FINAL PROPOSED RULE # 26-P025

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

Type text here

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

10 App. V.S.A. § 7 Bear Management Rule

/s/ Jason M. Batchelder , on 9/21/2026
(signature) (date)

Printed Name and Title:
Jason M. Batchelder, Commissioner
Department of Fish and Wildlife
Secretary, Vermont Fish and Wildlife Board

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Minutes
- ☐ Copy of Comments
- ☐ Responsiveness Summary

1. TITLE OF RULE FILING:
10 App. V.S.A. § 7 Bear Management Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
26P025

3. ADOPTING AGENCY:
Vermont Fish and Wildlife Board

4. PRIMARY CONTACT PERSON:
(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Hannah Smith

Agency: Deptartment of Fish and Wildlife

Mailing Address: 1 National Life Drive, Davis 2, Montpelier Vermont 05620

Telephone: 8024618187 Fax: 8028281250

E-Mail: hannah.smith@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:
https://www.vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules

5. SECONDARY CONTACT PERSON:
(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Jaclyn Comeau

Agency: Department of Fish and Wildlife

Mailing Address: 100 Mineral Street, Suite 302, Springfield, Vermont 05156

Telephone: 8024615620 Fax: 8028281250

E-Mail: jaclyn.comeau@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:
(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 V.S.A. §4082(a), 10 V.S.A. §4084

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:
10 V.S.A. §4082(a)states that the Vermont Fish and Wildlife Board is authorized to adopt rules "for the regulation of fish and wild game and the taking thereof" and that the rules "shall be designed to maintain the best health, population, and utilization levels of the regulated species . . . In addition, under 10 V.S.A. §4084, the Board has broad authority to establish: seasons; possession limits; territorial limits; the manner and means of taking any species; reporting and tagging of game; and restrictions on taking based upon sex, maturity, or other physical distinction of the species.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. CONCISE SUMMARY (**150 WORDS OR LESS**):

The proposed rule amendments eliminate the consecutive "early" and "late" seasons to create one bear season extending from September 1st through the last day of the regulated deer season. The proposed rule would require the purchase of a bear tag to take a bear during the season, and would allow for the taking of a second bear within specified Wildlife Managemet Units (WMU) upon Board approval. The rule prohibits the intentional taking of sows with cubs, and the taking of bears in

dens. Additionally, the rule clarifies bear dog permit requirements and makes technical and grammatical corrections.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The proposed rule changes are necessary to effectively manage the bear population for the best health, population, and utilization levels of the species, and maintain a sustainable harvest of black bears. The proposed changes are intended to increase hunter opportunities in order to reach the species' population objectives identified in the 2020-2030 Big Game Mangement Plan, which identifies a target population of 3,500 to 5,500 bears. The mean population estimate has increased from 6,500 in 2021 to 7,400 in 2024 despite sustained increase in annual harvest. Simultaneously, incidents of human-bear interactions, bear-vehicle collisions, and bear-caused property damage have increased, including in areas where few bears existed twenty years ago.

The proposed protection of sows with cubs is intended to protect cubs who rely on sows through their first fall. Orphaned cubs are often found near homes attempting to access human food sources, resulting in human-bear conflict.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule is explicity authorized by statute and is consistent with the policies of managing Vermont's bears to maintain a healthy and sustainable population.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Department Staff including Game Wardens and Biologists

Hunters

businesses that sell hunting equipment and provide lodging during the hunting season.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The proposed rule will create additional opportunity for bear hunting, potentially resulting in a nominal increase in sales of hunting equipment. The rule will also require every hunter who intends to hunt a bear to purchase a $5 bear tag. Currently, only hunters who

intend to take a bear during the early season are required to purchase a tag. The revised tag requirement may result in an increase in tag sales, but it is not expected to be a substantial increase since the majority of hunters who intend to hunt for bear are already purchasing the early season tag. The proposed rule will also generate additional Department revenue through the sale of second bear tags, but it is not clear how many hunters may purchase a second tag.

19. A HEARING WAS HELD.

20. HEARING INFORMATION
(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 8/24/2026

Time: 06:30 PM

Street Address: St. Andrew's Church, 1265 Main Street, St. Johnsbury VT

Zip Code: 05819

URL for Virtual:
https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2Fmeet%2F2604306987733 48%3Fp%3Djmuv99MWqOHHHvT7VO&data=05%7C02%7CHannah.Smith%40vermont.gov%7Ca6672fb2d397498b027b08dee36a56c9%7C20b4933bbaad433c9c0270edcc7559c6%7C0%7C0%7C639198243037926306%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=UBSQw0oH0SVbHZkP2aabCfvFZGGoOse0webOvveWIHc%3D&reserved=0

Date: 8/27/2026

Time: 06:30 PM

Street Address: Bennington Elks Lodge, 125 Washington Ave., Bennington VT

Zip Code: 05201

URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):
    9/4/2026

    KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Bears
hunting
hound hunting
sows
bear tag
Fish and Wildlife
bear season

VERMONT

Fish & Wildlife Department
1 National Life Drive, Dewey Building
Montpelier, VT 05620-3208
www.VTFishandWildlife.com

[phone] 802-828-1454
[fax] 802-828-1250
[tdd] 802-828-3345

Agency of Natural Resources

September 21, 2026

Megan Cannella, Supervisor of Committee Services
Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: Final Proposed Amendments to Bear Management Rule

Dear Ms. Cannella:

Enclosed for filing please find the Vermont Fish and Wildlife Board proposed final filing package for10 V.S.A. App. § 7, Bear Management Rule

The proposed changes are intended to allow for effective management of the bear population for the best health, population, and utilization levels of the species, and maintain a sustainable harvest of black bears. The proposed changes are intended to increase hunter opportunities in order to reach the species' population objectives identified in the 2020-2030 Big Game Management Plan.

In summary, the proposed rule amendments eliminate the consecutive "early" and "late" seasons to create one bear season extending from September 1st through the last day of the regulated deer seasons. The proposed rule would require the purchase of a bear tag to take a bear during the season, and would allow for the taking of a second bear within specified Wildlife Management Units (WMU) upon Board approval. The rule prohibits the intentional taking of sows with cubs, and the taking of bears in dens. Additionally, the rule clarifies bear dog permit requirements and makes technical and grammatical corrections.

Three changes have been made to the rules since the filing of the Proposed Rules with the Secretary of State's office and commencement of the public comment period.

- In Section 4.1, an "s" was added to the end of "regulated deer hunting season[s]," to clarify that the bear season extends through the end of all deer hunting seasons. Additionally, the language of the second sentence was revised from "For Non-Resident bear dog permit holders, the season shall begin no earlier than September 15th," to read "For the purposes of harvesting a bear, Non-Resident bear dog permits shall be valid no earlier than September 15th." This change is intended to clarify that non-resident hunters with bear dog permits can still hunt bear *without* their registered dogs beginning on September 1.

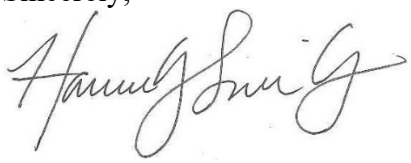
- Section 5.1 was revised for grammatical clarity. The proposed language was changed from "To take a black bear during the Bear Season, a person must, in addition to having a valid Vermont Big Game Hunting license, possess a Bear Tag issued separately by the Department" to read: "To take a black bear during the Bear Season, a person must possess a valid Vermont Big Game Hunting license, and possess a Bear Tag issued separately by the Department."

- Section 7.7 was added to read "It shall be a violation to intentionally take a denning bear or harass a bear from its den, except for research and management purposes as approved by the Department." This change was made in response to public comment, which raised concerns that if the bear hunting season was extended, it would overlap substantially with the denning season, and additional protection should be provided for denning bears. While acknowledging that bears may begin denning down as early as late October and disturbance of bears in dens has not been an issue, the Board decided to include this language as an additional protective measure for denning bears.

This filing includes the complete Final Proposed Rule filing forms, the annotated and clean copies of the four rules, and a Public Comment Responsiveness Summary. All written public comments received are also attached.

Thank you for your assistance and please don't hesitate to contact me at 802-461-8187 or hannah.smith@vermont.gov with any questions.

Sincerely,



Hannah Smith
General Counsel

Cc: Jason M. Batchelder, Commissioner, Department of Fish and Wildlife
John Austin, Wildlife Division Director
Jaclyn Comeau, Bear Project Leader

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:
   10 App. V.S.A. § 7 Bear Management Rule
2. ADOPTING AGENCY:
   Vermont Fish and Wildlife Board
3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

   - **AMENDMENT -** Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
   - **NEW RULE -** A rule that did not previously exist even under a different name.
   - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

   This filing is **AN AMENDMENT OF AN EXISTING RULE .**

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE)*:

   SOS Log # 19-044, Bear Management Rule (10 App. V.S.A. §7), last effective date: January 1, 2020.

Interagency Committee on Administrative Rules (ICAR) Minutes

Date/Time: July 13, 2026, 2:00 PM

Location: Virtually via Microsoft Teams

Members Present: Chair Nick Kramer, Heidi Moreau, Patrick Murphy, Earl Fechter, John Kessler, Russ McCracken, Stephen Brown, Jennifer Mojo

Members Absent: n/a

Minutes By: Chrissy Gilhuly

- 2:00 p.m. meeting called to order.
- Review and approval of minutes from the June 8, 2026, meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules with recommended changes on pages to follow.

1. Agency of Natural Resources: Department of Forests Parks and Recreation (ANR-FPR) – Rules Governing the Activity of Primitive Camping on State Forest and State Park Lands
   - The Primitive Camping Rule governs how the public can camp in a primitive manner on state lands, without paying a fee or benefiting from infrastructure or services. The rule was first promulgated in 1993. Over the last 30+ years, primitive camping practices in Vermont have evolved, creating challenges that the current rule is not well equipped to regulate, specifically around rule enforcement, campfires and wildland fire risk, and jurisdiction of the rule across state lands managed by FPR, F&W, and DEC.

2. Agency of Human Services: Department of Health (AHS-VDH) – Birth Center Licensing Rule
   a. This rule sets forth the standards that apply to the licensing of birth centers in Vermont. This rulemaking establishes the process by which a birth center can apply for a license in Vermont.

3. Agency of Human Services: Department for Children and Families (AHS-DCF) – Rules for Afterschool Childcare Programs
   a. The amended rule reorganizes, renumbers, and replaces the existing rule, which governs the licensing and operation of afterschool child care

programs (ASP). Among other things, the rule governs the licensing process, the administration and operation of ASPs, and employee qualifications. The rule also contains several provisions governing health, safety, and nutrition. Furthermore, the rule addresses parent visits and notifications.

4. Agency of Human Services: Department for Children and Families (AHS-DCF) – Rules for Center Based Child Care and Preschool Programs
    a. The amended rule reorganizes, renumbers, and replaces the existing rule, which governs the licensing and operation of center based childcare and preschool programs (CBCCPP). Among other things, the rule governs the licensing process, the administration and operation of CBCCPPs, and employee qualifications. The rule also contains several provisions governing health, safety, and nutrition. Furthermore, the rule addresses parent visits and notifications.

5. Agency of Natural Resources: Department of Fish and Wildlife (ANR-DFW) - 10 App. V.S.A. § 7 Bear Management Rule
    a. The proposed rule amendments eliminate the consecutive "early" and "late" seasons to create one bear season extending from September 1st through the last day of the regulated deer season. The proposed rule would require the purchase of a bear tag to take a bear during the season and would allow for the taking of a second bear within specified Wildlife Management Units (WMU) upon Board approval. The rule prohibits the intentional taking of sows with cubs. Additionally, the rule clarifies bear dog permit requirements and makes technical and grammatical corrections.

6. Office of the Attorney General – Prohibited Data and Design Products
    a. This Rule implements 9 V.S.A. § 2449f of Act 63, an act relating to an age-appropriate design code. The Rule establishes standards governing prohibited data processing and design practices affecting covered minors, including practices that contribute to compulsive use, impair autonomy or decision-making, or otherwise violate statutory requirements. The Rule provides definitions, interpretive standards, rebuttable presumptions, and illustrative examples to assist covered businesses in complying with the Act while maintaining flexibility regarding implementation. The Rule is intended to protect covered minors while providing regulated entities with greater clarity regarding their obligations under Vermont law.

7. Office of the Attorney General – Age Assurance Privacy
    a. This Rule implements 9 V.S.A. § 2449g of the Vermont Age-Appropriate Design Code Act. The Rule establishes standards governing age assurance for covered minors, including requirements relating to selection of age assurance methods, graduated escalation, proportionality, data minimization, accuracy, privacy protections, fallback mechanisms, appeals, and compliance. The Rule emphasizes flexible, technology-

neutral approaches that require covered businesses to use the least intrusive age assurance process or technique reasonably available while protecting the privacy of covered minors. The Rule also establishes standards governing the collection, retention, use, and disclosure of age assurance data and provides guidance to assist covered businesses in complying with the statutory requirements of 9 V.S.A. § 2449g.

- Next scheduled meeting is August 10, 2026, at 2:00 p.m.
- 3:52 p.m. meeting adjourned.

To receive this information in an alternative format or for other accessibility requests, please contact:

Agency of Administration
ADM.Secretary@vermont.gov, 802-828-3322

DRAFT

Proposed Rule: Agency of Natural Resources: Department of Forests Parks and Recreation (ANR-FPR) – Rules Governing the Activity of Primitive Camping on State Forest and State Park Lands

Presented By: Oliver Pierson, Director of Forestry

Motion made to accept the rule by Stephen Brown, seconded by Earl Fechter, and passed unanimously, except for Jennifer Mojo, who abstained, with the following recommendations:

1) **Cover Sheet**
    a. #8: Spell out acronyms
    b. #11: Correct spelling of the word ‘primitive’

2) **Economic Impact Analysis**
    a. #3: Consider adding costs and benefits to this section

DRAFT

Proposed Rule: Agency of Human Services: Department of Health (AHS-VDH) – Birth Center Licensing Rule

Presented By: Meg McCarthy, Policy Advisor

Motion made to accept the rule by Russ McCracken, seconded by Patrick Murphy, and passed unanimously, except for Heidi Moreau, who abstained, with the following recommendations:

1) **Cover Sheet**
    a. #16: Keywords, 'labor' appears twice

DRAFT

Proposed Rule: Agency of Human Services: Department for Children and Families (AHS-DCF) – Rules for Afterschool Childcare Programs

Presented By: Philip Back, Attorney and Beth Maurer, Director of Licensing

Motion made to accept the rule by Patrick Murphy, seconded by Stephen Brown, and passed unanimously, except for Heidi Moreau, who abstained.

DRAFT

Proposed Rule: Agency of Human Services: Department for Children and Families (AHS-DCF) – Rules for Center Based Child Care and Preschool Programs

Presented By: Philip Back, Attorney and Beth Maurer, Director of Licensing

Motion made to accept the rule by Russ McCracken, seconded by Patrick Murphy, and passed unanimously, except for Heidi Moreau, who abstained, with the following recommendations:

1) **Cover Sheet**
    a. #12: Explain impact about lost subsidy payments to providers. General statement about what would be lost.
2) **Economic Impact**
    a. #8: Add something about radon; positive impact

DRAFT

Proposed Rule: Agency of Natural Resources: Department of Fish and Wildlife (ANR-DFW) - 10 App. V.S.A. § 7 Bear Management Rule

Presented By: Hannah Smith, General Counsel and Jackie Comeau, Bear Project Leader

Motion made to accept the rule by Heidi Moreau, seconded by Stephen Brown, and passed unanimously, except for Heidi Jennifer Mojo, who abstained, with the following recommendations:

1) **Cover Sheet**
    a. #7: Small typo, extra to in quoted language

2) **Environmental Impact**
    b. #6: Small typo, the ‘g’ and ‘n’ are reversed in the word ‘hunting’
    c. #8: Include positive impact to the bear population

3) **Public Input Maximization Plan**
    a. #3: Small typo, extra ‘n’
    b. Dates for at least two public hearings will be added prior to filing with the Secretary of State

DRAFT

Proposed Rule: Office of the Attorney General – Prohibited Data and Design Products

Presented By: Sarah Aceves, Assistant Attorney General, Public Protection Division

Motion made to accept the rule by John Kessler, seconded by Jennifer Mojo, and passed unanimously, with the following recommendations:

1) **Proposed Cover Filing Sheet**
   a. Add Charity Clark's title
   b. #4: Include a secondary contact person
   c. #8: Insert the date of 2025 for Act 63
   d. #16: Add keywords

2) **Public Input Maximization Plan**
   a. There will be two public hearings, possibly three, that will be scheduled imminently

DRAFT

Proposed Rule: Office of the Attorney General – Age Assurance Privacy

Presented By: Sarah Aceves, Assistant Attorney General, Public Protection Division

Motion made to accept the rule by Russ McCracken, seconded by Earl Fechter, and passed unanimously, with the following recommendations:

1) **Proposed Cover Filing Sheet**
   a. Add Charity Clark's title
   b. #4: Include a secondary contact person
   c. #8: Insert the date of 2025 for Act 63
   d. #8: State up front what age assurance does
   d. #16: Add keywords

2) **Public Input Maximization Plan**
   a. There will be two public hearings, possibly three, that will be scheduled imminently

DRAFT

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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1. TITLE OF RULE FILING:

   10 App. V.S.A. § 7 Bear Management Rule

2. ADOPTING AGENCY:

   Vermont Fish and Wildlife Board

3. CATEGORY OF AFFECTED PARTIES:

   LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

   The Department of Fish and Wildlife may incur an economic benefit based on the proposed requirement that all hunters who intend to hunt bear purchase a bear tag, and the proposed allowance for the purchase of a second tag during the season. The fee for a bear tag is set at $5 in statute (10 V.S.A. 4255(a)(4)(G)). The Department typically sells between 10,000 and 12,000

bear tags annually resulting in revenue of $50,000 to $60,000. The Department does not anticipate a substantial increase in first tag revenue but it is not clear how many hunters would purchase a second tag. Based on neighboring jurisdictions, New Hampshire sold approximately 1,200 second bear tags in 2024, which would result in potential revenue of $6,000.

Hunters who previously only hunted bear during the late season under the authorization included with their hunting license will now be required to purchase a $5 bear tag to hunt bear at any time during the season.

Businesses that sell hunting equipment and provide lodging during the hunting season may benefit nominally from the proposed increased length of the hunting season.

4. IMPACT ON SCHOOLS:
INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impact anticipated.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No impact anticipated.

6. IMPACT ON SMALL BUSINESSES:
INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Businesses that sell hunting equipment and provide lodging during the hunting season may benefit from the proposed increased length of the hunting season, but it is not expected to be a substantial economic impact.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

There will be no cost to small businesses associated with compliance.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The proposed rule is anticipated to have a nominal positive economic impact on small businesses.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The analysis of economic impact is based on a assessment of relevant information including the cost of bear tags, and the number of hunters who typically purchase tags.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

   10 App. V.S.A. § 7 Bear Management Rule

2. ADOPTING AGENCY:

   Vermont Fish and Wildlife Board

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

   No impact anticipated.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

   No impact anticipated.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

   No impact anticipated.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
   The proposed rule will increase bear hunting opportunities for hunters in the State.
7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
   No impact anticipated.
8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
   The proposed rule is intended to increase hunter opportunities in order to meet black bear population objectives, with the environmental benefit of maintaining a stable bear population that will not exceed the habitat carrying capacity of the landscape, while minimizing incidents of human-bear conflict. The proposed prohibition on the taking of sows with cubs is intended to minimize instances of cubs orphaned during their first year, subsequently reducing cub mortality.
9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
   The analysis of environmental impact is based on a assessment of all relevant information.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

---

1. TITLE OF RULE FILING:

   10 App. V.S.A. § 7 Bear Management Rule

2. ADOPTING AGENCY:

   Vermont Fish and Wildlife Board

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

   In developing the rule language, the Department conducted a hunter survey in 2018 to better understand the behavior and preferences of bear hunters. The Board meetings regarding all rulemaking are open to the public and the public is allowed to comment at every Board meeting. The Board votes to initiate the rulemaking process before filing with ICAR, votes after the public comment period, and then again before final adopted rules are filed with the Secretary of State. The public is free to comment to individual Board members and to the Department at any time during the rulemaking process. In addition, the board will hold at least two public hearings on the rule and have a public comment period that exceeds thirty days. The proposed rule language will be posted on the Board's rulemaking website, and the Department will publicize the proposed rule amendments in social media and press releases.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

   Board members, Department staff including Game Wardens and Biologists.

Annotated

10 V.S.A. App. § 7. Bear Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this state is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the state requires a constant and continual vigilance.

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

1.3 In accordance with 10 V.S.A. § 4084, this rule establishes season and possession limits for black bear and prescribes the manner and means of taking black bears.

2.0 Purpose

The purpose of this regulation is to establish seasons for the taking of black bear, to establish legal means or methods of taking black bears, and to establish limits on the number of black bears to be taken annually.

3.0 Definitions

3.1 "Accompany" for the purposes of hunting bear with dogs means that:

a) A Sub-permittee engaged in the control, handling, transporting or intercepting of Department registered dogs while hunting with dogs, shall be ~~under the~~ under the express direction of the permit holder, and

b) A Sub-permittee who harvests a black bear shall be under the direct control and supervision of the bear 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 ~~as~~ any animal, vegetable, fruit, mineral matter, honey, or any other substance capable of luring or attracting black bear or any other wildlife.

3.3 “Baited area" means an area where any animal, vegetable, fruit, mineral matter, honey, or any other substance capable of luring or attracting black bear or any wildlife, has been placed or deposited including, but not limited to, bird feeders.

3.4 “Bear Dog Permit” or “Permit” means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take black bear with the aid of dogs.

3.5 “Commissioner” means the Commissioner of the Vermont Department of Fish and Wildlife ~~Department~~.

3.6 “Control of Dog/Dogs” means the transportation, loading or unloading of dogs from vehicle(s); the handling, catching, restraining or releasing dogs; and the use of telemetry/GPS to locate or track dogs.

3.7 “Department” means the Vermont Department of Fish and Wildlife ~~Department~~.

3.8 "Department Registered Dog" means a dog bearing a numbered identification dog-tag (Department Registration Dog-Tag) approved or issued by the Vermont Department of Fish and Wildlife ~~Department~~, with the permit holder’s bear dog permit number and a number one through six.

3.9 “Hunting with Dogs” for the purposes of this rule means that one or more dog(s) with Department ~~Registered~~ Registration Dog-Tags are on the ground whether in pursuit of a black bear or not.

3.10 “Legal means” or “Legal method” means the taking of a black bear by muzzleloader, rifle, handgun, archery equipment, or crossbow when authorized.

3.11 “Pack of Dogs” means one to six dogs, acting as a unit during the pursuit of black bear.

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

3.13 “Relaying Dogs/Packs” means the removal and replacement of one or more ~~dog or~~ dogs to the trail of a bear to the original pack of dogs once the pursuit has begun. If the hunting or pursuit of a black bear commences with fewer than six dogs in the original Pack of Dogs, the addition of a dog or dogs shall not be considered relaying, provided that no more than the same six dogs are

part of a single Pack of Dogs during the hunting, pursuing or taking of a black bear.

3.14 "Bear Tag" means a document issued by the Department authorizing the taking of a black bear in the current season.

3.15 "Unregistered Dog" means a dog that does not have a valid Department Registration Dog-Tag as described in 3.8.

4.0 Seasons and Shooting Hours

4.1 The bear season shall extend from September 1st through the last day of the regulated deer hunting seasons. For the purposes of harvesting a bear, Non-Resident bear dog permits shall be valid no earlier than September 15th. ~~Early and Late Season~~

~~a) **Early Season:** For Vermont Residents: September 1 through the day before the first day of the Regular Deer Season.~~

~~For Non-Vermont Residents without the use of dogs: September 1 through the day before the first day of the Regular Deer Season.~~

~~For Non-resident Bear Dog Permit Holders: The early black bear season shall be open to Non-Resident bear dog permit holders on September 15 and not before.~~

~~b) **Late Season**: For Vermont Residents and Nonresidents: The first day of the Regular Deer season through the second Sunday of the Regular Deer Season.~~

4.2 Shooting hours: One half hour before sunrise until one half hour after sunset.

5.0 Tags and Bag Limit

5.1 To take a black bear during the ~~Early~~ Bear Season, a person must~~, in addition to having~~ possess a valid Vermont Big Game Hunting license, and possess a ~~an Early Season~~ Bear Tag issued separately by the Department.

~~5.2 To take a black bear during the Late Season, a person must have a valid Vermont Big Game Hunting license.~~

5.3 A person shall not harvest more than one black bear per calendar year, not to include animals taken pursuant to 10 V.S.A. § 4827, unless the Board

determines a second bear may be taken during the calendar year within specified WMUs, based on the annual recommendations of the Department. To take a second bear, a person must purchase a Second Bear Tag issued by the Department. A second bear may be taken during the bear season, and only within the WMUs specified by the Board.

6.0 The taking of bear with the aid of dogs

6.1 Licenses and Permits

Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a black bear with the use of dogs must hold a valid Vermont Big Game Hunting License, use only Department Registered Dogs and possess ~~a~~ valid Department-issued bear tags. In addition, the person hunting, pursuing, harvesting, or in any manner involved in the taking of a black bear with the use of dogs must hold a valid bear dog permit or accompany a bear dog permit holder. The permit shall be carried at all times by the permittee while hunting with dogs or taking black bear and exhibited to a game warden, landowner, or law enforcement officer upon demand. The permittee shall comply with all bear dog permit conditions, including the effective dates of the permit. Bear dog permits shall authorize the hunting of bear with dogs through the second Sunday of the regular deer season.

6.2 A person shall not take a black bear into his/her actual possession except by killing the bear by legal means or methods.

a) A person taking black bear 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.

6.3 Dogs and Packs

a) A person shall not take black bear with the aid of dogs unless the person is in control of the dog or dogs.

b) No person shall take a black bear with the aid of any Unregistered Dog. No person shall have an Unregistered Dog in his or her possession while hunting, pursuing or taking a black bear.

c) A person hunting ~~with dogs~~, pursuing, and taking black bear 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.

d) A person taking a black bear with the aid of dogs shall only take a black bear with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take black bear by Relaying Dogs/Packs.

e) Two or more permit holders may hunt together and combine Department Registered dog(s) to form a Pack of Dogs. The combined bear dog permit holders shall not take black bear with the aid of more than six dogs combined forming a single Pack of Dogs. Once hunting with dogs commences, dogs not on the hunt shall be restrained in the dog box or inside the vehicle. The combined bear dog permit holders shall not possess any Unregistered Dogs while hunting, pursuing or taking black bear.

7.0 Prohibitions

7.1 No person shall knowingly place bait to attract black bear for the purposes of allowing a bear dog to catch/strike the scent of a black bear. No person shall take bear by knowingly using bait or a baited area.

7.2 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 any black bear.

7.3 While hunting with dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered dogs.

7.4 It shall be a violation for a Vermont resident to apply for a bear dog permit for the purpose of allowing a nonresident bear dog owner to take bear in Vermont with the aid of dogs.

7.5 No person shall hunt black bear 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.

7.6 Except as permitted pursuant to 10 V.S.A. § 4827, no person shall intentionally take a sow accompanied by a cub or cubs.

7.7 It shall be a violation to intentionally take a denning bear or harass a bear from its den, except for research and management purposes as approved by the Department.

8.0 Reporting

Annotated

8.1 The black bear carcass shall be field dressed prior to reporting.

8.2 Upon request of a Game Warden, the person harvesting the bear and the permit holder shall show and return to the kill site with a Game Warden.

8.3 All bear harvests shall be reported to a game warden, official Department of Fish and Wildlife ~~Department~~ Reporting Station, or a person designated by the Commissioner within 48 hours. If a bear is taken with the aid of dogs, ~~T~~the person who harvested the bear and the bear dog permit holder must both be present to legally report the harvest. ~~If the bear dog permit holder harvested the bear, only he or she must be present when reporting the harvest.~~

8.4 It shall be unlawful to provide false information when reporting a black bear taken with the aid of dogs.

8.5 The fine, points and any other penalty for any violation of this subsection 8 shall be assessed to the violator and in addition, to the permit holder if the violator is not the permit holder.

9.0 Biological Collection

9.1 Any person who harvests a black bear shall collect a premolar tooth and submit the tooth to a game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the biological collection, within 48 hours of taking the bear.

9.2 Unless otherwise specified by statute, the failure to collect and submit a black bear tooth shall not result in license suspension points and shall be considered a minor violation subject to a civil fine.

10 V.S.A. App. § 7. Bear Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this state is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the state requires a constant and continual vigilance.

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

3.3 “Baited area" means an area where any animal, vegetable, fruit, mineral matter, honey, or any other substance capable of luring or attracting black bear or any wildlife, has been placed or deposited including, but not limited to, bird feeders.

3.4 “Bear Dog Permit” or “Permit” means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take black bear with the aid of dogs.

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of a single Pack of Dogs during the hunting, pursuing or taking of a black bear.

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4.1 The bear season shall extend from September 1st through the last day of the regulated deer hunting seasons. For the purposes of harvesting a bear, Non-Resident bear dog permits shall be valid no earlier than September 15th.

4.2 Shooting hours: One half hour before sunrise until one half hour after sunset.

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bear dog permit conditions, including the effective dates of the permit. Bear dog permits shall authorize the hunting of bear with dogs through the second Sunday of the regular deer season.

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7.6 Except as permitted pursuant to 10 V.S.A. § 4827, no person shall intentionally take a sow accompanied by a cub or cubs.

7.7 It shall be a violation to intentionally take a denning bear or harass a bear from its den, except for research and management purposes as approved by the Department.

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8.5 The fine, points and any other penalty for any violation of this subsection 8 shall be assessed to the violator and in addition, to the permit holder if the violator is not the permit holder.

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9.1 Any person who harvests a black bear shall collect a premolar tooth and submit the tooth to a game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the biological collection, within 48 hours of taking the bear.

9.2 Unless otherwise specified by statute, the failure to collect and submit a black bear tooth shall not result in license suspension points and shall be considered a minor violation subject to a civil fine.

2026
Big Game: Black Bear
Rule Change Recommendations

to the
Vermont Fish and Wildlife Board

September 16, 2026

Vermont Department of Fish and Wildlife
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3208
802-828-1000

The Fish & Wildlife Department recommends the same black bear rule changes as approved by the board on June 17, 2026. During the public comment period, which started immediately after the Board meeting on June 17 and ran through September 4, the Department did not receive any new or additional information to justify changes to the initial recommendation; however, the Department has included one additional recommendation.

A responsive summary of questions collected from the public comments received are provided in the appendix.

Summary of Recommended Changes

10 App. V.S.A. § 7 (4.1) – Bear Seasons

- Eliminate the early and late bear seasons and create one continuous bear season.
- Extend the bear season to run until the last day of regulated deer seasons.

10 App. V.S.A. § 7 (5.1) Bear Tags

- To take a black bear during the bear season a person must possess a bear tag in addition to having a valid Vermont Big Game Hunting license.

10 App. V.S.A. § 7 (5.2) – Bear Bag Limits

- Allow a person to take a second bear within WMUs specified by the board, based on the annual recommendations of the Department.
- To take a second bear, a person must purchase a Second Bear Tag issued by the Department.

10 App. V.S.A. § 7 (6.1) – The taking of bear with the aid of dogs

- Bear dog permits shall authorize the hunting of bear with dogs through the second Sunday of the regular deer season.

10 App. V.S.A. § 7 (7.6) – Prohibit Intentional Harvest of Female Black Bear with Cubs

- No person shall intentionally take a sow accompanied by a cub or cubs.

10 App. V.S.A. § 7 (7.7) - Prohibit the Harvest or Harassing of Bears within Dens

- It shall be a violation to intentionally take a denning bear or harass a bear or bears within a den except for research and management purposes approved by the Department.

Goal

These recommendations aim to achieve goals established in Vermont's 2020-2030 Big Game Management Plan. Specifically, to maintain the bear population at ecologically sustainable levels, while minimizing human conflicts and to optimize hunting opportunity for the utilization of bears for food and other uses while ensuring hunter satisfaction within biologically sustainable regulations and continue to use hunting to meet black bear population objectives.

Background

Fifty years ago, Vermont's black bear population was estimated to be less than 1,500. Over the past thirty years the population has fluctuated from approximately 4,000-6,500 bears. Population estimates for recent years indicate the population has increased beyond this range. The robust bear population is the result of habitat conservation and hunting regulations designed for a sustainable harvest of black bears. The *2020-2030 Big Game Management Plan* established a population objective of 3,500-5,500 bears. Annual population estimates indicate an overall increasing trend in Vermont's bear population since 2018, and population estimates have been above objective since 2021 (Figure 1). The population was estimated between 7,500 – 8,900 bears in 2025 (Figure 1). During this period of population growth, Vermont's annual black bear harvests have exceeded 800 bears in six of the eight years. Further, harvests exceeded 1,000 bears in both 2024 and 2025 (Figure 2). These harvests have removed an average range of 12 – 15% of the population annually (2018-2025). Incidents of human-bear interactions, bear-vehicle collisions, and bear-caused property damage have also increased, including in areas where few bears existed twenty years ago. Despite the sustained increases in annual black bear harvest and vehicle collision mortalities (Figure 3), Vermont has not attained a decrease in the bear population required to meet current population objectives.

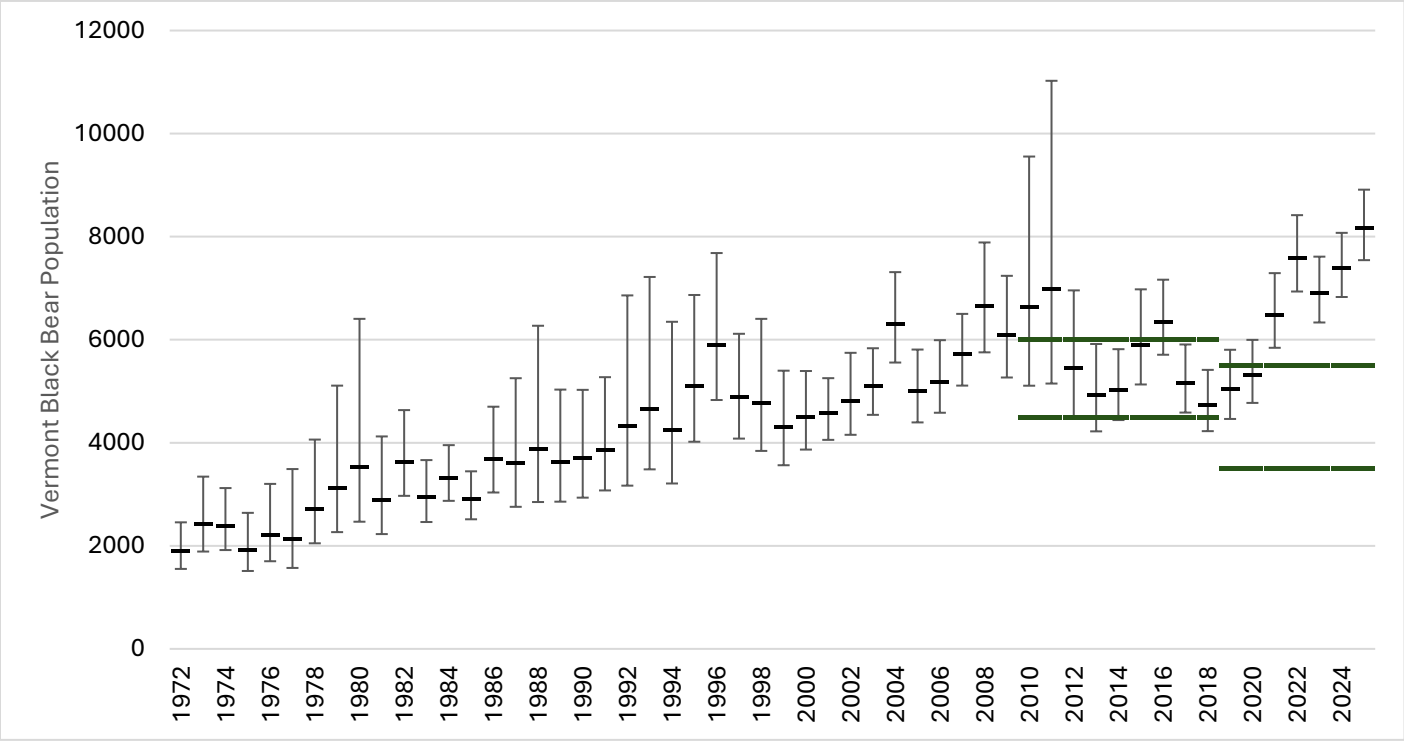


Figure 1. Vermont black bear population estimates (mean ±80% confidence intervals), 1972-2025. The green horizontal lines identify the population objective.

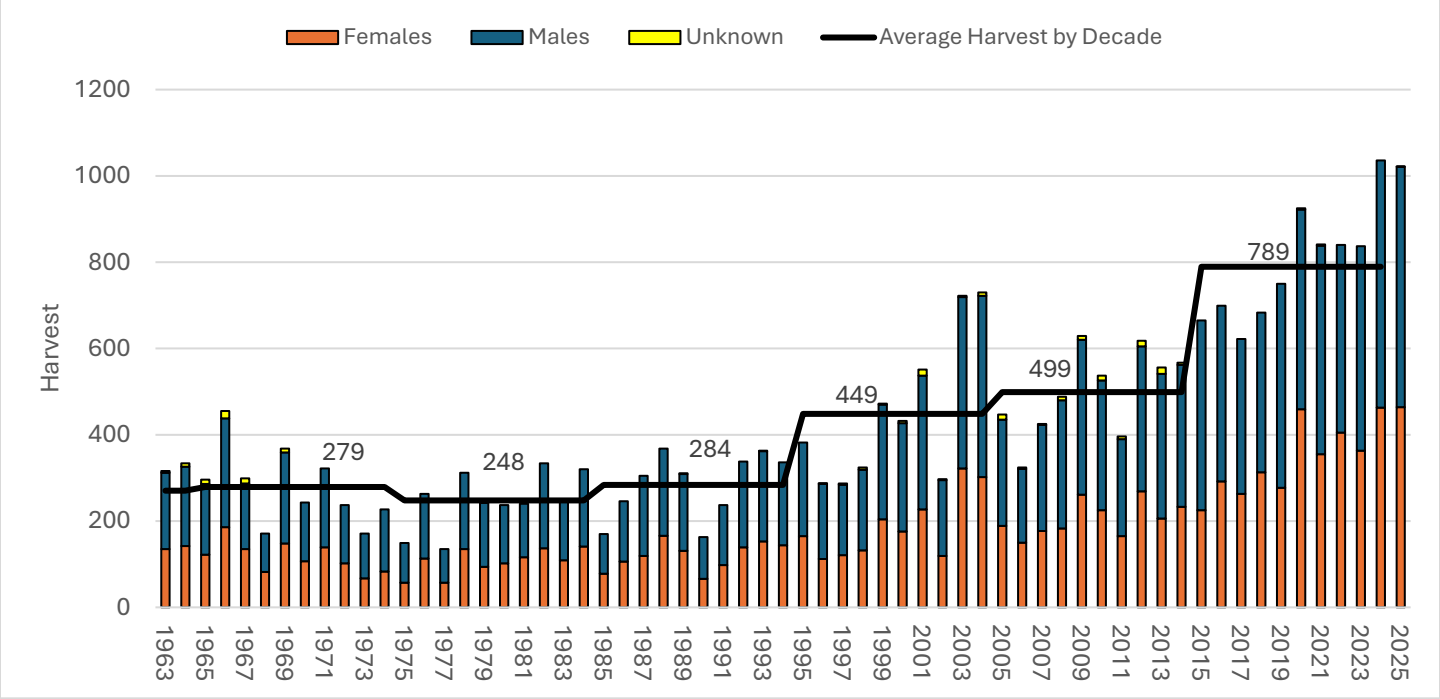


Figure 2. Vermont annual black bear harvest with rolling ten-year average, 1963-2025.

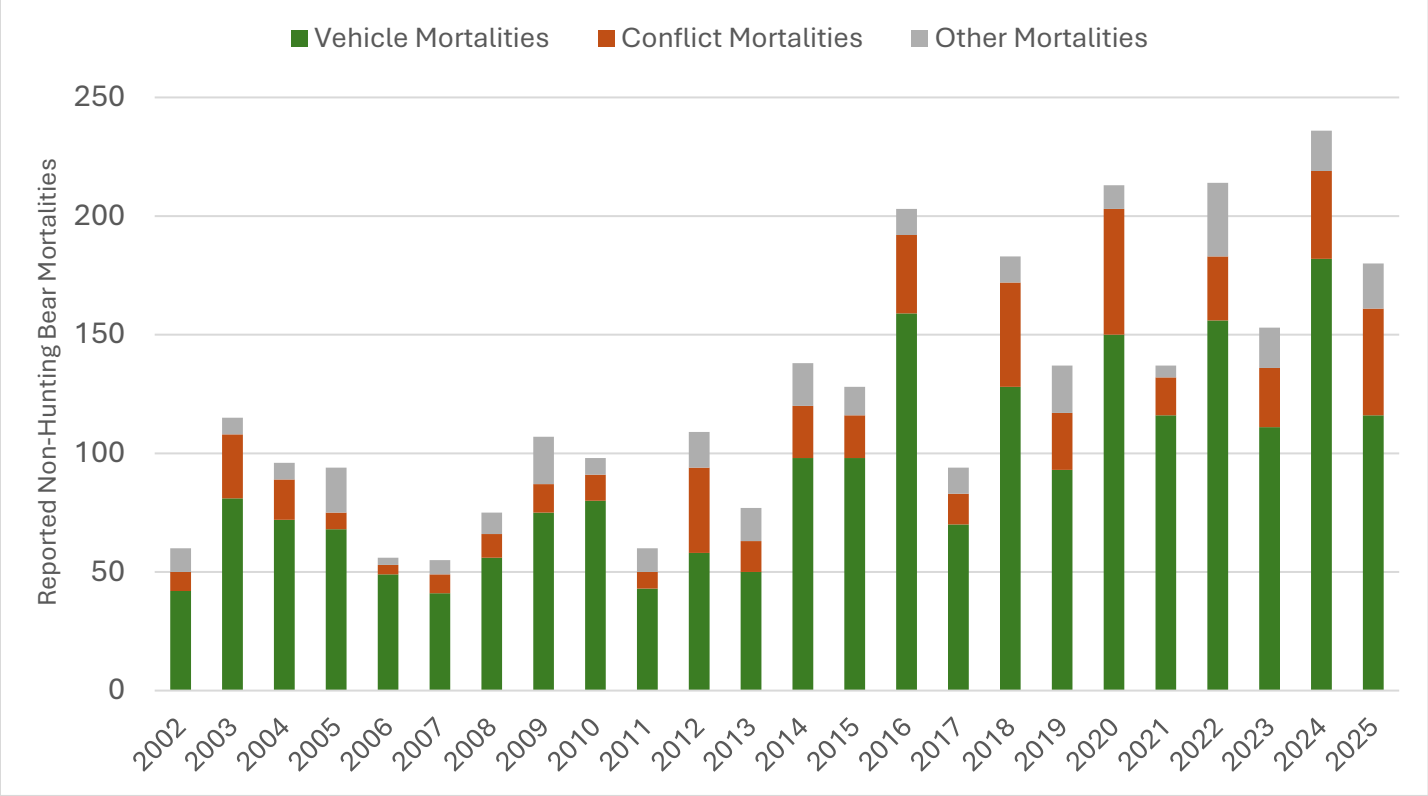


Figure 3. Vermont annual reported non-hunting black bear mortality, 2002-2025.

App. V.S.A. § 7 – Bear Management Rule

Create One Continuous Bear Season and Require a Bear Tag
The Department recommends creating one continuous bear season by eliminating the designation of an early and late bear season. Additionally, the Department recommends that hunters be required to purchase a bear tag in addition to their big game hunting license to take a bear. This change would simplify the season structure while improving the Department's ability to understand how changes in bear hunting interest influence the harvest.

The separation of the early and late bear seasons was established in 2013 and required hunters to purchase a bear tag to participate in the early bear season while a Vermont big game hunting license was sufficient to take a bear during the late season. The goal of this change was to create a system to identify hunters interested in harvesting a bear from those who had no interest in bear hunting. However, the bear tag was not required during the late season to retain the cultural expectation that all deer hunters could participate in bear hunting without the need of an additional tag. From 2013-2019 an average of 11,410 hunters purchased an early season bear tag annually. Since 2020 this number increased to an average of 13,016 tags purchased annually. These numbers do not include permanent and lifetime license holders who have early season bear privileges. This change improved the Department's ability to identify interested bear hunters but still doesn't give a complete understanding because of the lack of information during the late season.

Extend the Late Bear Season
The Department recommends extending the late bear season until the final day of regulated deer season. Currently hunters may harvest bear during the late season from the first Saturday of the regular deer season until the Sunday of the second weekend, providing a nine-day season. This change would extend the season by roughly three weeks during a time when many big game hunters are actively hunting. This increased hunting opportunity will likely result in an increase in the bear harvest.

An average of 183 bears are harvested during the current late season, which makes up on average 25% of the overall harvest. The last full week of the bear late season has averaged just over 100 bears harvested annually over the past six years. However, natural food availability and the onset of winter conditions influence when bears enter their winter dens which cause the late season harvest to vary greatly from year to year. For example, abundant fall foods in 2019 delayed den entrance for many bears and resulted in a late season harvest of 268 bears while acorn and beechnut crop failures in 2022 drove bears into their winter dens early and resulted in a late season harvest of only 57 bears.

A recent survey of bear hunters in Vermont revealed that slightly more than half (54%) primarily incidentally hunt bear while hunting for other species and 79% of bear hunters hunted during the late bear season in 2023. A 2018 survey of Vermont hunters revealed high support (85%) for extending the length of the bear season. These results indicate that a significant number of hunters would likely participate in this proposed season expansion. By late November many bears have entered winter dens, limiting the availability of bears for harvest; however, when delayed winter conditions coincide with abundant fall foods there will be increased opportunity for hunters to encounter bears into December. Overall, the Department anticipates this expansion will likely result in a conservative increase in harvest.

Allow Hunters to Take a Second Bear
The Department recommends allowing hunters to take one additional bear, with the purchase of a second tag. The second bear may only be taken in WMUs annually designated by the board with the recommendation of the Department. The availability of the second bear tag would also be approved annually by the board.

Currently, hunters may only harvest one bear annually. This recommended change, allowing hunters to take a second bear, would provide additional bear harvest opportunities for hunters and ~~allow the direction of~~ direct

hunting pressure into WMUs with elevated bear-vehicle collisions, land use pressures that contribute to human-bear conflicts (residential, commercial, and agriculture), incidents of human-bear conflicts, and strong bear hunting participation.

A 2018 survey of Vermont hunters revealed that 38% of hunters would support increasing the annual bag limit on black bears from one bear a year to two bears a year. However, the mean bear population estimate in 2018 was approximately 4,700 bears – the lowest it had been since the early 2000s. A 2024 survey of Vermont's bear hunters found that meat was by far the dominant reason why they hunt bear (58%); however, population control was the top motivation for hunters who have recently increased their targeted bear hunting (55%). Although Vermont's bear hunters have not been directly asked if they would try to harvest two bears in a year, these survey results indicate participation would be limited and therefore would result in a conservative increase in the overall harvest.

New Hampshire's experience introducing a two-bear bag limit in four of their WMU's supports the Department's expectation that this proposed expansion will result in a modest increase to Vermont's bear harvest. Despite strong interest from hunters purchasing second bear tags, this change has resulted in less than 50 additional bears harvested each of the two years this change has been in place. The contribution from a second bear in jurisdictions that have a two-bear bag limit is typically 4-5% of the overall harvest.

Establish End Date for Bear Hound Hunting
The Department recommends clarifying the second Sunday of the regular deer season as the last day of the bear dog hunting season. This change would not lengthen the current bear hound hunting season and would restrict it from continuing into the proposed season extension.

Not Allow Hunters to Intentionally Take a Female Bear with Cubs
The Department recommends not allowing hunters to intentionally take a female bear with visible cubs. Black bear cubs are dependent on sows through their first fall and don't typically become independent until their second spring when they are approximately 16 months old. When conditions are favorable, it is possible for cubs to survive when they are separated or orphaned prematurely; however, the Department receives reports every year of starving, orphaned cubs and yearlings who would not survive without intervention. These starving bears are typically found near homes attempting to access human-caused foods. Conflicts with people, vehicle collisions, and hunting are all potential causes for these orphaning events. It is important that hunters take precautions to avoid harvesting sows accompanied by cubs.

Vermont's bear hunters generally do not intentionally harvest female bears accompanied by dependent cubs. In a recent survey of Vermont's bear hunters, 97% reported that they would not harvest a bear with cubs while 1% said that they would and another 2% reported that they were unsure. However, when asked if they assess whether a bear is in a group or with cubs before shooting, 88% reported that they regularly take this precaution while the remaining 12% reported either never, or only occasionally, taking this step. Further, 13% of hunters reported that they were not aware of the Department's recommendation that hunters avoid harvesting females accompanied by cubs.

Of the 44 jurisdictions in North America with black bear hunting seasons, 37 (84%) have regulations prohibiting the harvest of female bears accompanied by cubs. This includes three states that have initiated new black bear hunting seasons in the past five years. As part of a previous Department assessment of a petition related to this subject, some jurisdictions with this type of regulation were contacted to better understand the specific language used and how it is enforced. Jurisdictions reported that this regulation is widely supported by both hunters and the non-hunting public. Some regulations are written with specific size parameters defining cubs that hunters must follow while others are written so that it is only a violation if a hunter knowingly

harvests a female bear with cubs present. In both cases, jurisdictions reported that citations are rarely issued as it can be difficult to prove. In fact, one jurisdiction reported written violations related to this regulation were often from self-reporting by hunters who didn't see cubs until after the bear was harvested. The Department's intention is not to punish hunters who mistakenly harvest sows when cubs are not immediately present. Instead, our intention is to create a regulation that only applies to situations where a hunter knowingly harvests a sow with cubs present.

No Person Shall Intentionally Harvest or Harass a Bear or Bears from a Den

The Department recommends clarifying that it is illegal to intentionally harvest or harass a bear or bears from a den. The timing of den entrance varies greatly from year to year and from bear to bear with some bears in some years entering dens as early as October and others entering as late as January. Most bears typically enter winter dens from November to early December. Research and management projects shall be exempt from this rule.

Appendix A. Response to public comments submitted in response to proposed changes to the Bear Management Rule (10 App. V.S.A. § 7)

Background: On June 17, 2026, the Fish and Wildlife Board reviewed and discussed proposed changes to the Bear Management Rule (Title 10 Appendix, Section 7). The Board voted to advance proposed language changes to rulemaking, and the Proposed Rule was approved by ICAR on July 13, 2026. The rule was on public notice from July 22 through September 4th. During the public notice and comment period, two public hearings were held to solicit additional comment on the proposed rule changes, in St. Johnsbury (hybrid hearing) on August 24th, and in Bennington, on August 27th.

The following is a summary of the public comments received by the Board on the proposed changes to the Bear Management Rule, and the responses to those comments. Where appropriate, comments have been paraphrased for clarity, consolidated, and omitted where duplicate. The Board received numerous public comments both opposing and supporting the proposed rules changes, without additional substantive comment. The following response summary responds to substantive questions and concerns raised regarding the proposed changes

Approximately 114 people and 26 virtual members of the public attended the two hearings.
Approximately 479 individuals submitted emails or voice messages on the subject.

1. *My concern is with the bear hound season extending into the regular firearm season for 9 days, My concern is that a deer hunter can shoot a bear that unbeknownst to him was being chased by hounds in this case the hunter could be brought on charges up under the hunter harassment charges by interfering in a legal hunt and with the woods full of deer hunters that is a very good likelihood of that occurring. So why not end it before the start of firearm season to help alleviate any potential conflicts!!!*

   The hound season historically has run to the second Sunday of the regular deer season and has been managed through the effective dates on bear hound permits. The proposed language does not represent an extension of the season; it simply codifies the practice of closing the bear hound season in November rather than allowing it to run through the end of the proposed bear season. To date the Department has not received complaints on this issue. If a deer hunter shot a bear moving through the woods it would be no different than a deer being pushed unknowingly by a moving hunter. If a complaint was made a warden could follow up and investigate.

2. *Hunting more bears will not effectively reduce future conflicts.*

   The department is focused on the population objective set within the Big Game Management Plan 2020-2030 and has brought recommendations forward to move the population trend in that direction. We have stated that conflicts will need to be handled through continued education of the public on removing and securing attractants that create conflicts between people and bears.

3. *Please modify the definition of control of dogs.*

   Changes to the definition of control of dogs were not considered during this rulemaking effort.

4. *I listened attentively and watched the replay video when Jaclyn Comeau said the hounds strike a scent off a traveling bear, which led the listeners to think the bear had to be traveling recently in order for the hounds to pick up the scent. Scent persistence is also a factor. A bear's den consistently releases the animal's distinct scent into the air.*

The Department acknowledges this comment. The hound hunting season is only proposed to run until the second Sunday of the regular deer season. Hounds will not be legal to use during the season extension if it is approved.

5. *Extending hunting into December therefore overlaps the denning period for some bears. Recent research also shows that significant disturbance of denning females can cause them to flee their dens and, in some cases, abandon cubs.*

The timing of den entrance varies from year to year and bear to bear. Bears have been documented entering their dens as early as October. Hunters are already a field during this period, including December with the muzzleloader and archery seasons. Bears hold very tight to their dens, and we have not seen a population growth issue with the hunters, hikers, dog walkers, skiers, etc. in the woods and fields. Cubs are born in mid-January to early February. Issues of cub abandonment due to den disturbance occur with newborn cubs during late winter to early spring. December cubs are almost one year of age and fully capable of fleeing a den with the adult female.

6. *My opposition to proposals that would expand opportunities for bear hounding or extend Vermont's black bear hunting season into mid-December.*

The proposed changes would not extend the length of the hound hunting season the season will still end on the second Sunday of the regular deer season. Hound hunting will not be permitted in late November or December.

7. *Concentrate your efforts on reducing bear human conflict - on fixing the real issue: make people stop training bear to inhabit our communities.*

The department's biological, law enforcement and outreach staff spend significant amounts of time year-round educating the public to understand why and how to effectively remove/secure human attractants from bears. We also work with partners who can further extend the reach of these important messages so that Vermonters and visitors to Vermont have the information and tools they need to resolve ongoing conflicts and proactively prevent conflicts with bears.

8. *Let's send the bear back into the woods where nature will take them back under its wing.*

Trap and relocation efforts have been tried in many locations around North America. They have been proven not to work. This process places bears in unfamiliar and already occupied territories and moves food conditioned bears into new communities that will still need to deal with the problem behaviors. Further, with enough time adult bears will return to the original location they were removed from. A recent study published in the Journal of Wildlife Management evaluated the effectiveness of relocating bears as a conflict management tool found that moving bears reduced their survival (Botzet et al. 2026).

9. *Allow the Commissioner to revoke a bear dog permit?*

The Commissioner currently has this authority to revoke permits issued by the Department.

10. *The only reason the hunting laws are so outdated, so crude, grotesque and backward is because the laws are decided by a small group of hunters with the approval of the Governor. There is no one knowledgeable*

in science or biology in the group, no one who understands the interactive relationships in nature - they are just hunters who want to keep killing.

Outside the scope of the rulemaking. The Department's trained biological staff monitors the bear population and makes recommendations to the Board for consideration. The Board can also bring requests to the department for information and recommendations on proposals they have themselves or petitions they receive from the public. The Department always makes recommendations that are within the biological and ecological constraints of the population under consideration, and that are designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species.

11. *However, one topic that has not been addressed is the Department's change of course regarding its hunting season recommendation.*

A petition was received by the Board to extend the season beyond the Department's original recommendation, which was presented to the Board during the February 18 Board meeting. The Department determined that the additional season length and potential harvest that may occur was still within biological limits. The Department therefore brought the longer season to the Board for consideration and presentation to the public. The Department considered various season lengths during initial internal discussions. The valid concern from the board that Department recommendations wouldn't go far enough to reduce the population coupled with the petition for a season beyond the Department's original recommendation contributed to the Department changing its recommendation in the proposed rule changes.

12. *Also, I'd like to ask the Department why they chose not to hold a public hearing in a population-dense county such as Chittenden or Washington. They should be looking to maximize participation, but instead they are holding both meetings in counties with the lowest populations. I find that rather curious.*

The Department makes a deliberate effort to host hearings in various regions of the state to allow opportunities for all citizens to attend. The Chittenden and Washington county region can attend the monthly Board meetings in the Barre/Montpelier area with a 45-minute to 1-hour drive. Residents of the Northeast and Southwest regions would have to drive 3-hours one way. Between the two public hearings and Board meetings we offered hearings in the north, central and southern portions of the state, maximizing public participation. The first hearing also offered a virtual option and recordings of each hearing along with hearing materials were posted on the Board's website.

13. *I don't understand what is going on at F&W. To me it appears that it has become an arm of a lobby that is bound and determined to sell more hunting licenses, preferably to out of staters and at higher cost. Why else was an attempt recently made to prevent people from posting their lands? Was there any real science involved in the decision to kill more moose to decrease tick populations and was there a follow up study to determine if it was accomplished? One of my real peeves is the numerous crow seasons with no bag limit that surely can't be supported by ornithologists.*

Outside the scope of the rulemaking. The posting requirements were recently modified in the legislature to make it easier for landowners to post against hunting and fishing. Extensive species and population-level research is presented in support of annual recommendations for the number of moose permits issued. Information on the moose harvest is presented annually and can be found on the Board's webpage.

14. *The most disturbing suggestion is that you would extend bear hunting with hounds into the regular firearms deer hunting season. The suggested date changes would allow hounds to chase bear the first weekend, through the first full week and through the second weekend of the regular firearms deer hunting season!!!!*

The hound season historically has run to the second Sunday of the regular deer season. These proposed regulations would not change the length of the bear hound season. See response to comment 1.

15. *I'd like to see a public campaign to educate people about how their habits may unwittingly be inviting bears to visit and encourage the adoption of more responsible practices.*

The Department's biological, law enforcement and outreach staff spend significant amounts of time year-round educating the public to help them understand why and how to effectively remove/secure human attractants from bears. We also work with partners who can further extend the reach of these important messages so that Vermonters and visitors to Vermont have the information and tools they need to resolve ongoing conflicts and proactively prevent conflicts with bears.

16. *Bear populations naturally self-regulate if left undisturbed. Thus, hunting is not necessary to prevent bears from becoming "overpopulated." Bears dispersing from saturated populations can become "nuisance" bears where wildlands and human communities meet. Nuisance bear situations should be dealt with where they occur with efforts to change the behavior of specific bears. Increasing the indiscriminate hunting of random bears in the region is the wrong approach.*

A major driver of bear populations is food availability – this includes both natural and human-caused foods. Food availability influences productivity, survival, and amount of space used by bear populations. A study of Vermont bears found the average home range size for females to be 14 square miles while males averaged 61 square miles (Hammond 2002). Due to the amount of area needed to support a bear population it is unrealistic to assume that Vermont's bear population exists in conditions "undisturbed" by humans. Further, black bears are not only restricted by natural food availability and will readily supplement their diets with human-caused foods ultimately weakening the constraints natural food limitations may put on populations.
Hunting is not an effective way to target food conditioned bears – working with people to remove and secure human caused attractants is the most effective long-term way to resolve and prevent human-bear conflicts. Education and technical assistance are central to the Departments approach to resolving and preventing human-bear conflicts. However, hunting can be an effective way to limit population growth and influence the overall population trend. Further, expanding hunting opportunity, when biologically sustainable, offers important social values for Vermonters by providing access to wild game meat and time spent in nature.

17. *Is hounding supported by investigation and research conducted by the Department?*

Hunting bears with trained bear dogs has been monitored and evaluated since 1972 when it became a regulated form of bear hunting in Vermont. The Department evaluates its impact on the bear harvest and has found it consistently has a modest impact on the overall harvest and allows hunters the opportunity to be more selective compared to still hunting. In the late 1970s and early 1980s the Department conducted a study to evaluate the use of trained bear hounds as a tool to identify and capture black bears. Due to its success, this approach has been integrated into other Department studies evaluating black bear habitat use

and population demographics. Studies outside of Vermont have also found using trained bear dogs to deter bears from human food sources that cause conflicts with people pushes bears farther from the food source and causes bears to stay away longer than other traditional deterrent devices (Beckmann et al. 2004, Comeau 2003). Corn crop damage from bears can be a significant burden to some Vermont farmers. There are no effective ways to secure corn fields from bears and in some situations, hounds are the only non-lethal option available for farmers to try and reduce annual crop loss.

18. What is the scientific evidence that demonstrates that hounding is necessary for sound bear-population management?

Hunting bears with trained dogs is an effective way for hunters to find bears which are typically wide-ranging cryptic animals. It allows hunters opportunity to be selective in which bears they choose to harvest when compared to still hunting. Bear hounds can be an effective non-lethal option for deterring bears from conflict situations. Research has shown that techniques to deter bears from a food source that causes conflicts with people do not offer long lasting solutions if access to the food source isn't restricted; however, dogs have been shown to push bears farther away and keep them away longer than other common deterrent techniques (Beckmann et al 2004, Comeau 2003). Corn crop damage from bears can be a significant burden to some Vermont farmers. There are no effective ways to secure corn fields from bears and in some situations, hounds are the only non-lethal option available for farmers to try and reduce annual crop loss.

19. If the harvest does not increase with the season extension will other strategies be necessary such as baiting?

The population trend will be monitored long term and adjustments to seasons and hunting methods are the best techniques for adjusting the population trend. As occurred during the last deliberations all options will be evaluated, and recommendations will be presented to the Board.

20. Question the true population target for Vermont, other regions can carry far more bears in a smaller region.

Wildlife population densities vary from region to region depending on a variety of factors including habitat quality. Vermont is working with a social tolerance for bears that was determined from a statewide survey of Vermont citizens, as discussed during the public hearings and described in the Big Game Management Plan 2020-2030.

21. Why is there not a size requirement for harvest and weight limit?

Size and weight vary greatly from year to year, time of year, and bear to bear. Habitat quality along with seasonal and annual variation in food supply greatly influences this variability. Because of this it would be difficult to establish a universally appropriate size/weight limit. Jurisdictions that impose size/weight restrictions for bears generally rely on bait and/or dogs for most of their harvest to give hunters an opportunity to appropriately assess if a bear meets the requirement threshold.

22. Has FWD looked into regulating with oral birth control for bears?

Studies to date have not found a method for birth control in wildlife species to be efficiently and effectively applied.

23. This is just about social capacity not carrying capacity.

Vermont is working with a social tolerance for bears that was determined from a statewide survey of Vermont citizens, as mentioned during the presentations.

24. Are there rules about shooting dogs in the woods?

Legally the only individuals allowed to shoot dogs are law enforcement personnel, when the dog is in such close pursuit as to endanger the life of a deer or moose or found in the act of wounding, maiming, or killing deer or moose, see 10 V.S.A. § 4748.

25. What about requiring bear resistant garbage cans?

The Department of Fish and Wildlife does not currently have regulator authority to require bear resistant containers. Waste management is regulated by the Department of Environmental Conservation, as well as municipalities.

26. Does the Department have a system online to connect landowners with hunters?

The department did establish a system to connect willing landowners with hunters, but it was not continued due to a lack of landowner participation.

27. Is the state still utilizing hounds to collar bears?

The department does use hounds situationally to capture bears when needed to assist with the placement of collars.

28. Can a rifle be used the whole season or is there a specific bow only or primitive only?

A rifle may be used during the entire bear season.

29. Are we not just counting dead bears? Does this really represent the population and are there no live bear counts or tag system?

The population reconstruction model used to estimate Vermont's bear population incorporates a count of dead bears along with sex and age of harvested bears. It also incorporates information about harvest vulnerabilities based on age and sex, hunter effort, and reproduction. Population estimation models based on hunter harvest data are widely used to estimate black bear populations and monitor population trends across their range. This approach has been found to be an effective way to model populations when compared with capture-mark-recapture methods which rely on tagging live bears (Coster et al. 2011).

30. Re. App 7, section 8.2 - requiring a person who took a bear to return to the kill site upon request of a Game Warden. Forgive me for assuming that being a hunter does not negate one's Fifth Amendment rights as provided by the US Constitution. Please strike this section and others related to such requirement for other hunting activities. Please strike it is against ones 5th amendment.

The Fifth amendment protects an individual from being compelled to testify against themselves. It does not broadly protect an individual from being compelled to produce real evidence in a criminal investigation, particularly when participating in a heavily regulated activity such as hunting, where legally adopted rules require compliance with clear requirements regarding the legal take of an animal. (see *State v. Picknell,* 142 Vt. 215, 225 (1982)).

31. *I am so tired of the good old boys club running what should be wildlife support and protection in the state of Vermont. The fact that the two "public hearings" on this are set as far away from progressive, urban areas is not an accident. I increasingly hate this part of the Vermont state government.*

The Department makes a deliberate effort to host hearings in various regions of the state to allow opportunities for all citizens to attend. The Chittenden and Washington county region can attend the monthly Board meetings in the Barre/Montpelier area with a 45-minute to 1-hour drive. Residents of the Northeast and Southwest regions would have to drive 3-hours one way. Between the two public hearings and Board meetings we offered hearings in the north, central and southern portions of the state, maximizing public participation. The hearing also offered a virtual option at the first hearing.

32. *We seem to have a hunting culture that rejects all science in the desire to kill bears. It is sad to see all the disinformation spread by social media about bears and hunting. Hunting with hounds is antiquated, aside from the fact it is cruel and inhumane to both dogs and bears.*

Outside the scope of the rulemaking. The Department's trained biological staff monitors the population and makes recommendations to the Board for consideration. The Board can also bring requests to the department for information and recommendations on proposals they have themselves or petitions they receive from the public. The Department always makes recommendations that are within the biological and ecological constraints of the population under consideration, and that are designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species.

33. *Why aren't the Department recommendations for authority to revoke a bear dog permit and reciprocity should included in the rule?*

The Commissioner currently has this authority to revoke permits, pursuant to Title3 of the Vermont statutes. Reciprocity was considered and not moved forward because the ability for the Commissioner to revoke permits was determined to satisfy the reasons reciprocity was initially considered.

34. *Why aren't the bear hounding rules updated to be consistent with the more recent coyote hounding regulations? Why would you have different hounding rules for bear and coyote when both present the similar issues of harassment for property owners and recreational users?*

Originally the coyote rules were modeled after the bear dog regulations. A working group compromised on a lower number for coyote hunting.

35. *Why doesn't the rule include penalties for hunters with hounds who repeatedly violate property rights, such as losing control of their hounds who then go on private, posted land?*

The objectives of the proposed rule changes were to reduce the population size through harvest management. Trespass on private property is currently an enforceable criminal violation.

36. Why is there such a long training season?

The historic training dates have not shown an impact on the growth of the population over the past five decades.

37. Shorten the bear hound training season.

The bear hound training season is established in statute, not the Bear Management rule, see 10 V.S.A. § 5001. The Department evaluates the impact of all forms of training and hunting seasons on the bear populations. The existing training season has not shown a negative impact on population growth, as demonstrated by a five decade upward population trend from 1972 to present. Further, allowing the bear training season to run during the peak human-bear conflict season (June-August) means that bear hounds are available as a non-lethal deterrent for human-bear conflict situations.

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Hammond, F. M. The Stratton Mountain black bear study: effects of resort and residential development on black bears in Vermont. 2002. Vermont Agency of Natural Resources, Department of Fish and Wildlife.

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MEMORANDUM OFFICE OF THE SECRETARY OF STATE

Primary Contact: Hannah Smith, Department of Fish and Wildlife, 1 National Life Drive, Davis 2, Montpelier Vermont 05620 Tel: 802-461-8187 Fax: 802-828-1250 E-Mail: hannah.smith@vermont.gov

Secondary Contact: Jaclyn Comeau, Department of Fish and Wildlife, 100 Mineral Street, Suite 302, Springfield, Vermont 05156 Tel: 802-461-5620 Fax: 802-828-1250 E-Mail: jaclyn.comeau@vermont.gov.

URL: https://www.vtfishandwildlife.com/about-us/fish-andwildlife-%0d%0aboard/board-rules

From: APA Coordinator, VSARA

RE: 10 App. V.S.A. § 7 Bear Management Rule.

Date 07/17/2026

We received Proposed Rule on 07/17/2026
Final Proposed Rule on
Adopted Rule on
We have assigned the following rule number(s):
Proposed Rule Number: 26P025
Adopted Rule Number:
(Final Proposals are not assigned a new number; they retain the Proposed Rule Number.)

The following problems were taken care of by phone/should be taken care of immediately:

We cannot accept this filing until the following problems are taken care of:

The notice for this proposed rule appeared/will appear online on: 7/22/2026 and in the newspapers of record on 7/30/2026.

This rule takes effect on
Adoption Deadline: 03/17/2027

Please note:

If you have any questions, please call me at 828-2863. OR E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Lindsey Schreier

OFFICE OF THE SECRETARY OF STATE

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	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter
	VT Digger (legals@vtdigger.org)	Attn: Legals

FROM: APA Coordinator, VSARA **Date of Fax:** September 22, 2026

RE: The "Proposed State Rules " ad copy to run on **July 30, 2026**

PAGES INCLUDING THIS COVER MEMO: **3**

NOTE **8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at https://secure.vermont.gov/SOS/rules/ . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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10 App. V.S.A. § 7 Bear Management Rule.

Vermont Proposed Rule: 26P025

AGENCY: Vermont Fish and Wildlife Board

CONCISE SUMMARY: The proposed rule amendments eliminate the consecutive "early" and "late" seasons to create one bear season extending from September 1st through the last day of the regulated deer season. The proposed rule would require the purchase of a bear tag to take a bear during the season, and would allow for the taking of a second bear within specified Wildlife Management Units (WMU) upon Board approval. The rule prohibits the intentional taking of sows with cubs. Additionally, the rule clarifies bear dog permit requirements and makes technical and grammatical corrections.

FOR FURTHER INFORMATION, CONTACT: Hannah Smith, Department of Fish and Wildlife, 1 National Life Drive, Davis 2, Montpelier Vermont 05620 Tel: 802-461-8187 Fax: 802-828-1250 E-Mail: hannah.smith@vermont.gov URL: https://www.vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules .

FOR COPIES: Jaclyn Comeau, Department of Fish and Wildlife, 100 Mineral Street, Suite 302, Springfield, Vermont 05156 Tel: 802-461-5620 Fax: 802-828-1250 E-Mail: jaclyn.comeau@vermont.gov.

Rules Governing the Activity of Primitive Camping on State Forest and State Park Lands.

Vermont Proposed Rule: 26P026

AGENCY: Agency of Natural Resources; Forests, Parks & Recreation.

CONCISE SUMMARY: The Primitive Camping Rule governs how the public can camp in a primitive manner on state lands, without paying a fee or benefiting from services. The rule was first promulgated in 1993. Over the last 30+ years, primitive camping practices have evolved, creating challenges that the current rule is not equipped to regulate, specifically around rule enforcement, campfires and wildland fire, and jurisdiction of the rule across state lands managed by the Department of Forests, Parks, and Recreation (FPR), Fish & Wildlife (F&W), and the Department of Environmental Conservation (DEC). FPR is proposing the following changes to the rule: • Clarifying enforcement options if the rule is violated, focused on authorizing F&W wardens and other law enforcement to issue notices of trespass; • Limiting jurisdiction of the rule to FPR lands as F&W lands are governed by another rule; • Providing additional requirements for building and extinguishing campfires; • Changing the setback from water bodies from 100’ to 200’; • Removing the list of lands from the

rule.

FOR FURTHER INFORMATION, CONTACT: Oliver Pierson, Agency of Natural Resources, 1 National Life Drive, Davis 2, Montpelier, VT 05620-3901 Tel: 802-505-3563 E-Mail: oliver.pierson@vermont.gov. URL: https://fpr.vermont.gov/primitive-camping-rule-amendment.

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Title 10 : Conservation and Development

Chapter 103 : Department of Fish and Wildlife

(Cite as: 10 V.S.A. § 4082)

- **§ 4082. Vermont Fish and Wildlife Regulations**

(a) The Board may adopt rules, under 3 V.S.A. chapter 25, to be known as the "Vermont Fish and Wildlife Regulations" for the regulation of fish and wild game and the taking thereof except as otherwise specifically provided by law. The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species. The rules shall be supported by investigation and research conducted by the Department on behalf of the Board.

(b)(1) Except as provided for under subdivision (2) of this subsection, the Board annually may adopt rules relating to the management of migratory game birds, and shall follow the procedures for rulemaking contained in 3 V.S.A. chapter 25. For each such rule, the Board shall conduct a hearing but, when necessary, may schedule the hearing for a day before the terms of the rule are expected to be determined.

(2) Beginning with the 2015 hunting season, the Board may set by procedure the daily bag and possession limits of migratory game birds that may be harvested in each Waterfowl Hunting Zone annually without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual daily bag and possession limits of migratory game birds shall be consistent with federal requirements. Prior to setting the migratory game bird daily bag and possession limits, the Board shall provide a period of not less than 30 days of public notice and shall conduct at least two public informational hearings. The final migratory game bird daily bag and possession limits shall be enforceable by the Department under its enforcement authority in part 4 of this title.

(c) The Board may set by procedure the annual number of antlerless deer that can be harvested in each Wildlife Management Unit and the annual number of moose that can be harvested in each Wildlife Management Unit without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual numbers of antlerless deer and moose that can be harvested shall be supported by investigation and research conducted by the Department on behalf of the Board. Prior to setting the antlerless deer and moose permit numbers, the Board shall provide a period of not less than 30 days of public notice and shall conduct at least three public informational hearings. The public informational hearings may be conducted simultaneously with the regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final annual antlerless deer and moose harvest permit

numbers shall be enforceable by the Department under its enforcement authority in part 4 of this title. The final annual antlerless deer and moose harvest permit numbers shall be reported to the House Committee on Environment as part of the annual deer report required under section 4084 of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1979, No. 66, § 1; 1979, No. 68, § 2, eff. May 8, 1979; 1979, No. 148 (Adj. Sess.), §§ 3, 4, eff. April 24, 1980; 1985, No. 215 (Adj. Sess.), § 5, eff. June 2, 1986; 2013, No. 78, § 3; 2013, No. 116 (Adj. Sess.), § 4; 2017, No. 154 (Adj. Sess.), §§ 1, 21, eff. May 21, 2018.)

Subchapter 002 : REGULATORY POWERS OVER FISH AND WILDLIFE

(Cite as: 10 V.S.A. § 4084)

- **§ 4084. Game**

(a) Rules concerning wild game may:

(1) establish open seasons; however, rules regarding taking of deer adopted under this subdivision shall, unless there is a scientific reason not to do so, make provision for a regular rifle hunting season of no fewer than 16 consecutive days, an archery season, and a muzzle loader season;

(2) establish daily, season, and possession limits;

(3) establish territorial limits for any rule under this subchapter;

(4) prescribe the manner and means of taking any species or variety, and including reporting and tagging of game;

(5) establish restrictions on taking based upon sex, maturity, or other physical distinction of the species or variety pursued; and

(6) designate Wildlife Management Units for various species or varieties.

(b)(1) On or before July 1 of each year, the Commissioner shall publish a report showing all the Wildlife Management Units and proposed deer seasons. The reports shall include supporting data for the proposed actions.

(2) Each January, the Commissioner shall publish an annual deer report.

(c) The Board may alter the outer boundary of a Wildlife Management Unit no more frequently than every 10 years without approval of the General Assembly; however, the Board shall have authority to subdivide established Wildlife Management Units.

(d), (e) [Repealed.] (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1979, No. 68, § 3, eff. May 8, 1979; 1979, No. 148 (Adj. Sess.), § 1, eff. April 24, 1980; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 29, §§ 1, 2; 1985, No. 120 (Adj. Sess.), § 1, eff. April 16, 1986; 1987, No. 10, § 1; 1989, No. 24, § 2; 1991, No. 230 (Adj. Sess.), § 7; 1997, No. 99 (Adj. Sess.), § 2; 2003, No. 136 (Adj. Sess.), § 3; 2013, No. 78, § 4; 2013, No. 116 (Adj. Sess.), § 5, eff. Jan. 1, 2015.)