

## **§ 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 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/dogs” 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 “Pack of dogs” means one to four dogs, acting as a unit during taking coyote with the aid of dogs.

3.12 “Public Highway for the purposes of this rule, means 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.

3.13 “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.

3.14 “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.

3.15 “Taking Coyote with the aid of dogs” for the purposes of this rule means that one or more dog(s) with Department Registered 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 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 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 his/her own which does not have 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 additional swivel that allows mobility for a captured animal;
- b) Be anchored with a maximum of 18" chain length. Extra swivels and/or shock springs can be added to the chaining system;
- c) Be padded, offset or laminated with 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.
- 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 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.

4.9 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.

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

4.11 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.

4.12 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.

4.13 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.

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

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

4.16 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.

#### 4.17 Trapping Set-backs

- a) 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, 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.
- b) 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.

4.18 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.

#### **4.19 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 4.18c,~~ A person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

#### **4.20 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.
- b) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- c) 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.
- d) A person who legally takes bobcat, otter, or fisher may keep the edible meat prior to submitting the carcass to the Department.

- e) 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.
- f) 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.

#### **4.21 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, or dogs, during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog, or dogs, during the training season.

#### **4.22 Taking Coyote with the Aid of Dogs**

4.22.1 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.

4.22.2 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.

4.22.3 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 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 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.

#### 4.22.4 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.

#### 4.22.5 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 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.



4.22.6 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.

**4.23 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.

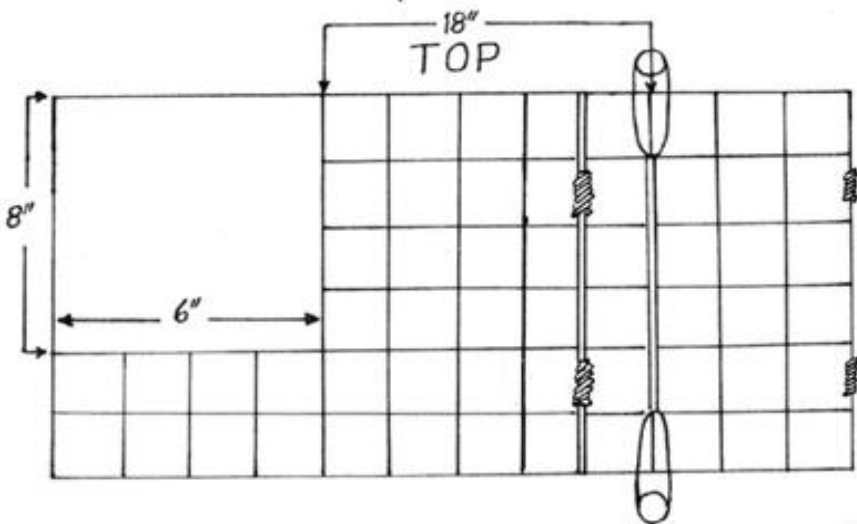
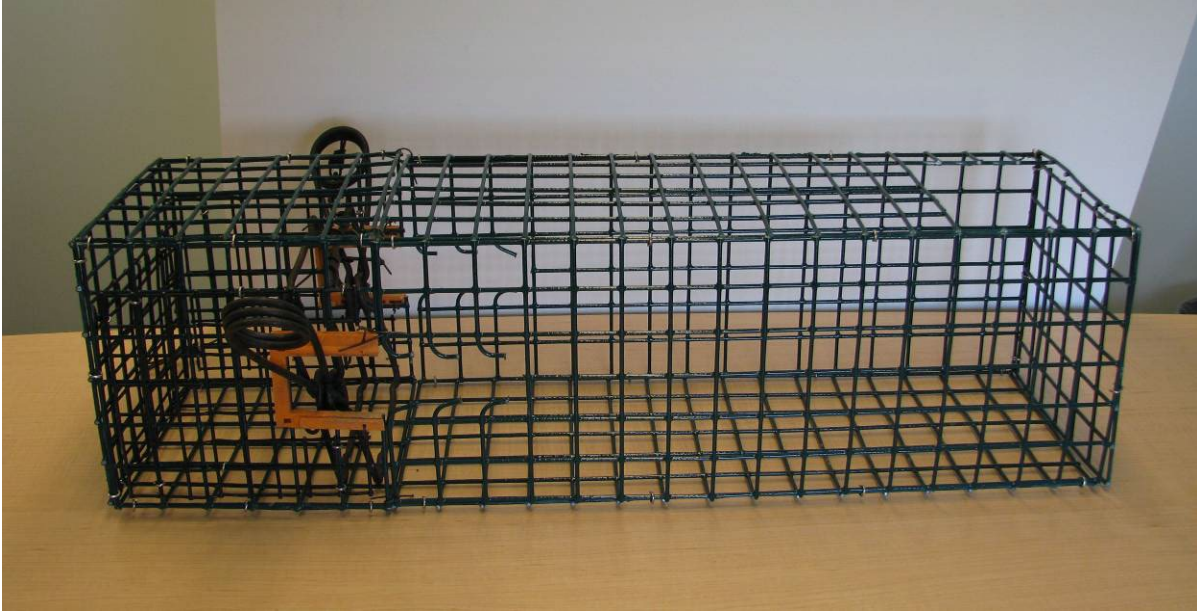
#### **4.24 Lynx**

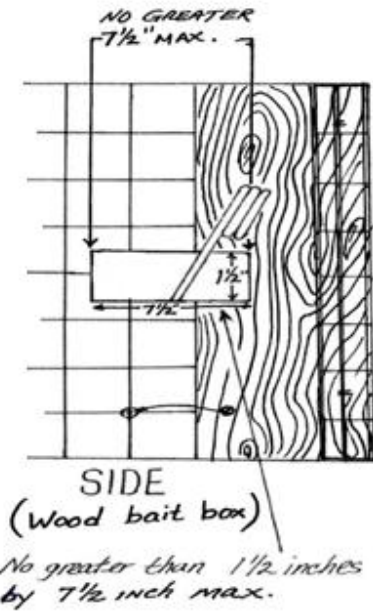
- ~~a) This subsection shall be effective on January 1, 2014.~~
- a) Any person who incidentally captures a lynx shall notify the Department immediately.
- b) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.
- (1) Foothold traps set on land must be anchored 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.
  - (2) 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;



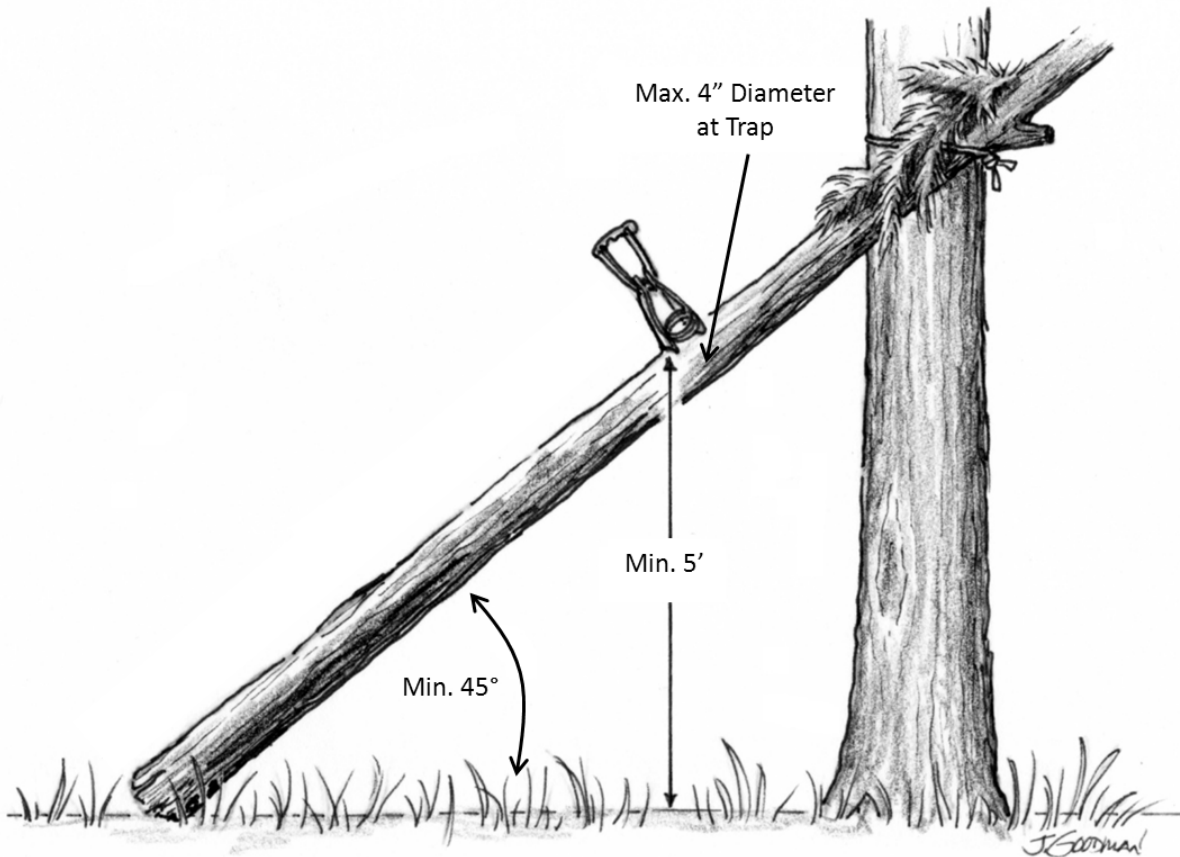
- (3) The outcome of Maine's Incidental Take Permit application process.

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

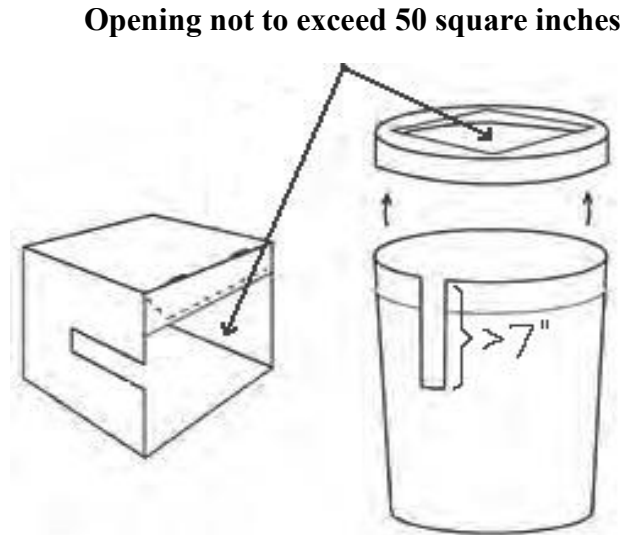




**Diagram 2. Off the ground sets for body gripping traps.**



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



#### 4.25 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 season 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</u>		
	<u>Coyote without the</u>		
	<u>Aid of Dogs</u>	No closed season	No limit
	<u>Hunting/Taking</u>		
	<u>with the Aid of Dogs</u>	<u>December 15 through March 31</u>	<u>No limit</u>
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 (f), 4.6, ~~4.7, 4.8, 4.9, 4.10, 4.12~~ (however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), ~~4.10, 4.11, 4.14, 4.15~~ (unless the animal has already been trapped), ~~4.14~~ 4.20 (~~fe~~), ~~4.24~~ 16 (~~ab~~), ~~4.25~~ 17 (a) and (b).