

Fish and Wildlife Board Meeting Minutes

Wednesday, July 26, 2023

The Vermont Fish and Wildlife Board held an in-person meeting at 5:00 pm on Wednesday, July 26, 2023, at the Waterbury State Office Complex, Fox Conference Center, 280 State Drive, Waterbury, VT 05671. A recording of the meeting is available on the department's YouTube channel.

Agenda

1. Approval of Previous Meeting Minutes (May 24, 2023)
2. Public Comments (Limited to 2-minutes per speaker)
3. Revisions to the Baitfish Regulations – Final Vote
4. Amendments to the Furbearing Species Rule – Second Vote
5. Commissioner's Update

Board Members Present: Michael Bancroft (Acting Chair), Brian Bailey, Nicholas Burnham, Jamie Dragon, Allison Frazier, Neal Hogan, Bryan McCarthy, Paul Noel, Robert Patterson, Jay Sweeny

Virtual: David Deen, Brad Ferland, Martin Van Buren

Absent: Michael Kolsun

Department Staff Present: Commissioner Christopher Herrick, Counsel Catherine Gjessing, Wildlife Director Mark Scott, Game Warden Colonel Justin Stedman, Wildlife Management Program Manager David Sausville, Fisheries Program Manager Margaret Murphy, Game Warden Major Sean Fowler, Project Coordinator Christopher Saunders, Furbearer Project Leader Brehan Fursey, Retired Furbearer Biologist and Part-Time Fish & Wildlife Employee Kim Royar, Outreach Director Alison Thomas, Principal Assistant Abigail Connolly

Virtual: Fish Division Director Eric Palmer, Information Specialist John Hall, Wildlife Technician Mary Beth Adler

Members of the Public Present: Butch Spear, Rick Reed, Chad Guyette, Lisa Guyette, Lissa Chambers, Sam Chambers, Larry Martin, Dennis Fournier, John Miles, Rod Coronado

Virtual: Dan, Brian O'Gorman, Matthew Meservey, Randy Barrows, Nancy Fitzpatrick, CJB

The meeting was called to order at 5:00 pm

APPROVAL OF PREVIOUS MEETING MINUTES

Board Member Frazier moved to approve the minutes from May 24, 2023. Board Member Sweeny seconded the motion. The Board voted to approve the minutes (11-0).

PUBLIC COMMENT PERIOD

Rick Reed, Williston
Larry Martin, Worcester
Rod Coronado, Orange
John Miles, Starksboro
Brian O’Gorman, Readsboro Falls

The recording of the public comments and the meeting can be viewed [here](#) and [here](#).

Revisions to the Baitfish Regulations – Final Vote

Margaret Murphy explained that the department met with the Legislative Committee on Administrative Rules (LCAR) on June 29, 2023. There was one minor technical change to replace the word “regulation” with the word “rule”. The updated baitfish rule can be seen below.

Board Member McCarthy moved to approve the baitfish rule as approved by LCAR. Board Member Noel seconded the motion. The Board voted to approve the motion (13-0).

Amendments to the Furbearing Species Rule – Second Vote

Mark Scott described the objectives of Act 159 and 165 (2022) and the process for developing the amendments to the furbearing species rule, including working groups, an open public comment period, and public hearings.

Catherine Gjessing reviewed the draft furbearing species rule with recommended changes from the department highlighted and the Board discussed the changes as they were reviewed. The draft rule can be seen below.

The Board recessed the meeting at 6:20 pm.

The Board resumed the meeting at 6:45 pm.

Catherine Gjessing continued to review the draft furbearing species rule and recommended changes. Board Member Noel showed physical examples of traps to illustrate the changes in 4.5 and 4.6. The Board continued to discuss as they reviewed the rule.

Board Member Sweeny moved to amend Section 3.1.b. to read “A Sub-permittee who is in any way involved in the use of handling or taking coyotes with the aid of dogs shall be under the direct control and supervision of the coyote dog permit holder” and strike the language

“including the ability to see and communicate with each other without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.” Board Member Patterson seconded the motion. The Board voted to approve the motion (13-0).

Board Member Bailey moved to amend section 4.5.b. to add a minimum of 12” chain to the language and accept the rest of the language as recommended by the department. Board Member Frazier seconded the motion. The Board voted to approve the motion (9-4), with Board Members Burnham, Bancroft, McCarthy, and Deen voting no.

Board Member Frazier moved to amend section 4.5.c. to read “Be padded, offset, laminated, or have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot” and strike the language “and have a pull trigger.” Board Member Dragon seconded the motion. The Board voted to approve the motion (13-0).

Board Member Frazier moved to strike section 4.5.f. completely as recommended by the department. Board Member Burnham seconded the motion. The Board voted to approve the motion (12-1), with Board Member Bailey voting no.

Board Member Bailey moved to amend:

- section 4.6.a. to read “it is under 40 square inches without the use of bait, or;”
- section 4.6.b. to read “it is over 40 square inches and less than 60 square inches and is set 5’ or more above the ground, or;”
- and section 4.5.c. to read “it is over 40 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.”

Board Member Sweeny seconded the motion. The Board voted by roll call to approve the motion (9-3-1), with Board Members Deen, Hogan, and Patterson voting no and Board Member Frazier abstaining.

Board Member Frazier moved to strike sections 4.7 and 4.8 as recommended by the department. Board Member Sweeny seconded the motion. The Board voted to approve the motion (13-0).

Board Member Sweeny moved to accept the changes recommended by the department to section 4.5.a. to read “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.” Board Member Bailey seconded the motion. The Board voted to approve the motion (13-0).

Board Member McCarthy moved to accept the changes recommended by the department to section 4.13 to read “A person shall not take a fur-bearing animal by use of any poisonous mixture or explosives.” Board Member Frazier seconded the motion. The Board voted to approve the motion (13-0).

Board Member Frazier moved to accept the changes recommended by the department to section 4.14 to read “A person shall not take a fur-bearing animal from dens by cutting, digging,

smoking, by the use of chemical, or by the use of mechanical devices other than a legal trap set in accordance with these rules.” Board Member Patterson seconded the motion. The Board voted to approved the motion (13-0).

Board Member Sweeny moved to accept the changes recommended by the department to section 4.15 to read “Trapping Set-backs: No foothold 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.” Board Member Patterson seconded the motion. The Board voted to approve the motion (13-0).

Board Member Sweeny moved to amend section 4.16 to read “Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer in a safe and human manner. 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.” Board Member McCarthy seconded the motion. After discussion, Board Member Sweeny revised the motion to read “a trapper shall immediately dispatch a live trapped furbearer in a safe and expedient manner...” Board Member McCarthy agreed with the amendment to the motion. After further discussion, Board Member Sweeny withdrew the motion.

Board Member Frazier moved to amend section 4.16 to read “Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader, gun, crossbow, bow and arrow, or manually applied brunt force. 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.” Board Member McCarthy seconded the motion. After discussion Board Member Frazier withdrew the motion. Board Member Frazier moved to amend section 4.16 to read “Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader, gun, crossbow, bow and arrow, manually applied brunt force, or lethal injection. 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.” Board Member Dragon seconded the motion. After further discussion Board Member Frazier withdrew the motion.

Board Member Hogan moved to accept the changes recommended by the department to section 4.16 to read “Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader, gun, crossbow, or bow and arrow. 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” and strike the language “that requires treatment.” Board Member Deen seconded the motion. The Board voted to approve the motion (10-3), with Board Member Sweeny, Bailey, and Patterson voting no.

Board Member Deen moved to strike section 4.18.a. Board Member Patterson seconded the motion. The Board voted to approve the motion (13-0).

Board Member Bailey moved to strike the language from section 4.22.b.1 as recommended by the department that read “Foothold traps set on land must be anchored using a chain or cable no longer than 18” that is center mounted to the trap using a swivel connection and must have at least one in line swivel along the chain or cable.” Board Member Hogan seconded the motion. The Board voted to approve the motion (13-0).

Board Member Dragon moved to strike section 4.22.b.3 as recommended by the department. Board Member Sweeny seconded the motion. The Board voted to approve the motion (13-0).

Board Member Sweeney moved to strike Diagram 3 on page 13 as recommended by the department. Board Member Frazier seconded the motion. The Board voted to approve the motion (13-0).

Board Member Dragon moved to accept all technical changes in the rule proposed by the department. Board Member Sweeny seconded the motion. The Board moved to approve the motion (13-0).

The Board recessed at 9:48 pm.

The Board resumed the meeting at 10:03 pm.

Board Member Sweeny moved to amend section 4.13 to read “A person shall not take a fur-bearing animal by use of explosives.” Board Member Dragon seconded the motion. The Board voted to approve the motion (13-0).

Board Member Dragon moved to amend section 6.1 and strike “(a) through (e)” from the language after “4.5.” Board Member Sweeny seconded the motion. The Board voted to approve the motion (13-0).

Board Member Dragon moved to approve the furbearer rule as amended by the Board during the meeting. Board Member Sweeny seconded the motion. The Board voted to approve the motion (10-2-1), with Board Members Deen and Bailey voting no and Board Member Ferland absent.

COMMISSIONER’S UPDATE

Commissioner Herrick updated the Board on the flood damage to the department’s properties and equipment and the operations of the department since the last meeting.

Motion To Adjourn:

The Board moved and approved to adjourn the meeting at approximately 10:05 pm.

TITLE 10 Conservation and Development APPENDIX
CHAPTER 2. FISH
Subchapter 2. Seasons, Waters, and Limits

§ 141. Baitfish **Regulation Rule**

1.0 Authority

This **regulation rule** is adopted pursuant to 10 V.S.A. §4081(b). In adopting this **regulation rule**, the Fish and Wildlife Board is implementing the policy 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.

In accordance with 10 V.S.A. §4082, this **regulationrule** is designed to maintain the best health, population and utilization levels of Vermont's fisheries.

In accordance with 10 V.S.A. §4083, this **regulationrule** establishes open seasons; establishes daily, season, possession limits and size limits; prescribes the manner and means of taking fish; and prescribes the purchase, sale, and use of baitfish.

2.0 Purpose

- 2.1 This **regulationrule** applies to fish used as bait. This **regulationrule** shall apply to all persons who take, possess, transport, use, purchase, or sell baitfish.
- 2.2 The purpose of this **regulation rule** is to: a) conserve and protect the fish, and fisheries in the state, b) maintain the best health of species and natural ecological systems in the state, c) prevent the introduction or spread of diseases or parasites harmful to humans and wild species, and d) prevent the escape or release of non-native species or species that injure or compete with natural ecological systems and processes.

3.0 Definitions

- 3.1 "Application" means a specific form provided by the Department of Fish and Wildlife.
- 3.2 "Baitbox" means a receptacle used for holding or keeping baitfish alive for personal use. A legal baitbox shall not exceed 25 cubic feet in volume.

- 3.3 "Baitfish" means fish species and parts thereof, living or dead, used for the purpose of attracting and catching fish.
- 3.4 "Baitfish zone" means a specific geographic area, where it is permissible to use baitfish in accordance with this ~~regulation rule~~, and the area is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.5 "~~Black-list water~~" "Restricted Water" means a specific waterbody and any listed tributaries where the use of baitfish is restricted in accordance with this ~~regulation rule~~, and the waterbody is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.6 "Commissioner" means the Commissioner of the Vermont Department of Fish and Wildlife.
- 3.7 "Department" means the Vermont Department of Fish and Wildlife.
- 3.8 "Fish hatchery" refers to any fish culture station, hatchery, or artificial rearing pond which grows or maintains baitfish for sale in Vermont.
- 3.9 "Ice fishing" means a manner of fishing as described in 10 V.S.A App. §122 Subsection 4.0.
- 3.10 "Open-water fishing" means a manner of fishing as described in 10 V.S.A. App. § 122 Subsection 3.0.
- 3.11 "Permit" is a document from the Commissioner granting a Commercial Bait Dealers Permit.
- 3.12 "Waterbody" means any lake, pond, river, or stream including all tributaries upstream to the first barrier impassable to upstream fish movement.
- 3.13 "Commercially preserved baitfish" means baitfish which are chemically treated in a manner approved by the Department, and then packaged for retail sale.
- 3.14 "Personal baitfish harvest" and "Personally harvested baitfish" means baitfish taken for non-commercial use.
- 3.15 "Non-Restricted Water" means any waterbody not included in the list of Restricted Waters

4.0 Personal Baitfish Harvest

- 4.1 Personally harvested baitfish from ~~black list waters~~ Restricted Waters shall not be used on any other waters or transported away from the ~~black-list water~~ Restricted Water from which they were harvested.
- 4.2 Personally harvested baitfish may be used on multiple waterbodies and may be transported away from the waterbody from which they were collected and retained for later use, provided that all of the following criteria are met:
 - 4.2.1 The personally harvested baitfish shall not be harvested from or have been previously used on a ~~black list water~~ Restricted Water;
 - 4.2.2 Personally harvested baitfish shall only be used in the same baitfish zone they were harvested in; and
 - 4.2.3 A person using personally harvested baitfish on any waterbody that is different from the waterbody where the baitfish was harvested shall possess a wild baitfish endorsement in accordance with Subsection 6.0 of this regulation rule.
- 4.3 A person shall only harvest for use as bait those fish species listed under Subsection 8.1, 8.2, 8.3, and 8.4 of this regulation rule.
- 4.4 Personally harvested baitfish shall only be taken by the following methods: a) minnow traps no longer than eighteen inches with an entrance for fish not exceeding one inch in diameter, b) dip nets, cast nets, and umbrella nets not exceeding a total of 51 square feet of mesh, or a seine net not exceeding 25 feet in length, c) Open-water/ice fishing by hook and line.
- 4.5 No person shall personally harvest baitfish in seasonally closed waters for trout as listed in 10 V.S.A. App. § 122, Subsection 67.0, except during the open season for trout. Personal baitfish harvest in seasonally closed waters during open seasons for trout shall only be conducted by open-water/ice fishing or the use of minnow traps no longer than eighteen inches with an entrance for fish not exceeding one inch in diameter.
- 4.6 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 4.7 Baitfish may be held on the water in a baitbox as defined in Subsection 3.2 of this regulation rule.

- 4.8 Only a person with a valid wild baitfish endorsement (Subsection 6.0) may transport unused personally harvested baitfish, collected in non-black list waters Restricted Water, away from waters of the state for later use. Baitfish may be held in waters of the baitfish zone where they were harvested provided the water is not a black list water Restricted Water or waters described in Subsection 12.0. Outside of the baitfish zone where harvested, the baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflows to such waters of the state.
- 4.9 No person shall personally harvest baitfish from any waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of closed waters.
- 4.10 Fish eggs may be collected from legally harvested fish from Vermont waters, and used immediately as bait on the same water where taken unless that waterbody has been closed to baitfish collection. Personally harvested fish eggs shall not be transported and used in any waterbody other than the waterbody where the fish eggs were harvested. No person shall transport fish eggs away from a waterbody and return them to the same waterbody for use as bait unless they have been processed in a manner approved by the Department as described on the Department website.

5.0 Commercially Purchased Baitfish

- 5.1 No person shall import baitfish into the State of Vermont without a fish importation permit, except as provided for in subsections 5.8 and 5.9 of this regulation rule.
- 5.2 A person purchasing commercial baitfish shall retain a transportation receipt issued by a state-approved commercial bait dealer, authorizing transportation of baitfish overland. The receipt shall contain the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) time and date of sale, 4) species purchased, 5) quantity purchased, 6) baitfish zone or black list water Restricted Water (limited to one) in which the baitfish will be used, and 7) the signature of purchaser.
- 5.3 A person in possession of commercially purchased baitfish shall only use those baitfish in the baitfish zone or black list water Restricted Water recorded on the transportation receipt and shall retain and exhibit the receipt upon request of the Commissioner or the Commissioner's designee(s).

- 5.4 A transportation receipt shall be valid for 10 days from time and date of sale.
- 5.5 A person may transport unused commercially purchased baitfish away from waters of the state, and retain for later use in the same baitfish zone or ~~black-list water~~ Restricted Water as indicated on the baitfish transportation receipt, with the following prohibitions.
 - 5.5.1 A person shall not transport unused commercially purchased baitfish away from a ~~black-list water~~ Restricted Water if the baitfish transportation receipt does not specify that ~~black-list water~~ Restricted Water.
 - 5.5.2 A person shall not transport unused commercially purchased smelt for the use as bait away from a ~~black-list water~~ Restricted Water.
- 5.6 A person transporting unused commercially purchased baitfish away from waters of the state for later use may hold them in waters of the baitfish zone listed on the transportation receipt provided that the water is not a ~~black-list water~~ Restricted Water and the holding waters are not listed in subsection 12.0 of this regulation rule. Outside of the baitfish zone or ~~black-listed water~~ Restricted Water listed on the transportation receipt, the commercially purchased baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflow to such waters of the state.
- 5.7 Baitfish may be held beyond the 10 days period in a baitfish zone or ~~black-list water~~ Restricted Water provided they remain in the same waterbody in a baitbox in accordance with Subsection 3.2 of this regulation rule.
- 5.8 A person may purchase baitfish from a New York baitshop for use in the Lake Champlain ~~black-list water~~ Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish transportation receipt. For the purposes of this regulation rule, the Lake Champlain ~~black-list water~~ Restricted Water are defined in 10 V.S.A. Appendix § 122 Subsection 5.
- 5.9 A person may purchase baitfish from a New Hampshire baitshop for use in the Connecticut River ~~black-list water~~ Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish transportation receipt. For the purposes of this regulation rule, the Connecticut River is defined as all waters of the river including the bays, setbacks, and tributaries, but only to the first highway bridge crossing said tributaries on the Vermont side.

APPENDIX 141

- 5.10 Commercially prepared and preserved baitfish and fish eggs available from retail stores may be purchased and used as bait, taken home, and kept for later use provided they are retained in the original packaging at all times.
- 6.0 Wild Baitfish Endorsement
 - 6.1 Any person who wishes to use, sell, or transport personally harvested baitfish outside of the waterbody in which they were harvested must possess and exhibit upon request of the Commissioner or the Commissioner's designee(s) a wild baitfish endorsement as developed and administered by the Department.
 - 6.2 A person who wishes to obtain a wild baitfish endorsement shall satisfactorily complete a wild baitfish certification course.
 - 6.3 The wild baitfish certification course shall instruct participants regarding the requirements of the baitfish **regulationrules** and the vectors and risks associated with aquatic nuisance species and pathogens.

7.0 Commercial Bait Dealers

- 7.1 Any person who buys baitfish for resale or sells baitfish shall obtain a commercial bait dealers permit from the Commissioner except as provided for in subsection 7.2. Only persons operating a place of business and offering baitfish for sale to the public may apply for and hold a commercial bait dealers permit.
- 7.2 A commercial bait dealers permit is not required when:
 - 7.2.1 A person only sells commercially preserved baitfish as defined in Subsection 3.13 of this **regulation rule**.
 - 7.2.2 A person sells baitfish as specified by subsections 8.1 and 8.2 to another angler while on the same waterbody where the baitfish were personally harvested.
 - 7.2.3 A person sells personally harvested rainbow smelt and meets the following criteria:
 - 7.2.3.1 The personally harvested rainbow smelt shall be harvested, transported, and possessed in accordance with subsection 4.0 of this **regulationrule**.

7.2.3.2 The buyer shall possess a valid zone-specific commercial bait dealers permit.

7.2.3.3 The commercial bait dealer's zone designation shall be the same zone from which the personally harvested rainbow smelt were harvested.

7.2.3.4 The seller shall possess a valid wild baitfish endorsement in accordance with subsection 6.0 of this regulationrule.

7.2.3.5 The seller shall complete and sign an affidavit, as specified by subsection 7.11.1 of this regulationrule, attesting the waterbody of origin for any personally harvested rainbow smelt that are sold.

7.3 Commercial bait dealers shall only purchase and sell the baitfish species listed under subsection 8.1 of this regulationrule. Commercial bait dealers may also sell rainbow smelt as bait, provided one of the following criteria are met:

7.3.1 Rainbow smelt are obtained from a fish hatchery approved by the Commissioner as set forth in subsection 7.5 of this regulationrule and its subsections; or

7.3.2 Rainbow smelt are harvested by open-water/ice fishing and sold for use on the same waterbody on which the bait dealer is located in accordance with subsection 7.6 of this regulationrule and its subsections; or

7.3.3 Rainbow smelt are commercially purchased or harvested in accordance with subsection 7.7 and its subsections.

7.4 Commercial bait dealers must declare in their permit application if they will be a statewide baitfish dealer, waterbody-specific baitfish dealer, or a zone-specific baitfish dealer (limited to one).

7.5 Statewide baitfish dealers are prohibited from possessing, buying or selling wild-caught baitfish.

7.5.1 Baitfish sold by statewide baitfish dealers shall originate from a fish hatchery approved by the Commissioner.

7.5.2 Statewide baitfish dealers shall hold or keep baitfish in waters drawn from a secure well, a municipal water source, or other water source approved by the Department.

APPENDIX 141

- 7.5.3 Baitfish sold by statewide baitfish dealers may be used in waters throughout the state, except those waters listed in subsection 12.0 of this regulationrule.
- 7.6 Waterbody specific baitfish dealers shall declare on their permit application the waterbody on which they are located.
- 7.6.1 Waterbody-specific baitfish dealers may harvest wild baitfish only from the declared waterbody and offer them for sale and use only on the declared waterbody.
- 7.6.2 The baitfish facilities of waterbody specific bait fish dealers shall discharge to their declared waterbody. The discharge treatment infrastructure shall adequately filter and disinfect water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.
- 7.6.3 No waterbody-specific baitfish dealer shall harvest baitfish by netting in or on seasonally closed waters ~~for trout~~ as listed in 10 V.S.A. Appendix § 122 Subsection 67.0 unless otherwise permitted by their commercial bait dealers permit. Waterbody specific baitfish dealers shall not operate dip nets, cast nets, or umbrella nets exceeding 51 square feet of mesh, or a seine net exceeding 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.
- 7.6.4 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 7.6.5 No person shall commercially harvest baitfish on any waterbody of the state that is listed as closed to baitfish harvest. The Department will maintain and make available a list of closed waters.
- 7.7 Zone-specific baitfish dealers shall declare on their permit application the waterbody on which they are located, the baitfish zone in which they are located, the baitfish zone from which they intend to harvest, and purchase wild baitfish (limited to one) and the baitfish zone where the baitfish they sell may be used (limited to one).

APPENDIX 141

- 7.7.1 Zone-specific baitfish dealers shall be located in the baitfish zone which they intend to harvest, purchase, hold, and sell baitfish in, with the following exceptions:
- 7.7.1.1 Baitfish may be purchased from a fish hatchery approved by the Commissioner outside of the zone-specific dealer's baitfish zone and sold as zone-specific baitfish.
- 7.7.1.2 A Zone-specific baitfish dealer can be physically located outside of the baitfish zone in which they intend to sell baitfish for provided they hold or keep baitfish in water drawn from a secure water source as approved by the Department.
- 7.7.2 Zone-specific baitfish dealers shall harvest and purchase wild baitfish only from the declared baitfish zone where the baitfish they sell may be used, and such baitfish shall be offered for sale and use only in the declared baitfish zone or ~~black-list water~~ Restricted Water within the declared baitfish zone.
- 7.7.3 Zone-specific baitfish dealers may purchase wild rainbow smelt provided they meet the provisions of subsections 7.2.3 and 7.11.1 of this regulationrule.
- 7.7.4 Zone-specific baitfish dealers shall not harvest or purchase wild baitfish which are from or have been used previously on a ~~black-list water~~ Restricted Water nor shall they hold or keep baitfish in waters drawn from a ~~black-list water~~ Restricted Water.
- 7.7.5 The baitfish holding facilities of zone-specific baitfish dealers shall discharge to the declared baitfish zone or to a water treatment infrastructure which adequately filters and disinfects water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.
- 7.7.6 No zone-specific baitfish dealer shall harvest baitfish by netting in seasonally closed waters ~~for trout~~ as listed in 10 V.S.A App § 122 subsection 67.0, unless otherwise permitted by their commercial bait fish dealers permit. No zone-specific baitfish dealer shall operate dip nets, cast nets, or umbrella nets that exceed 51 square feet of mesh, or a seine net that exceeds 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.

APPENDIX 141

- 7.7.7 All traps, nets, baitboxes, or other holding receptacles capable of taking, holding, or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 7.7.8 No person shall commercially harvest baitfish on any waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of closed waters.
- 7.8 A commercial bait dealer shall provide to each customer at the point of sale a copy of a transportation receipt containing the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) time and date of sale, 4) species purchased, 5) quantity purchased, 6) baitfish zone or ~~black-list water~~ Restricted Water (limited to one) in which the baitfish will be used, and 7) the signature of purchaser.
- 7.9 A transportation receipt shall be valid for 10 days from time and date of sale.
- 7.10 Receipt books shall be provided to commercial bait dealers by the Department.
- 7.11 Any holder of a commercial bait dealers permit shall maintain receipts or records for each lot of wholesaled hatchery-raised or wild-caught baitfish introduced into their shop. The receipts or records shall include: name, address and telephone number of seller (for wholesaled baitfish), and date received, species identification, and quantity purchased or harvested, for wholesaled and wild-caught baitfish. The permit holder shall retain the receipts and records for at least one year after the date of sale or harvest. Receipts or records shall be provided to the Department immediately upon request.
 - 7.11.1 Any holder of a commercial bait dealers permit that purchases personally harvested wild rainbow smelt from a person shall maintain a list of purchases which includes: name, address, telephone number, and signature of the seller, date of sale, quantity of fish purchased, and waterbody of origin. Such form will be provided by the Department to the commercial bait dealer.

8.0 Approved Species of Fish for use as Bait

- 8.1 Banded killifish *Fundulus diaphanus*
Blacknose dace *Rhinichthys atratulus*

APPENDIX 141

Bluntnose minnow *Pimephales notatus*
Common shiner *Luxilus cornutus*
Creek chub *Semotilus atromaculatus*
Eastern silvery minnow *Hybognathus regius*
Emerald shiner *Notropis atherinoides*
Fallfish *Semotilus corporalis*
Fathead minnow *Pimephales promelas*
Golden shiner *Notemigonus crysoleucas*
Longnose dace *Rhinichthys cataractae*
Longnose sucker *Catostomus catostomus*
Mimic shiner *Notropis volucellus*
Northern redbelly dace *Phoxinus Chrosomus eos*
Spottail shiner *Notropis hudsonius*
White sucker *Catostomus commersoni*

- 8.2 Rainbow smelt *Osmerus mordax* may be taken only by open-water/ice fishing by hook and line and may be commercially sold as bait.
- 8.3 The following additional fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line and used for bait only in those waters where taken and shall not be transported alive from those waters.

Bluegill *Lepomis macrochirus*
Pumpkinseed *Lepomis gibbosus*
Rock bass *Ambloplites rupestris*
Yellow perch *Perca flavescens*

- 8.4 Lake Champlain – In addition to subsection 8.2, the following fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line in Lake Champlain and used as bait in Lake Champlain, as described in 10 V.S.A. App §122 subsection 5.0, and may not be commercially harvested or sold as bait; Alewife may only be used/possessed if dead:

Alewife *Alosa pseudoharengus*
White perch *Morone americana*

- 8.5 All other species of fish are prohibited for use as bait.

9.0 Commercial Bait Dealer Application Process

- 9.1 A person who wishes to obtain a commercial bait dealers permit shall apply to the Commissioner in writing on a form provided by the Department. The Department may require the applicant to submit such additional information as is necessary to determine that the permitted activities comply with the purposes of this **regulationrule**, including but

not limited to fish health testing, and an analysis of the impact of the sale of baitfish on Vermont's fish species, fisheries, and natural ecosystems and processes.

- 9.2 If the application is deficient, the Department shall inform the applicant of the deficiencies and return the application within 30 days of receipt, along with any associated fee, to the applicant for revision and re-submission.
- 9.3 If the application is denied, the Commissioner shall, within 30 days of receipt of application, send the applicant a written denial setting forth the reasons for the denial.

10.0 Permit Compliance

- 10.1 The Permittee shall make the permit available upon request by Commissioner or Commissioner's designee. Premises and equipment used by persons to take, harvest, purchase, store, or sell in baitfish shall be accessible for inspection by the Commissioner and his or her designee. Samples for species determination or disease examination shall be provided immediately upon request.
- 10.2 Permittees shall provide the Department with additional information as requested on an annual basis or prior to the re-issuance of a new permit.

11.0 Permit Revocation

- 11.1 The Commissioner may revoke any permit for: any violation of a permit; failure to comply with this regulation~~rule~~; a violation of any regulation~~rules~~ of the Board; a violation of the provisions of Part 4, Title 10, Vermont Statutes Annotated; or if the Commissioner determines that the revocation is necessary to protect fish or fisheries of Vermont.
- 11.2 The Commissioner shall comply with all applicable requirements of 3 V.S.A. Chapter 25, related to any permit revocation.
- 11.3 Appeals of the decisions of the Commissioner are subject to the Vermont Regulation~~Rules~~ of Civil Procedure.

12.0 Waterbodies where the Uuse of fish as bait is prohibited

The use of fish in any form whether alive or dead for bait in fishing is prohibited in:

APPENDIX 141

Adams Reservoir, Woodford;
Beaver Pond, Holland;
Beck Pond, Newark;
Beebe Pond, Sunderland;
Big Mud Pond, Mt. Tabor;
Blake Pond, Sutton;
Bourn Pond, Sunderland;
Branch Pond, Sunderland;
Cary Pond, Walden;
Cow Mountain Pond, Granby;
Griffith Lake, Mt. Tabor;
Jobs Pond, Westmore;
Lake Pleiad, Hancock;
Lewis Pond, Lewis;
Little Rock Pond, Wallingford;
Martins Pond, Peacham;
~~McIntosh Pond, Royalton;~~
Mud Pond, Hyde Park;
North Pond, Chittenden;
Notch Pond, Ferdinand;
Red Mill Pond, Woodford;
Sterling Pond, Cambridge;
South America Pond, Ferdinand;
Stratton Pond, Stratton;
Unknown Pond, Averys Gore;
Unknown Pond, Ferdinand;
West Mountain Pond, Maidstone

and any additional waters created or reclaimed by the Department. This
regulation shall be posted at all waters affected.

§ 44. Furbearing species

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating 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 these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to maintain the best health, population, and utilization levels of the regulated species.

1.3 This rule shall apply to all persons who take or attempt to take fur-bearing animals by ~~trapping or hunting any method~~.

2.0 Purpose

The purpose of this rule is to regulate the taking of fur-bearing animals.

3.0 Definitions

3.1 “Accompany” for the purpose of pursuing coyote with the aid of dogs hounds means that:

- a) Any person engaged in the control, handling, transporting, or intercepting of dogs used for taking coyote with the aid of dogs shall be under the direct supervision of the permit holder and shall be considered a “Sub-permittee”, and
- b) A Sub-permittee who is in any way involved in the use or handling of taking coyotes with the aid of dogs shall be under the direct control and supervision of the coyote dog permit holder, including the ability to see and communicate with each other without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

3.2 “Bait” means any animal, vegetable, fruit, mineral matter, or any other substance capable of luring or attracting coyotes or any other wildlife.

3.3 "Board" means the Vermont Fish and Wildlife Board.

3.4 “Commissioner” shall mean the Commissioner of the Vermont Department of Fish and Wildlife.

3.5 “Compensation” shall mean money.

3.6 "Control of dog/dog(s)" means the transportation, loading, or unloading of dogs from vehicle(s); and the handling, catching, restraining, or releasing dogs to take coyote with the aid of dogs. GPS collars with track log and training/control functions or separate GPS and training/control collars shall be required to locate and track dogs at all times while taking coyote with the aid of dogs. At no time shall dogs be in pursuit of coyote without a GPS track log being maintained by the permit holder.

3.7 "Coyote Dog Permit" means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take coyote with the aid of dogs.

3.8 "Department" means the Vermont Department of Fish and Wildlife.

3.9 "Department Registered Dog" means a dog bearing a numbered identification dog-tag (Department Registration Dog-Tag) approved or issued by the Vermont Fish and Wildlife Department, with the permit holder's coyote dog permit number and a number one through four.

3.10 "Fur-bearing animal" means beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as amended pursuant to 10 V.S.A. § 4001.

3.11 "Legal Trail" shall mean a public right of way as defined in title 19 V.S.A. § 301(8) that is not a highway but is shown on the highway maps of the respective towns made by the Agency of Transportation and:

- (a) was previously a designated town highway; or
- (b) is a new public right-of-way laid out as a trail by the selectmen for the purpose of providing recreational use or access to abutting properties.

3.12 "Pack of Dogs" means one to four dogs, acting as a unit during taking coyote with the aid of dogs.

3.13 "Public Highway" for the purposes of this rule, means town and state roads, including Class 4 roads, shown on the highway maps of the respective towns, made by the Agency of Transportation, but does not include foot trails or private roads.

3.14 "Public Trail" for the purposes of this rule, means a pedestrian foot path on Vermont state-owned public land, open to the public, and designated and mapped by the managing agency or department.

3.15 "Relaying packs and dogs" means the removal and replacement of one or more dog or dogs, during taking coyote with the aid of dogs, to the original pack of dogs once the pursuit has begun.

3.16 "Taking Coyote with the aid of dogs" for the purposes of this rule means that one or more dog(s) with Department Registration Dog-Tags are on the ground whether in pursuit of a coyote or not.

3.16 Training/control” collar is any family of collars that deliver electrical stimulation of varying intensity and duration to the neck of a dog via a radio-controlled electronic device incorporated into the collar.

3.17 “Sub-Permittee” means any person with a valid Vermont hunting license designated by the coyote dog permit holder to assist or take coyote with the aid of dogs, in accordance with the permit issued by the Commissioner.

3.18 A "tanned" pelt is one that has been treated to turn the skin into leather.

3.19 "Trapping" means to hunt, take or attempt to take fur-bearing animals with traps including the dispatching of such lawfully trapped fur-bearing animals.

3.20 A "trap" means a mechanical device used to capture, kill and/or restrain fur-bearing animals excluding firearms, muzzleloaders and archery equipment.

3.21 “Unregistered dog” means a dog that does not have a valid numbered Department Registration Dog Tag as described in 3.9

4.0 Restrictions

4.1 A person trapping for fur-bearing animals under this rule shall visit **their his/her** traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, colony/cage traps underwater or foothold traps under the ice shall visit **their his/her** traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than **their his/her** own which does not have **their his/her** name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.

4.5 All foothold traps set on land must:

- a) Have base plates that feature a center chain mount with swivel, with free moving chain and at least **one two** additional swivels that allow mobility for a captured animal;
- b) Be anchored with 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, **or** laminated, or **with** have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot and **have** a pull trigger;

- d) Have a spread of no more than $6\frac{1}{4}$ 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.
- f) Notwithstanding this section 4.5, a drag may be used to anchor a foothold trap, provided that the trap meets 4.5 subsections a), c), d), and e).

4.6 No body-gripping trap over 25 square inches shall be set on land unless:

- a) it is under 25 square inches, or
- b) it is over 25 square inches and less than 60 square inches and is set 5' or more above the ground, or
- c) it is over 25 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.

4.6 A person shall not set a body gripping trap with a jaw spread opening greater than 60 square over eight inches measured inside the widest expanse of the jaws unless the trap is set five feet or more above the ground, or in the water.

4.7 No meat based baited, body gripping traps shall be set on the ground unless placed within 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.

4.8 Meat based baited body gripping traps with a jaw spread up to and including 60 square inches can be used on land if the trap is placed at least 5' above the ground.

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.

4.8 A person shall not use toothed foothold traps or snares when trapping under this section.

4.9 A person shall not set a trap between December 31 and the following fourth Saturday in October unless the trap is in the water, under the ice, or on a float in the water.

4.10 A person shall not possess a living fur-bearing animal, except as provided by rules of the board or 10 V.S.A. part 4.

4.11 A person shall not possess a fur-bearing animal trapped outside of its legal season without the written authorization of the Department, not to include animals taken pursuant to 10 V.S.A. § 4828.

4.12 A person shall not possess fur or skin of a fur-bearing animal unlawfully taken.

4.13 A person shall not take a fur-bearing animal by use of any poisonous mixture or explosives.

4.14 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of chemicals, explosives, or by the use of mechanical devices other than a legal trap set in accordance with these rules.

4.15 Trapping Set-backs: No foothold traps or body-gripping traps shall ~~can~~ be set on or within 50' ~~25'~~ of the traveled portion of a legal trail, public trail or public highway unless set in a culvert, in the water, at least 5' above the ground. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas, or to private landowners trapping on their own property.

No body gripping traps can be set on or within 50' of the traveled portion of a public trail or highway, unless set in a culvert, in the water, at least 5' above the ground, or in a set as described above in 4.7. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader, gun, crossbow, or bow and arrow. 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.

4.17 Beaver Muskrat

- a) When trapping muskrat between March 1 and March 31, body gripping traps are restricted to 5 inches or less.
- b) A person shall not disturb or destroy a beaver or muskrat house or den or place a trap therein, thereon, or in the entrance thereof.
- c) A person may set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam only from the 4th Saturday in October through the last day of February, all dates inclusive. A person shall not set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam during the month of March.
- d) Except for the setting of traps as provided under 4.183b and 4.18e, a A person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

4.18 Bobcat; Otter; Fisher.

- a) From December 17 to December 31, both dates inclusive, in order to minimize incidental bobcat harvest during the remainder of the fisher season, a person shall not set a body gripping trap with a jaw spread opening greater than over 36 square inches measured

~~inside the widest expanse of the jaws unless the trap is set 5 or more feet above the ground, or in the water.~~

- a) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- b) A person who takes bobcats, otter, or fisher during these seasons shall notify authorized Department staff within 48 hours of the close of the season. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.
- c) A person who legally takes bobcat, otter, or fisher may keep the edible meat prior to submitting the carcass to the Department.
- d) No bobcat, otter, or fisher pelts or carcasses taken during these seasons shall be transported out of the State of Vermont prior to being tagged by authorized Department staff.
- e) A person who takes bobcat, fisher, and otter pursuant to 10 V.S.A. § 4828 and who desires to keep the pelt shall notify authorized Department staff with 84 hours of the taking. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

4.19 Raccoons

- a) A person shooting raccoons during the raccoon hunting season shall use a 0.22 caliber rimfire firearm or a shotgun with #2 shot or smaller.
- b) A light may be used to illuminate and shoot a raccoon once treed by a dog(s), ~~or dogs,~~ during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog(s), ~~or dogs,~~ during the training season.

4.20 Taking Coyote with the Aid of Dogs

4.20.1 Authority - In accordance with 10 V.S.A. § 5008 and § 5009 (b), this rule establishes a process and standards for the issuance of a permit to take coyote with the aid of dogs, either for the training of dogs or for the taking of coyote.

4.20.2 Purpose - The purpose of this subsection is to establish a process and standards for the issuance of permits to pursue coyote with dogs, establish training and hunting seasons for the taking of coyote with the aid of dogs, and to define legal methods of take.

4.20.3 The Taking of Coyote with Aid of Dogs.

- a) Licenses and permits.
- (1) Any person who intends to train, hunt, pursue, harvest, or in any manner take a coyote with the aid of dogs shall apply for a permit from the Commissioner on an application form provided by the Commissioner.
 - (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 Commissioner.
 - (3) The Commissioner 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.
 - (4) The Commissioner may deny any person a permit in their sole discretion.
 - (5) Any person training, hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Coyote Dog Permit issued by the Department, or accompany a Coyote Dog Permit holder. The Permit shall be carried at all times by the permittee while taking coyote with the aid of dogs, and exhibited to a game warden, landowner, or law enforcement officer upon demand.
 - (6) Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Vermont Hunting License, and use only Department Registered Dogs.
 - (7) Ten (10) percent of the Coyote Dog Permits issued annually may be issued to non-resident hunters. In any given year, the number of permits available to non-resident hunters shall not exceed ten (10) percent of the total number of permits issued to resident hunters the previous year.
- b) Lottery – In the event that more than 100 permit applications are received, the Department shall hold a transparent, random drawing to ensure that not more than at least 10% of permits issued by the Department are issued to Vermont residents who either have served on active duty in any branch of the U.S. Armed Forces provided that they have not received a dishonorable discharge (eligible veterans) or, are certified citizens of a Native American Indian tribe recognized by the State pursuant to 1 V.S.A. chapter 23.

c) Legal Methods

- (1) A person shall not take a coyote into their possession except by killing the coyote by legal means or methods. Legal means includes utilizing a muzzleloader, gun, bow and arrow or crossbow.
- (2) A person taking coyote with the use of a bow and arrow or crossbow shall, upon demand of a game warden or other law enforcement personnel, show proof of having a prior archery license, or of having passed a bow hunter education course in Vermont, another state or a province of Canada approved by the Commissioner.

d) Dogs and Packs

- (1) A person shall not take coyote with the aid of dogs unless the person is in control of the dog(s) or dogs.
- (2) No person shall take a coyote with the aid of dogs by using any Unregistered Dog. No person shall have an Unregistered Dog in their possession (including in a vehicle) while hunting, pursuing, or taking a coyote.
- (3) A person hunting with dogs, pursuing, and taking coyote with the aid of dogs shall attach a Department Registration Dog-Tag and a metal identification name plate with the person's name, address and telephone number to the dog's collar.
- (4) A person taking a coyote with the aid of dogs shall only take a coyote with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take coyote by Relaying any Dog or Pack of Dogs.
- (5) Two or more permit holders may hunt together and combine Department Registered Dog(s) to form a Pack of Dogs. The combined Coyote Dog Permit holders shall not take coyote with the aid of more than four dogs combined forming a single pack of dogs. The combined Coyote Dog Permit holders shall not possess any Unregistered Dogs while hunting, pursuing, or taking coyote with the aid of their dogs.

4.20.4 Seasons and Shooting Hours for Taking Coyote with the Aid of Dogs.

- a) Coyote Dog Training Season: For Vermont Resident and Nonresident Permit Holder: June 1 through September 15, all dates inclusive, except that a nonresident may train dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of these rules.
- b) Coyote Dog Hunting Season December 15 through March 31, all dates inclusive.

- c) Legal hours for taking coyote with the aid of dogs: One half hour before sunrise until one half hour after sunset.

4.20.5 Prohibitions applicable to Taking Coyote with the Aid of Dogs

- a) A person shall not advertise, barter, exchange goods or services, or otherwise sell the use of a dog(s) or dogs for the purpose of taking coyote with the aid of dogs.
- b) While taking coyote with the aid of dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered Dogs.
- c) It shall be a violation for a Vermont resident to apply for a coyote dog permit for the purpose of allowing a nonresident coyote dog owner to take coyote in Vermont with the aid of dogs.

4.20.6 Reporting - A person taking coyote with the aid of dogs shall, no later than 48 hours after the close of season, report the taking of all coyotes during the season in a manner required by the Commissioner.

4.21 Taking Coyote by Bow and Arrow and Crossbow: No person shall take coyote with or without the aid of dogs, with a bow and arrow or crossbow if the arrow or bolt has an arrowhead that measures less than seven-eighths of an inch at its widest point or that has less than two sharp cutting edges.

4.22 Lynx

- a) This subsection shall be effective on January 1, 2014.
- a) Any person who incidentally captures a lynx shall notify the Department immediately.
- b) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.
 - (1) ~~Foothold traps set on land must be anchored using a chain or cable no longer than 18" that is center-mounted to the trap using a swivel connection and must have at least one in-line swivel along the chain or cable.~~ From the fourth Saturday in October to December 31, both dates inclusive, all body gripping traps must be set:
 - i. In the water, or;
 - ii. Within a Canada lynx exclusion device as described below and as depicted in Diagram 1:
 - a. the trap jaws shall be completely within the device;

- b. the trap springs may extend outside of device through openings no larger than 7.5" wide by 1.5" high;
 - c. the device shall not have an opening greater than 6" by 8";
 - d. the opening shall not be directly in front of the trap but shall instead be either on the top or side of the device;
 - e. the trap set within the device shall be a minimum of 18" from the closest edge of the opening to the trap;
 - f. there shall be at least two attachment points for each side of the device where there is a joint or where panels come together;
 - g. the device shall be constructed of wood or of wire mesh of 16 gauge or less wire (.05" diameter wire or greater) and having a mesh size with openings no greater than 1.5" X 1.5" or 1" X 2"; and,
 - h. the trap shall be anchored outside of the device; or
- iii. Off the ground as described below and as depicted in Diagram 2:
- a. at least 5' above the ground or if snow is on the ground at least 5 feet above snow level with the exception of the 24-hour period immediately following a snowstorm;
 - b. affixed to a standing tree which is free of branches below the trap or to a leaning section of pole that has not been planed or otherwise altered except for the removal of branches and is less than 4" in diameter at the trap and is angled at least 45° along its entire length from the ground to the trap; and
 - c. in an area that is free of any object within 4' of the trap.

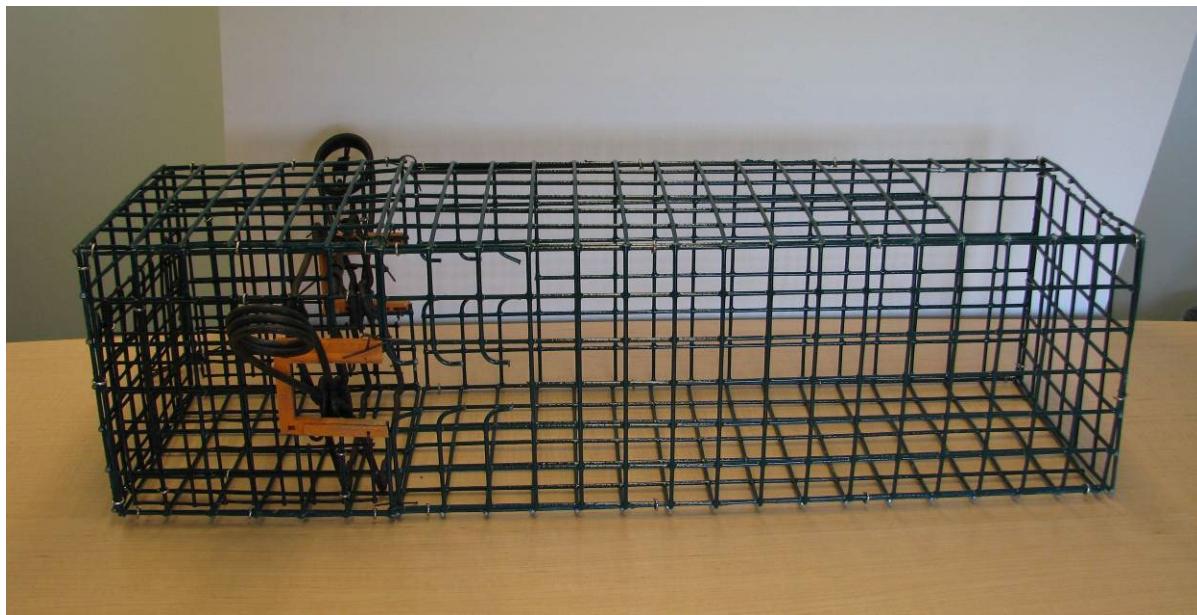
(3) From the fourth Saturday in October to December 31, both dates inclusive, body gripping traps no larger than a typical 160 (inside jaw spread up to 6.5") may also be set on the ground if placed:

- i. Under overhanging stream banks, or;
- ii. In blind sets without the aid of bait, lure or visual attractants, or;
- iii. Within a cubby constructed of artificial materials with the trap inserted at least 7" from the front and with an opening no greater than 50 square inches as depicted in Diagram 3.

(d) ~~The establishment of a ten-year “Lynx Study Period” shall commence on the effective date of this subsection. The Department will assess the status of lynx in Vermont, identify and evaluate additional techniques and devices for avoiding incidental capture of lynx, and develop revisions to these rules in accordance with the findings of such studies and all current information.~~ The rules set forth in this subsection 4.22 shall expire on January 1, ~~2027~~ 2024 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:

- (1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;
- (2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and
- (3) The outcome of Maine’s Incidental Take Permit application process.

Diagram 1. Canada lynx exclusion device for body gripping traps.



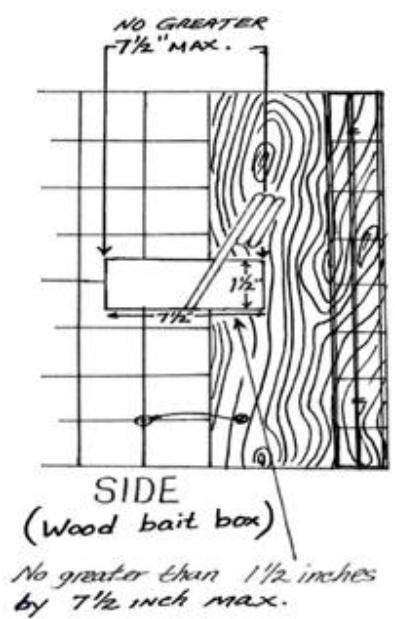
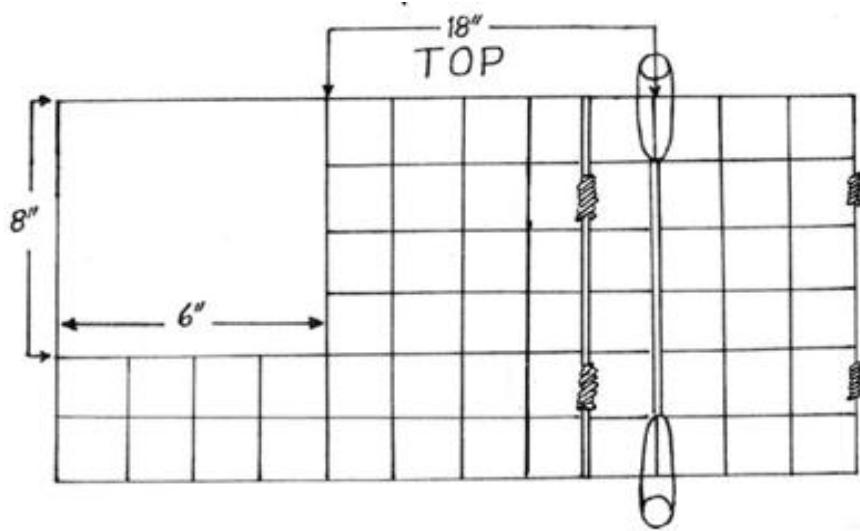


Diagram 2. Off the ground sets for body gripping traps.

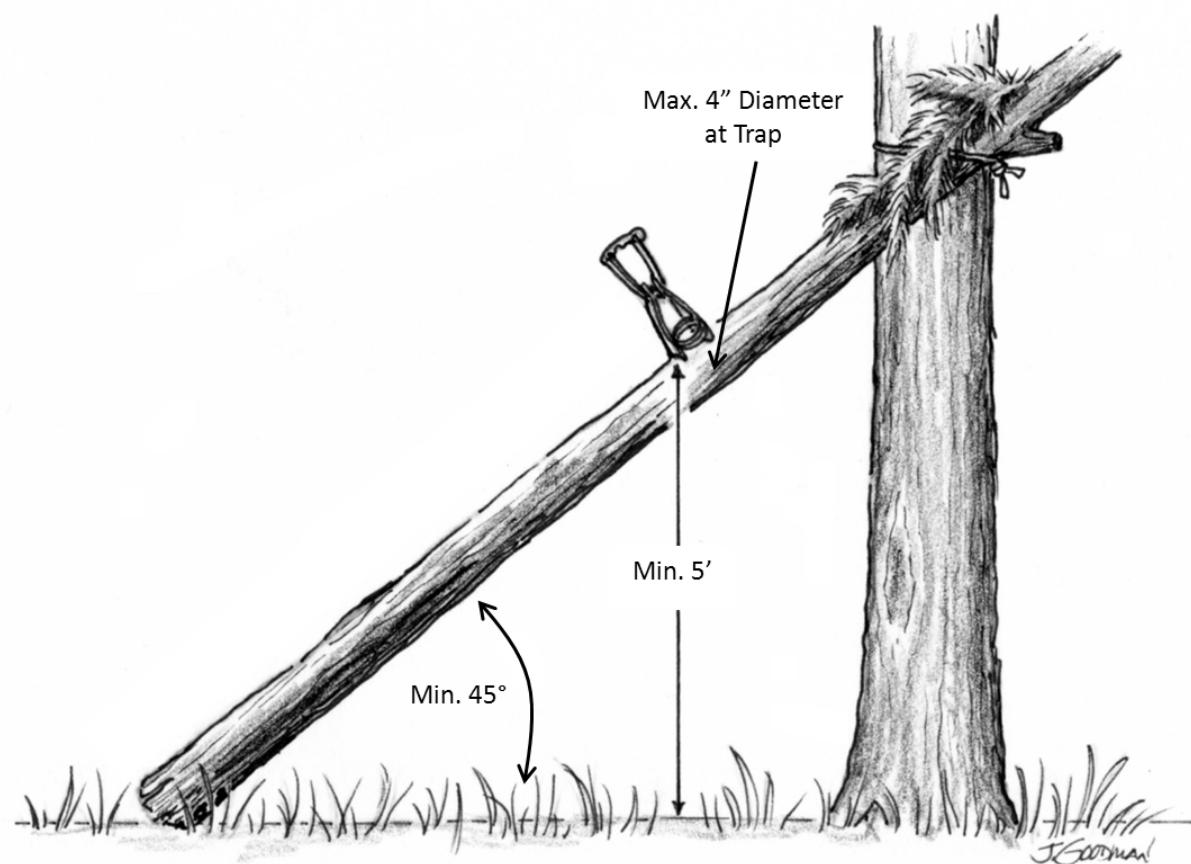
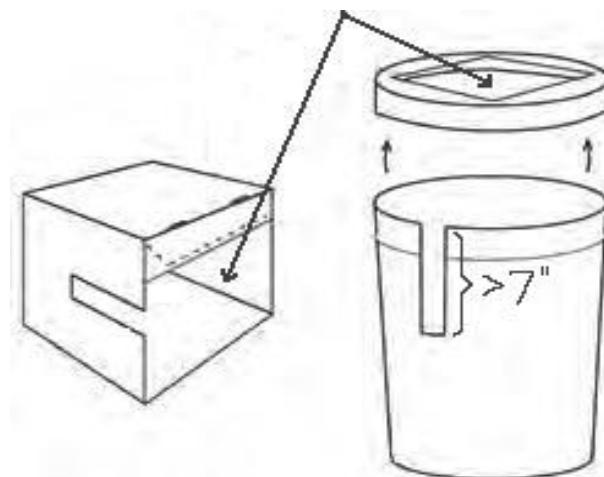


Diagram 3. Cubby sets for body gripping traps no larger than a typical 160.

~~Opening not to exceed 50 square inches~~



4.23 Biological Collection

- a) Any person who obtains a trapping license shall complete and submit an annual biological collection trapper survey for the license season to the Department, within the timeline specified by the Commissioner.
- b) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

5.0 Seasons, Bag Limits

The following seasons, methods and bag limits are hereby established for the species listed. All hunting seasons will be with or without dogs, except as otherwise provided. Below is the exclusive, exhaustive list of seasons and means of take of fur-bearing animals. The taking of fur-bearing animals at other times or by other means, except where otherwise provided by law, is prohibited. All dates are inclusive.

Seasons	Dates	Bag Limit
5.1 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero
5.2 Otter		
By trapping	Fourth Sat. in Oct.- last day of March	No limit
By hunting	No open season	Zero
5.3 Marten	No open season	Zero
5.4 Mink		
By trapping	Fourth Sat in Oct.-Dec. 31	No limit
By hunting	No open season	Zero
5.5 Raccoon		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.6 Bobcat		
By trapping	December 1-December 16	No limit
By hunting	January 10-February 7	No limit
5.7 Fox (red or grey)		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Fourth Sat. in Oct. through the second Sun. in Feb.	No limit

5.8	Skunk		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.9	Muskrat		
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.10	Coyote		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	<u>Hunting/Taking Coyote without the Aid of Dogs</u>	No closed season	No limit
	<u>Hunting/Taking with the Aid of Dogs</u>	December 15 through March 31	No limit
5.14	Fisher		
	By trapping	December 1-December 31	No limit
	By hunting	No open season	Zero
5.15	Weasel		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.16	Opossum		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.17	Wolf	No open season	Zero
5.18	Lynx	No open season	Zero
5.20	With the exception of state and federally listed threatened and endangered species, seasons shall not be applicable to any person, who takes a furbearing animal in defense of persons or property for compensation, in accordance with 10 V.S.A. § 4828.		

6.0 Trapping Rabbits and Furbearers in Defense of Property for a Fee

6.1 In accordance with Sec. 11 of Act 170 from the 2017-2018 Adj Session, the following sections and subsections of Board rules set forth in Title 10, Appendix § 44 are applicable to trapping rabbits and fur-bearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5 (a) through (fe), 4.6, 4.7, 4.8, 4.9, 4.10, 4.121(however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), 4.10, 4.124, 4.13

4.15(unless the animal has already been trapped), 4.14 4.1820 (fe), 4.22 416 (ab), 4.23 517 (a) and (b).