Period: May 17, 2023 to June 30, 2023

The 2022 Legislature charged the Vermont Fish and Wildlife Department (Department) with implementing Best Management Practices (BMPs) for trapping. Act 159 directed the Department to “*recommend best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs,*” based on the decades long peer-reviewed scientific research effort conducted by the Association of Fish and Wildlife Agencies (AFWA). The BMPs are the same standard that are used for wildlife research capturing a diversity of wildlife. The Department’s proposed rules include BMPs that will apply to all 14 species of furbearers that are legal to trap in Vermont.

The Department and the Vermont Fish and Wildlife Board (the Board) worked to conduct an inclusive, fair, and transparent process. The resulting recommended regulations are a substantial step forward towards modernizing trapping systems and addressing science-based Best Management Practices as dictated by Act 159. From July 1, 2022, to July 24, 2023, the Department has spent a minimum of 2,684 staff hours (67 weeks) amounting to more than \$168,638 dollars to address the Act 159 legislative mandate. We made considerable efforts to meet the requirements of Act 159 and address the concerns of diverse stakeholders.

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Public Comment Process

Act 159 directed the Department to “*provide an opportunity for public review and comment and shall hold at least one public hearing regarding the proposed BMPs.*” To ensure the general public and stakeholders were aware of the proposed rule changes and able to participate in the rule-making process, the Department:

1. Contracted with a leading natural resource survey firm, Responsive Management, to conduct a survey of Vermont residents’ knowledge and opinions of the department and our furbearer conservation efforts, as well attitudes towards trapping. The survey was conducted in October, and the Department received a final report on November 29, 2022. The survey indicated that the Department is regarded as credible, that most Vermonters support regulated trapping, and that even though a majority do not approve of “recreational trapping,” 60% strongly or moderately support the right of others to trap. (See **Appendix A** for more information about the survey).
2. Established a stakeholder working group that met 4 times for 3 hours each time in August and September 2022.
3. Hosted a public meeting in November 2022 to gather feedback on the preliminary proposals.
4. Met with two legislative committees during the winter of 2023 to review the proposed regulations.
5. Issued a press release announcing the public comment period and hearing dates which was picked up by Vermont Public Radio and WCAX (in addition to the publication of the rulemaking process initiated by the Secretary of State).
6. Issued social media and e-blast announcements of the public comment period and hearing dates.
7. Posted materials on our website including stakeholder group meeting minutes and recordings; tables outlining legislative directives, the boards proposal, and additional Department recommendations; and public comment information.
8. Held public hearings on June 20 in Rutland, June 21 in Montpelier, and virtually on the 22, 2023 where we presented information and held breakout group comment sessions (**Appendix B** lists focus questions from breakout groups).
9. Compiled hearing comments along with the comments received through e-mail submissions during the public comment period (May 15 - June 30).

The public comment process was designed to gather qualitative information on the diversity of opinions about trapping and coyote hunting with hounds. The table below summarizes the number and general trends in public comments (**Table 1**). Department staff read every public comment and question. All the public comments were provided to the Board for review. The

comments and questions are summarized in the appendices and Table 1 below.

	Public Hearings (n=129)	E-mails (n=1,124)
Regs. do not need updating	15%	<1%
Suggested changes to proposed regs.	61%	6%
Regs. do not go far enough	36%	80%
Ban trapping/coyote hounding	7%	12%

Table 1: The Department received 1,253 public comments about Act 159 and Act 165 in total. Summary statistics for the largest comment categories are presented here. For online comments, 123 came from duplicate email addresses, 110 came from out of state, 712 came from Vermont and 179 did not provide residence data. The appendices of this responsiveness summary provide more detail about comments received.

Note that the Department received an additional 452 comments after the public comment period closed as well. The comments stated that the proposed rules were not stringent enough. A total of 437 of these comments were duplicates, 15 did not appear to be duplicates, and 8 of the nonduplicate comments were from out of state.

Legislative Directives and the Proposed Final Rule

Act 159 Sec 1. (a) (1): *"The BMPs shall include recommended trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal."*

Proposal

4.5. All foothold traps on land must:

- a) *Have base plates that feature a center chain mount with swivel, with free moving chain and at least two additional swivels that allow mobility for a captured animal;*
- b) *Be anchored with a minimum of 12" chain and a maximum of 18" chain length between the base plate and the start of the anchoring system. Extra swivels and/or shock springs can be added to the chaining system, but the additions cannot cause the chain to exceed the 18" length;*
- c) *Be padded, offset, laminated, or have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot;*
- d) *Have a spread of no more than 6¼ inches measured inside the widest expanse of the jaws; and*
- e) *If a foothold trap is triggered by downward pressure, it must be adjustable for pan tension.*

Rationale

A major concern identified by the stakeholder working group and during the public comment process was the welfare of trapped animals. Requiring that foothold traps meet the criteria (BMPs) outlined in 4.5 of the proposed rule significantly reduces the likelihood that capture would result in serious injury or death. Specifically:

- the center chain mount with a swivel and the addition of 2 swivels increases animal mobility and reduces the likelihood of injury;
- the length of chain allows the animal to move but also reduces the risk that an animal will become entangled in the chain;
- the requirements under subsection c for padding or other mechanisms will protect the animal from injuries to the foot and paws;
- the size of the spread lessens the likelihood that an animal will be caught by a body part other than a foot; and
- adjusting for pan tension allows a trapper to tailor the trap to target species.

The BMPs to improve the welfare of trapped animals are backed a 23-year international science-based research effort by AFWA (**Appendix C**) as well as input from our stakeholder working group.

Trapping systems that do not meet these criteria will become illegal. The proposed regulations set forth clear and specific requirements such as; the features of foot hold traps, the size and placement of body gripping traps, the definitions and setbacks for legal trails, highways, and agency trails. As a result, the rules are enforceable.

Appendix D lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

Legislative Directives and the Final Proposed Rule

Act 159 Sec 1. (a) (2): *“The BMPs shall include recommended criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely.”*

Proposal

See 4.5 above and 4.6 below. The standards set forth in the rules for foot hold traps and body gripping traps are designed to enhance animal welfare.

Rationale

One concern raised in the working group and public comment process was “trap selectivity,” specifically whether traps can be designed or used in such a way that non target animals or pets will not be captured. The BMPs proposed in 4.5, above, require that foothold traps be adjustable to trigger only when animals of a certain size step on them (“adjustable pan tension”). Our requirement to have adjustable pan tension will improve trap selectivity. Traps conforming to the BMP’s outlined in section 4.5 are those which underwent testing and were approved as a result of extensive research comprising of over 500 field studies (**Appendix C**). BMP recommended traps showed $\geq 93\%$ selectivity across the study. Trapping methods for each species, including trap sizes and ways to improve selectivity, are taught in our mandatory trapper education courses. The course also covers how to maintain traps to ensure optimal functionality.

Moreover, as detailed in the next Legislative Directive, the proposed regulations regarding the use of body-gripping traps also contribute to an improved level of trap selectivity.

Appendix E lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

Legislative Directives and the Proposed Final Rule

Act 159 Sec 1. (a) (3): *“The BMPs shall include recommended: trapping techniques, including the appropriate size and type of trap for target animals, use of lures or other attractants, trap safety, and methods to avoid nontarget animals.”*

Proposal

4.6 No body-gripping trap shall be set on land unless:

- a) it is under 40 square inches, without the use of bait, or*
- b) it is over 40 square inches and less than 60 square inches and is set 5’ or more above the ground, or*
- c) it is over 40 square inches and less than 60 square inches and is in an anchored enclosure with openings no greater than 60 square inches and with a trap trigger that is recessed at least 12” from all openings,*
- d) Any body-gripping traps over 60 square inches shall only be set in the water.*

4.7 All meat-based bait shall be covered at the time that a trap is set. Covering shall include, but are not limited to, brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

See 4.5 above as well.

Rationale

Mitigating the potential risk posed by body-gripping traps to domestic animals and maintaining the legality of these traps in cases where they represent the most effective and humane method for capturing target animals were focal points for the working group. These concerns were also highlighted in public comments. The proposed regulations protect domestic animals by limiting the sizes of body gripping traps that can be set on the ground to smaller traps without bait. In addition, medium sized traps with bait must be set 5’ off the ground or in an enclosure, and large body gripping traps can only be used in the water. All these requirements make it much less likely that a domestic or nontarget animal will be captured. The proposed regulations retain body-gripping traps as a legal system within these safety constraints.

Trappers and non-trappers both identified bait as an area where new regulations could reduce the risk of capturing non-target species, like birds of prey. The proposed regulations reduce this already small risk by requiring bait be covered to limit birds’ ability to see or access it. The Department will annually report non-target capture data to the legislature. The proposed regulations are consistent with those in other states.

Appendix F lists questions about this directive raised during the public comment period, along with Department responses. It also lists the general statements or preferences expressed in the comments.

Legislative Directives and the Proposed Final Rule

Act 159 Sec 1. (a) (4): *“The BMPs shall include recommended: requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class four roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.”*

Proposal

4.15 trapping setbacks: no foothold traps or body-gripping traps shall be set on or within 50’ of the traveled portion of a legal trail, public trail or public highway unless set in the water. This setback requirement shall not apply to Wildlife Management Areas, or to private landowners trapping on their own property.

Rationale

Throughout the public input process on road and trail setbacks, non-trappers expressed concern about the risk of traps set near trails to people and pets. Trappers expressed concern about setbacks making it harder to access traps for the required daily check and prohibiting traps set in streams and culverts near trails where many species are often targeted. Our proposed regulation establishes a 50’ setback that gives recreational trail users a buffer where they can be confident that no traps will be set on land, while still allowing trappers to set traps close enough to trails for regular access and in the water along trails.

There are several challenges to establishing a setback regulation. There is no existing research to dictate the appropriate distance, and different user groups have different opinions on what constitutes an appropriate setback distance. This makes the issue more complex than simply applying an existing standard or asking the stakeholders to find consensus among themselves. It is also difficult to define trails from a legal standpoint. To that end, with the exception of body gripping traps in the water, we recommended a 50’ offset on agency designated trails on state lands as well as roads and legal trails located on all town highway maps, published by the Vermont Agency of Transportation.

Appendix G lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

Appendix H provides maps of areas where the setback applies.

Legislative Directives and the Proposed Final Rule

Act 159 Sec 1. (a) (5): *“The BMPs shall include recommended: criteria for when and how live-captured animals should be released or dispatched.*

Proposal

4.16. Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader or gun fired at arm's length; or a bow and arrow, or crossbow. This provision may be amended upon receipt of the Association of Fish and Wildlife Agencies recommendations regarding humane dispatch. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet.

Rationale

Members of the working group raised concerns that trapped animals are not always killed quickly and respectfully once recovered by trappers. The proposed humane dispatch requirement will resolve this by legally requiring immediate dispatch with an approved method. Because methods of dispatch are a subject of ongoing research by AFWA and the American Veterinary Medical Association (AVMA), the proposed regulation includes review of AFWA’s future recommendations on this to determine if additions to our recommendation need to be made.

Appendix I lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

Legislative Directives and the Proposed Final Rule

Act 159 Sec 1. (a) (6): *“The BMPs shall include recommended: revisions to trapper education materials and instructions that incorporate the recommendations or requirements set forth in subdivision (1)-(5) of this subsection.*

Proposal

There are no rule changes associated with this legislative directive. 10, § 4254a which requires trapper education in order to obtain a license is listed under **Appendix K**.

Rationale

The Department requires all trappers to successfully complete a trapper education course. The trapper education course materials are based on AFWA’s published trapper education course and were updated in 2022. The BMPs are now more integrated than in previous versions. Similar to previous versions, there is a strong emphasis on ethics. The mandatory trapper education program addresses trap maintenance, adjustment, and placement including appropriate pan tension for target species. This limits entanglement and the positioning of traps to minimize nontarget captures.

There was a public comment suggesting that AFWA recommendations are species specific, and the proposed rules are not. Note however, that the proposed rules are based on AFWA BMPs that have been demonstrated to improve animal welfare and trap selectivity. In addition, the trapper education curriculum includes information that addresses species specific trap sizes. The mandatory trapper education course builds on the proposed regulations and will speak to that concern of that BMPs are intended to be species specific.

Rules Applicable to Trapping in Defense of Property for Compensation

- 4.1 and 4.2 Visit/check traps on land every calendar day and underwater every 3 calendar days
- 4.3 and 4.4 Label traps with name and address (if under ice label must be visible above ice)
- 4.5 Foothold trap BMPs
- 4.6 Body-gripping trap land restrictions
- 4.7 Meat based bait must be covered
- 4.8 No toothed foothold traps or snares
- 4.10 Cannot possess a live furbearer except to move for dispatch
- 4.11 Cannot possess a furbearer outside of the legal season, unless taken in defense of property or persons
- 4.12 Cannot possess fur or skin unless lawfully taken
- 4.13 Cannot take furbearer with explosives
- 4.18 e) Bobcat otter and fisher skins must be tagged, carcasses submitted to the Department
- 4.22 a) Immediately report any taking of Lynx
- 4.23 Submit annual furbearer taking reports

Appendix A

Responsiveness Management Survey

The survey was a telephone-based (both landlines and cell phones) survey, conducted by Responsive Management using a proven, scientific methodology. This survey pre-tested and was statistically representative of Vermont's resident population at a 95% confidence level with standard error of plus or minus 3.4 points. This means that if the survey was conducted 100 times, the same results would be expected in 95 of those times. The response rate was high for study of its type and the sample size was 809. Responsive Management has conducted similar work for every state fish and wildlife agency or equivalent, as well as polling on topics as diverse as urban greenspace and water quality for clients including Stanford and Yale Universities, the Department of the Interior, Sierra Club, Ocean Conservancy, and the Environmental Defense Fund.

The survey results were as follows:

- *There is high satisfaction with the Department:* 63% are very or somewhat satisfied; 5% are somewhat or very dissatisfied; 5% are neutral; and 26% did not know (page 12).
 - Knowledge of the department was correlated with satisfaction, with 84% of those who reported knowing a great deal about the department being very or somewhat satisfied (page 16).
 - Most residents (60%) said the department was very credible; 29% said somewhat credible; 1% said not credible at all; and 10% did not know (page 33).
- *The majority of Vermonters support regulated trapping.* Overall, 60% of residents strongly or moderately support regulated trapping; 29% strongly or moderately disapprove of it; 10% didn't know; and 6% were neutral (page 20).
- Knowledge about regulated trapping and approval of different reasons to trap are variable. 50% of Vermonters incorrectly believed that regulated trapping can cause species to become threatened or endangered (page 54). 91% of Vermonters strongly or moderately approved of trapping for relocating and restoring wild animal populations and 70% approved of trapping to reduce damage crops and gardens. In contrast, 26% of Vermonters approved of trapping for recreation (page 49).
- *Regardless of personal opinions on trapping, 60% strongly or moderately support the right of others to trap,* while 25% strongly or moderately oppose the right of others to trap; 10% were neutral; and 5% did not know (page 30).

Here is a link to more information – note that there is also a link to the entire survey on this page: <https://vtfishandwildlife.com/vt-residents-furbearer-survey>

Appendix B

Breakout group focus questions:

1. What are your comments on the Board's first vote to change regulations for legal, regulated trapping in Vermont? Please add your reasons why.
2. What are your comments on the changes being recommended by the Department and the reasons why?
3. Any other comments or questions for the Board on the proposed rule changes for regulated, legal trapping?

Appendix C

White et al. 2020. *Best management practices for trapping furbearers in the United States*. Wildlife Monographs 207(1): 3-59. DOI <https://doi.org/10.1002/wmon.1057>

Appendix D – questions, comments, and details relating to Act 159 Sec 1. (a) (1) on trapping systems and components

Public Comment Questions:

- Do cast jawed traps count as laminated?
 - Yes, as long as the jaws are at least 5/16th of an inch thick.
- What research is being done regarding the use of drags?
 - None to date.
- How would the foothold regulations affect dog-proof traps?
 - Encapsulating traps would be legal as well as dogless traps that meet the other criteria and are adjustable for pan tension.

Public Responses/Suggestions:

- Reasonable improvements; fully support the changes.
- These regulations do not go far enough to improve animal welfare; fail to meet legislative mandate; do not reflect what came out of the working group.
- There is no way to improve traps to improve welfare to animals.
- Stick with original recommendations proposed by the Board; no need to go further with more restrictions.
- Proposed rules seem carefully thought out and reasonable.
- Not in favor of these revised recommendations, use Board recommendations; the original proposal was sound.
- Existing rules are sufficient.
- Suggest 4.5c read “Jaws must be padded *or* offset *or* laminated *or* have a *minimum* jaw thickness of 5/16th of an inch or fully encapsulate the foot”.
- Not in favor of padded or offset jaws as it doesn’t allow the foot to wiggle.
- Anchors for body-gripping traps are excessively restrictive.
- Conibears are not BMP tested.
- Prefer traps greater than 6 ¼ inches for larger animals – less injuries.
- Drags are more humane with less injury to the animal; the animal can get into brush;
- Elimination of drags is welcome; outlaw drags on land.
- 5/16” padding not sufficient to prevent injury.
- Agree with swivel for less strain on the animal.
- One swivel is enough.

Department Comments

Modifications by trappers are allowed if they still meet the outlined criteria. While the proposed rules do not set forth species specific BMPs, there is empirical scientific evidence that the recommendations will address animal welfare and selectivity. For example, swivels, limited

chain length, and adjustable pan tension will improve the mobility and selectivity of trapped animals and will reduce injuries. Similarly, padded, offset, or laminated trap jaws will limit injury to trapped animals. The jaw measurements, including padding, are all within BMP recommendations for all species trapped in Vermont.

The proposed rules are not designed to address each species independently from one another, because such rules would be overly complicated and would require law enforcement to determine what species a trapper intended to target. The BMPs imbedded in the rule are specific and enforceable.

Appendix E – questions, comments, and details relating to Act 159 Sec 1. (a) (2) on trap selectivity

Questions:

- Does the earth anchor count as chain length?
 - No, the earth anchor is part of the anchoring system. There is now clarifying language.
- If swivel is double-sided, does it count as 1 or 2?
 - It counts as 2 swivels.

Public Responses/Suggestions:

- Standardization, more specificity, details for requirements; foothold requirements still vague
- AFWA recommendations are species specific, these are not.
- Stick with original recommendations proposed by the Board; no need to go further with more restrictions.
- Proposed rules seem carefully thought out and reasonable.
- Not in favor of these revised recommendations, use Board recommendations; the original proposal was sound.
- The original proposal was sound, and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.
- Existing rules are sufficient.
- Short chain can cause more damage to animals than a drag.
- Consider alternate methods of creating offset i.e., beads of weld.
- Suggest 4.5b read “Be anchored with minimum of 12” and maximum 18” chain length (*some said above ground*). Extra swivels and/or shock springs can be added to the chaining system”.
- Footholds on land should be double staked, especially for coyotes.
- I think you should not have to modify foothold traps used with a lethal drowning system while water trapping.

Department Comments

Non-target captures, including domestic pets, must be reported to the Department. In any circumstance where a non-target animal is caught, the Department requires releasing the animal and submitting the information on their mandatory trapper survey. Incidentally trapped domestic dogs or cats must be reported to a warden within 24 hours and information must be reported on their mandatory trapper survey at the end of the season. The BMPS significantly reduce the likelihood that a non-target capture would result in mortality or fatal serious injury.

**Appendix F – questions, comments, and details relating
to Act 159 Sec 1. (a) (3) on body-gripping traps and use of baits**

Questions:

- Why are traps not passing BMP testing allowed to be used, i.e., 220 for fisher?
 - A variety of 220 traps have passed for fisher as long as they meet the criteria listed in the BMP's. Devices have evolved over time.
- What are the concerns that lead to the need for these changes?
 - Act 159 focuses on ensuring that trapping is more humane and reduces the likelihood of capture and injury to domestic pets and other nontarget animals. The Department along with the working group members worked hard to meet the directives outlined by the Legislature in Act 159. The recommended rules will minimize the risk to domestic pets and other non-target animals, but especially free-ranging domestic dogs. Raising baited body-gripping traps at least 5' off the ground unless in an enclosure, should further reduce the already low risk to dogs.
- Does cubby set made of natural materials qualify as anchored?
 - If this rule passes, all body-gripping traps over 40 inches square will have to be 5' off the ground or in an anchored enclosure with the trap recessed 12" from the entrance.
- Can I still use a 220-cubby w/meat in the back even if trap is 12" inside?
 - Yes, as long as the cubby adheres to the rule.
- Meat-based baited body-gripping traps still OK if 5' above ground?
 - Yes, if the bait is covered as per the regulation.
- How does covering bait make it different?
 - Covered bait is less visible to and harder to access by raptors and songbirds so they are less likely to land on or near the trap.
- If snow is used as a covering and it melts overnight, is it a violation?
 - No.
- How do you define "covered" for bait? How obscure does it need to be?
 - See regulatory language. The term "cover" retains its ordinary meaning which is to put something on top of an item to conceal it.
- What is the threat to a pet from a 110 conibear trap on the ground in December?
 - A 110 body grip trap measures only about 4.5 inches square and should not pose a significant threat to domestic pets.
- Why are you still allowing body gripping traps that have been known to kill pet dogs in places dogs can easily get to them, such as the recent occurrence in Corinth?

- The proposed regulations will severely limit body-gripping traps on the ground, as well as placing traps at a distance from areas where people are reasonably expected to recreate.

Public Responses/Suggestions:

- Still does not protect or reduce number of non-target animals.
- Covered bait is a good idea.
- No baited traps; baiting leads to more human/wildlife conflicts.
- All bait should be covered, not just meat.
- Not in favor of covered bait, wind can uncover it.
- Does not address scent-based bait which attract pets and other non-target animals.
- Changes are unproven
- There are already enough constraints on body-gripping traps.
- Body-gripping traps should be allowed on land; they are already limited.
- Body-gripping traps should not be allowed on land at all; other states already banned them.
- Not in favor of padded or offset jaws as it doesn't allow the foot to wiggle.
- Enclosure will not help protect, especially small dogs and cats; doesn't work for woodchucks.
- Bears and other tree climbers can still be caught in body-gripping traps.
- Does not include body-gripping traps underwater.
- No change to fisher trapping despite 220s not passing AFWA testing.
- Eliminating body-gripping traps on land takes away the most effective, practical, and humane traps for many blind sets targeting raccoon, beaver, muskrat, and mink where a foothold trap would not be free from obstructions.
- Body-gripping traps should not be allowed on land; little chance of safely releasing non target animals.
- The original proposal was sound and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.
- Concerns about having specific measurement for traps down to 1/16th inch.
- 4.6 – leave as first proposed by Board.
- Conibears are not BMP tested.
- Use standard trap sizes to describe traps rather than 60" to make it more understandable.
- Restricting body-gripping traps to 5" for beaver, muskrat is not practical.
- 4.6a – change to "baited conibears on land of 50" squared are acceptable.
- Eliminates making blind sets with body-gripping traps, especially for mink.
- Can't set body-gripping traps 5' when trapping on open land or in marshes.

- Body-gripping traps can be responsibly deployed on the ground – no need for the limitations.
- Body-gripping traps are more effective than footholds in brush areas, farmlands.
- Allow 110 conibears on the ground for mink and muskrat.
- Allow meat-based baited body-gripping traps under 40 sq. inches on the ground.

Department Comments

The proposed rules are designed to protect individual non-target animals, both wild and domestic, from inadvertent capture. Concerns from various interest groups were considered, and BMPs are available for both body-gripping and foothold traps. Body-gripping traps were tested by the Canadian government using international standards. Body-gripping traps used on land must be elevated or in an anchored enclosure, and no meat-based bait is allowed for smaller traps to further minimize non-target captures. Trap area sizes of 40 and 60 square inches were chosen for law enforcement consistency, as trap dimensions vary among manufacturers, lacking universal standards.

Body-gripping traps that passed the BMP's for the humane capture of beaver are, by necessity, large (>280). There is no evidence to suggest that traps set in the water or under ice pose a risk to people or pets, and therefore they are not restricted. The Department is confident that these rules will effectively reduce non-target captures and risk to pets, representing a significant advancement in addressing this issue.

The proposed covered bait regulation aligns the Department's rules with neighboring states and provinces. The risk to bird populations from non-target capture in traps is minimal compared to other factors like domestic cats, cars, pesticides, etc. Still, the Department is sensitive to individual animal losses and recommends covering meat-based baits to further reduce such incidents. Although trap modifications were scientifically evaluated, the effectiveness of bait regulations is less certain, as it varies across jurisdictions. The additional data on non-target captures will inform future management decisions and proposed rules as required by Act 159.

Appendix G – questions, comments, and details relating to Act 159 Sec 1. (a) (4) on trail setbacks and trap placement

Questions:

- Does the 50' apply to VAST trails on private land?
 - Only if they appear on the Vermont Agency of Transportation highway maps as defined by 19 V.S.A. 301 (8).
- If I own land and allow a public trail on that land, am I restricted by the setback rules?
 - Only if it shows up on a town highway map as defined by 19 V.S.A. 301 (8).
- What is “travelled portion of the road?”
 - The term is commonly used in Title 19. The plain meaning of the phrase is the width of a street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.
- What happens if water recedes, and trap is no longer in the water?
 - You will need to remove the trap.
- How does this play into nuisance trapping?
 - Like the previous trapping rule, many of the rules will apply but not all.
- Why are any traps still allowed in the setback zones at all? If there are multiple loopholes around these setback zones, it does not seem like they will actually serve their purpose.
 - Both foothold and body-gripping traps will no longer be allowed on land within 50' of a legal trail or town highway as defined by 19 V.S.A. 301 (8). Water sets will be allowed within 50' of trails because they are much less likely to be encountered by hikers or pets.
- How was the 50' setback determined to be safe?
 - The proposed rule prohibits trapping (except under water) within 50 feet of both sides of a legally designated town trail, a highway, and state agency trails (except Wildlife Management Areas). The rule provides for setbacks on over 17,000 miles of clearly defined trails and highways statewide. Fifty feet is significantly greater than the average length of a leash. Trappers are required to obtain permission to trap on private, municipal, and federal land. Private, municipal and federal landowners all have the authority to impose setbacks on their lands.
- Does this eliminate setting traps under bridges or in dry culverts?
 - Not if they are in water.

Public Responses/ Suggestions:

- Setbacks on roads are a problem, especially when trapping in culverts.
- Setback rules should apply to WMAs as well since funded by federal funds; should include campgrounds; currently address only about 4% of state-owned land.
- Setback distance does not address wildlife advocates' recommendations.
- Setback should be kept at 25'; consistent with hunting regulations; 50' difficult for people with mobility challenges.

- Suggest 4.17 read “No foothold traps can be set on or within 25’ of the traveled portion of a public trail or highway unless set in a culvert or in the water. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas.” Setting a foothold in an elevated location would invariably be harmful to the welfare of any animal captured in that manner.
- This needs to be combined with a strengthening/enforcement of leash laws (state level law perhaps); pet owners need to take some responsibility. Leash laws are needed.
- 50’ setback is uncompensated taking of private property; not able to trap on a portion of the land I own and pay taxes on. Should we consider an exemption for land owned by someone holding a trapping license? i.e. (unless trapper is the owner or occupant of the property).
- Does not comport to ROWs; excessive compromise; a 50’ leash does not accommodate pet control.
- Most trappers don’t set close to trails, roads, etc. and don’t want to catch pets.
- WMA boundaries need to be marked better and more visible.
- These are better than board recommendations but still a far cry from wildlife advocates recommendations.
- Require signage in trapping areas, public areas.
- 4.17b set back rule should be 49.5 feet, as this is within the states right of way. Beyond this distance you are then telling people they can’t trap on their own property.
- The rule should be within 50 ft of roads as well as well used trails.
- Setbacks apply only to a small percentage of public lands and are insufficient to protect the public.
- 50’ does not reduce the risk of danger to the public and their dogs.
- Generally opposed to this regulation.
- The original proposal was sound and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.

Department Comments

Historically, domestic pets have very rarely been trapped or harmed by a trap when trapped. Concerns about even a small risk from traps set near trails were a recurring theme in public comments and working group member feedback. As such, the Department and the working group took the directives in the legislative mandate seriously.

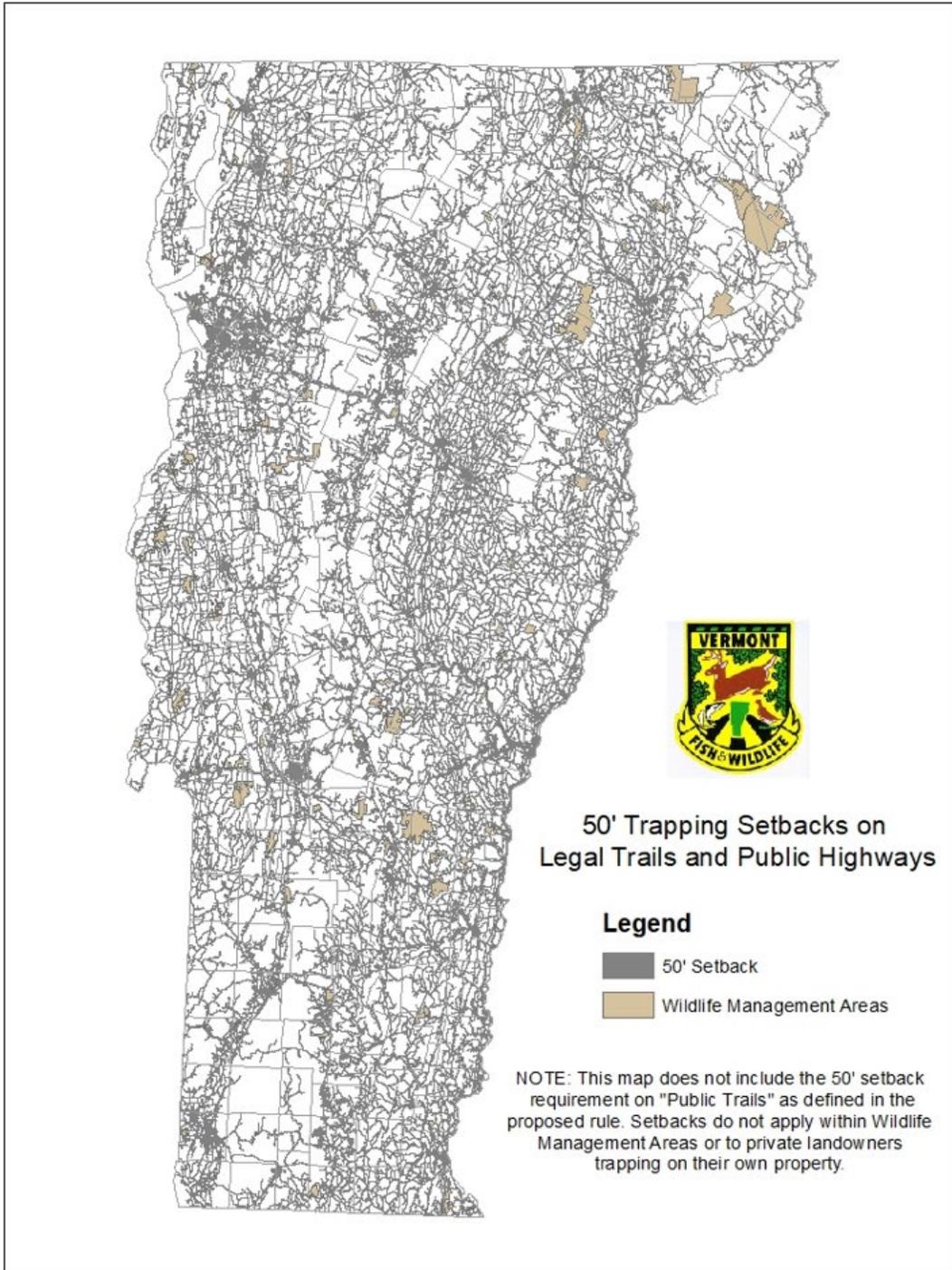
We received many comments and questions about how the setbacks apply on 1) state Wildlife Management Areas; 2) private and town lands; and 3) recreation areas other than trails on state lands. We address each below.

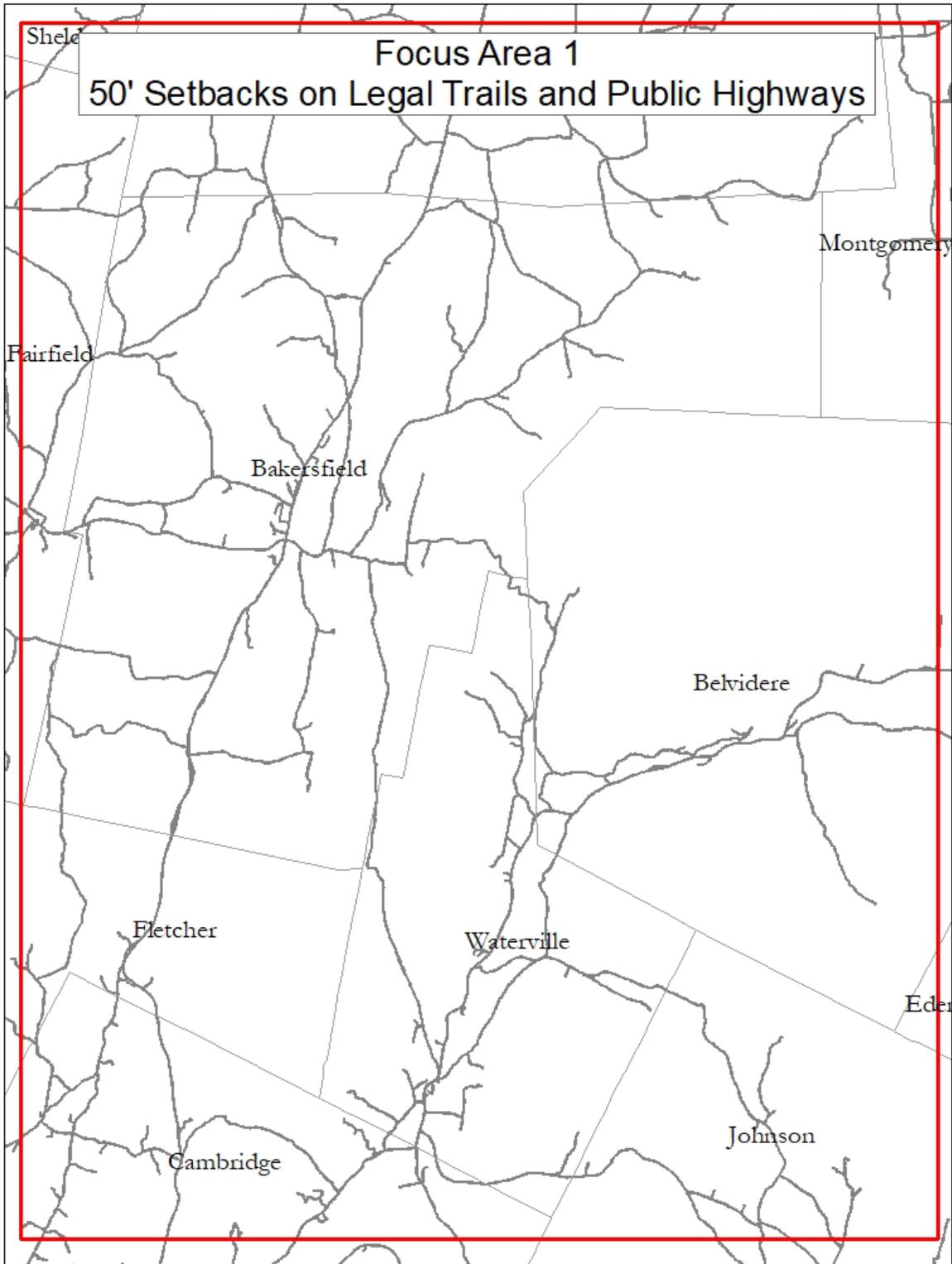
1. The setbacks mentioned above do not affect Wildlife Management Areas (WMAs). WMAs are exempted from the setback requirement because these areas have been

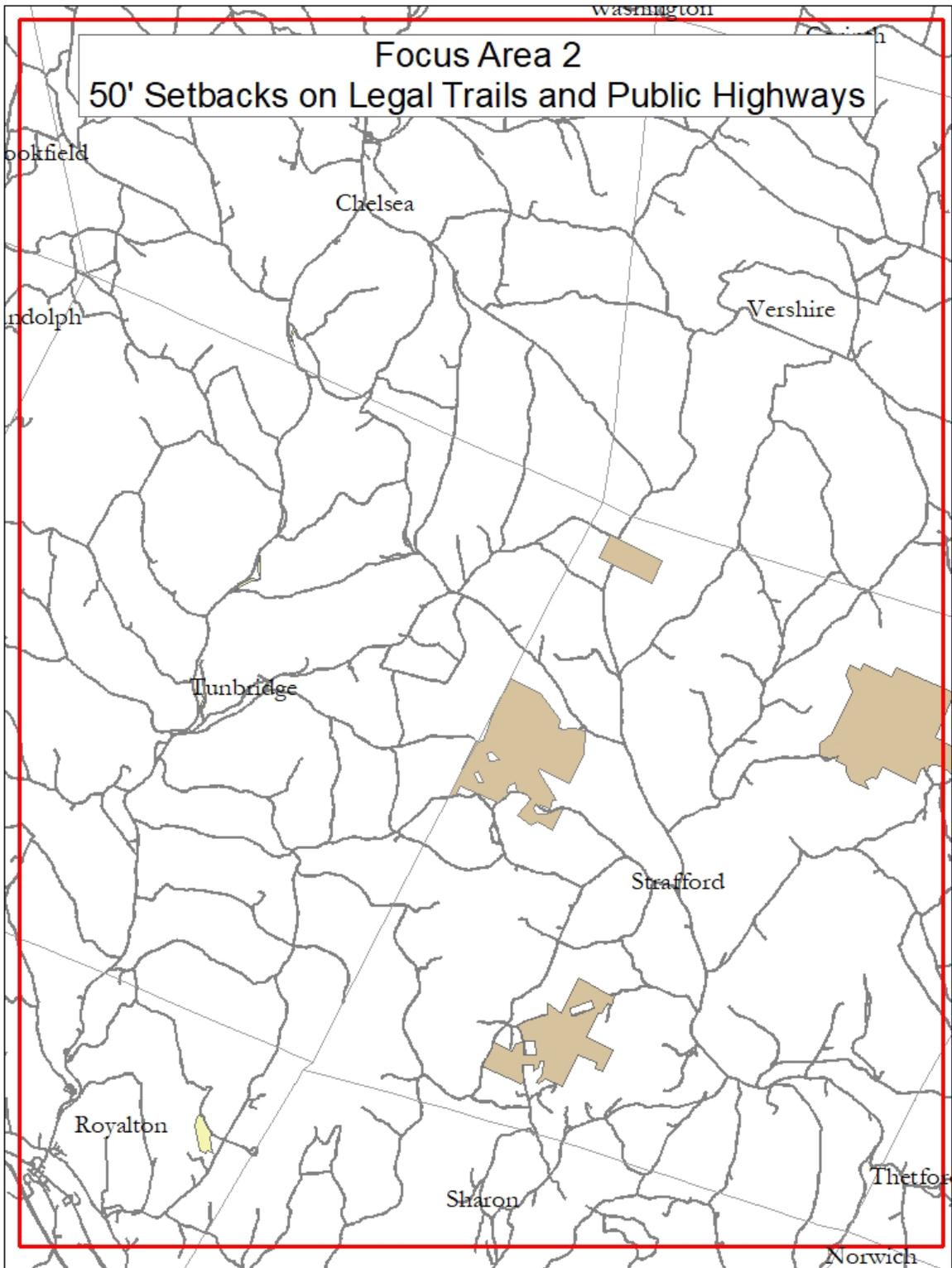
specifically purchased and funded for facilitating dispersed, wildlife-based activities such as hunting, fishing, trapping, and birdwatching. These areas operate under distinct goals and objectives compared to other state-owned lands. To honor these purposes and also address the concerns of non-consumptive WMA users, the Department and Agency will post notices concerning hunting and trapping season dates. These notices will be displayed on kiosks, access areas, and other relevant locations within the WMAs.

2. Trappers already need permission from landowners to trap on private and municipal lands (10 V.S.A. § 4707 and 6307 (a)). However, the Department's proposed setbacks, specifically those pertaining to public highways and legal trails, apply statewide wherever those highways exist. Title 10 V.S.A. § 4705 (f) and the Vermont Agency of Transportation highway maps provide a high degree of clarity and, therefore, enforceability on what constitutes a legal trail and public highway and where they occur. The 50' setback distance for both foothold and body-gripping traps exceeds existing setbacks required for hunters and allows domestic pet owners who wish to recreate with leashed pets to select a leash length that provides a high degree of protection when staying on the traveled portion of a public highway, legal trail, or on a designated trails on state-owned land excluding WMAs. The total number of miles of trails and roads influenced by this proposed rule is about 17,242 miles equating to 209,994 acres.
3. ANR's ***current policy on state land states***: People who are hunting or trapping must stay 500 feet from state park buildings and "other designated areas". In addition to the trail setbacks, this provides assurance that traps will not be located near places people can reasonably be expected to recreate on public lands.

Appendix H – a map of setbacks relating to Act 159 Sec 1. (a) (1) on trapping systems and components







**Appendix I – questions, comments, and details relating
to Act 159 Sec 1. (a) (5) on methods of dispatch**

Questions:

- 4.21.3(c) legal methods say, “includes utilizing a muzzleloader...”. Is that including but not limited to?
 - Legal methods statewide are muzzle loader, gun, bow, or crossbow.
- Can you use CO2 chamber for humane dispatch?
 - A CO2 chamber remains legal for trapping in defense of property.

Public Responses/Suggestions:

- Retain dispatch to gunshot & arrows; include handguns in reg.
- Dispatch needs to be more concrete.
- Allow use of lethal injection for dispatch – helpful in urban areas.
- Dispatch should not include bow & arrow or crossbow.
- Should be able to use CO2 chamber for humane dispatch.
- 4.18 dispatching of trapped animals, there are some concerns. At times trappers trap in town for skunks, raccoons, fox and coyotes. Using live traps and then transport them to a location to be safely displayed. Under this rule that will not be allowed and can make for unsafe situations. This rule does not also allow the use of a dispatch pole. Commonly used to dispatch skunks. This is a pole with a syringe on the end of and the skunk is euthanized by chemical. Today most skunks live trapped are drowned which is understandably not the most humane way to dispatch an animal but skunks spray when shot almost every time.
- Section 4.18 Dispatch of Trapped Animals should simply read: Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer in any manner consistent with AVMA humane dispatch guidelines. This provision may be amended upon receipt of the Association of Fish and Wildlife Agencies recommendations regarding humane dispatch. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet that requires treatment.

Department Comments

The Association of Fish and Wildlife Agencies (AFWA) acknowledges and supports the stance put forth by the American Veterinary Medical Association (AVMA). The AVMA guidelines acknowledge the difficulty in defining suitable methods for euthanizing free-ranging wildlife due to diverse situations, species, and options. Chemical immobilization is used for research but not by trappers due to controlled substance restrictions. AVMA lists no euthanasia chemicals beyond controlled substances. Drowning and foreign substances are prohibited by the Department for dispatch.

Gunshot is an acceptable method for humane euthanasia in circumstances where chemical immobilization is not appropriate, and the animal is physically restrained. The use of firearms for dispatch is consistent with other rules for game species in Vermont. In circumstances where the municipality has a firearm ordinance, the Department recommends using lethal traps to dispatch a live animal.

Appendix J – questions, comments, and details **not relating to the directives of Act 159**

Below are the comments we received that were not part of the legislative mandate. They asked for items that were not part of Act 159 (e.g., ban all trapping), therefore, were not discussed at the working groups.

- BMPs should be recommendations, not regulations; most already use BMPs; AFWA advises against using BMPs as regulations; are not being used appropriately.
- None of these changes limit the amount of time an animal is in a trap.
- BMP testing study has many flaws.
- Wildlife advocates' recommendations were ignored on all of these; FWD catering to trappers.
- BMPs are a scientifically sound process; have been proven to accomplish our objectives.
- Research by Prue suggests more frequent trap checks, i.e., every 12 hours.
- There is no money for traps to be changed over.
- Strongly oppose subsidies for trappers.
- Too many laws already; will need to double staff with no wildlife management benefit.
- Trapping should be banned altogether; threatens endangered species further, is inhumane.
- Changes should come from people who have knowledge, not politicians.
- In favor of these as otherwise legislature may take trapping away altogether.
- Concerned about trapper/hunter responses to questions when compared to proposed regs.
- Carrying capacity, loss of habitat, diseases are reasons to keep trapping.
- Body-gripping traps are more humane than what mother nature can throw at them.
- Supports trapping though not a trapper; this is a cultural division.
- Nuisance trapping work has gotten out of control because of low fur prices.
- I am a trapper for durable goods, not cheap foreign clothes; use every part of animal, respect them, study them.
- Research on how animals suffer pain, fear, panic like humans not considered.
- 2022 survey numbers twisted by the Department for their benefit.
- What is your plan for reducing populations that are out of control, especially in urban areas?
- Consider 2-3 year phase-in to allow trappers to comply.
- Supports more humane trapping methods.
- Supports trapping; needed to control ticks, predation, human/wildlife conflicts, diseases.
- Need to increase trapping opportunities especially for nuisance species.
- Trapping for necessary management should be done by contracted or state trappers.

- Signage would be helpful and doesn't seem too much to ask.
- There is no way to make a leghold trap humane.
- Traps are not selective and get forgotten after set.
- There is no sound wildlife management need to further restrict trapping.
- If these restrictions are placed on VT trappers, there will be consequences later i.e., an increase in beaver populations and conflicts.
- Nobody needs fur to keep warm or for accessories.
- These are compromises to appease the animal welfare groups.
- Regarding trapping and coyote regulations, I believe a simple solution would be to not allow people to hunt, trap, fish, or trespass at all anywhere without permission. That allows landowners to make their own decisions about their stance on the issue.
- Most Vermonters want trapping banned.
- Trapping is barbaric.
- Direct more resources towards outreach and education regarding living with wildlife. This would eliminate the need to trap or shoot "problem" animals.
- 400 years of trapping evolved to become the trapping methods we have today. Any drastic changes could have significant unforeseen consequences on the entire ecosystem. We need to move carefully in order to maintain a stable relationship.
- The Board and Department's proposed Trapping BMPs and Coyote Hunting Regulations Updates simply put, do not go nearly far enough at incorporating best available science and human wildlife coexistence best practices proven to reduce conflict with predators.
- Vermont is falling behind what public opinion states. 68% of Vermonters in your Responsive Management Survey supported a ban on recreational trapping.
- Many scientists, veterinarians and wildlife advocates understand that no method of trapping for recreation, commerce, or nuisance/damage control can avoid inflicting some level of pain and suffering before death. No method of trapping for recreation, commerce, or nuisance/damage control can avoid the potential of capturing, with the risk of injuring or killing, non-target animals (including endangered species and domestic animals

Appendix K – 10, § 4254a: Law requiring trapper education

(a) A resident, resident youth aged 17 or under on the date of license purchase, or nonresident trapping license may be issued to any person, provided that the applicant prior to issue first presents: (1) a certificate of satisfactory completion of a trapper education course or its equivalent approved by the Commissioner; or (2) a certificate of satisfactory completion of a trapper education course in another state or a province of Canada which is approved by the Commissioner; or (3) a trapping license issued for this State or any other state or province of Canada and valid for any license year; or (4) other satisfactory proof that the applicant has previously held a valid trapping license. (b) The Commissioner shall provide for a course of basic instruction in trapper education. For this purpose, the Commissioner may cooperate with any reputable association, organization, or agency and may designate any person found by the Commissioner to be competent to give such instruction. A person so designated shall give such instruction and upon the successful completion thereof shall issue to a person satisfactorily completing the course of instruction a certificate in evidence thereof. No fee may be charged for taking a course of instruction provided for under this subsection.