

### ***Section 3.6 and 4.20 – control of dogs***

LCAR objected to sections 3.6 and 4.20 of the final proposed rules related to control of dogs while hunting coyotes.

The Department recommends including tones in the definition of training/control collars. The recommended language with changes are as follows:

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

The Department is also recommending the following language regarding encouraging hunters to request landowner permission to hunt coyote with dogs. This language is in response to the Memorandum by legislative counsel.

4.20.7 A person hunting coyotes with dogs shall not release the dogs on land posted in accordance with Title 10 V.S.A. § 5201, without the written permission of the landowner. In addition, a person hunting coyotes with the aid of dogs is encouraged to seek landowner permission before releasing dogs or entering land that is not posted in accordance with Title 10 V.S.A. § 5201. Hunter education shall include the recommendation that persons hunting coyotes with dogs seek landowner permission prior to pursuing coyotes with dogs.

### ***Definition of Public Trails***

LCAR objected to one provision of public trails that applies to trails that are not mapped. LCAR appears to be requesting that this provision apply to all trails used by the public, including those on private lands. The Department recommends the following clarification which will not significantly change the definition and will not generally apply to trails on private land:

3.14 “Public Trail” for the purposes of this rule, means:  
b) a path or corridor open to the public, commonly used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities that is designated, managed, maintained and clearly marked as a trail on the ground with blazes, tags, or signage on municipal lands, on Vermont state-owned land, or on federal land, within the state of Vermont; or

### ***Setback Exemption for Traps in the Water or Under Ice***

LCAR has objected to the exemption of traps set under the water or ice from setbacks asserting that it is contrary to the legislative intent of Act 159 Section 1(a)(4). The Department recommends removing the setback exemption for traps in the water and under ice and, changing the application of setbacks from all public highways so that it only applies to Class 3 or Class 4 roads:

3.13 “Public Highway” for the purposes of this rule, means town, state, and United States roads, shown on the highway maps of the respective towns, made by the Agency of Transportation.

3.4 “Class 3 or Class 4 Road” for the purposes of this rule, means a town road designated as a Class 3 or 4 road by the municipality in accordance with 19 V.S.A. Chapter 3 and shown on the highway maps of the respective towns, made by the Agency of Transportation.

4.15 Trapping Set-backs:

- a) No foothold traps or body-gripping traps shall be set on or within 50’ of the travelled portion of a legal trail, public trail or public highwayClass 3 or 4 road, unless set in the water or under ice. Setbacks shall not apply to public trails on Wildlife Management Areas except those public trails the Department specifically designates as requiring a setback. The Department shall post signage on Wildlife Management Areas advising the public of hunting seasons and locations where setbacks apply.
- b) No foothold traps or body-gripping traps, unless set in the water or under ice, shall be set on or within 100 feet of the buildings, parking lots, and maintained (cleared, continuously maintained or landscaped) portions of designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities such as ball fields or tennis courts; owned and managed by municipal, state or federal entities except that trapping may occur with the explicit permission of schools, camps or campgrounds.

***Section 3.20 – the definition of trapping***

While the Department strongly disagrees that defining trapping as a form of hunting is in any way contrary to the intent of Act 159, Section 1(d), Title 10 Part 4, or the Vermont Constitution, it is recommending that the word hunt be deleted from the definition of trapping, as follows:

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