

APPENDIX M: App. § 15 Rule Governing Public Use of Vermont Fish and Wildlife Department Lands

1.0 Authority

- 1.1 This rule is adopted pursuant to 10 V.S.A. §4145(a) which authorizes the Board to adopt rules to “regulate the use by the public of access areas, landing areas, parking areas or other lands or waters acquired or maintained pursuant to 10 V.S.A. § 4144.”

2.0 Purpose

- 2.1 The purposes of this rule is to regulate public activities and use at Wildlife Management Areas, Riparian Lands, Conservation Camps, and Fish Culture Stations in order to protect, manage, and conserve the fish, wildlife, vegetation, and other natural and cultural resources of the state, to provide for the safe and efficient operation of the developed facilities of the Department and to protect the health, safety, and welfare of the public.
- 2.2 To foster quality hunting, fishing, trapping, and other fish-based and wildlife-based activities at these lands and facilities.
- 2.3 This rule does not apply to Fishing Access Areas governed by 10 V.S.A. § 4145.
- 2.4 This rule is not intended to interfere with deed restrictions, easements, rights-of-way or other applicable legal agreements.

3.0 Definitions

- 3.1 “Board” means the Vermont Fish and Wildlife Board as defined in 10 V.S.A. § 4041.
- 3.2 “Department” means Vermont Fish and Wildlife Department.
- 3.3 “Commissioner” means Commissioner of the Vermont Fish and Wildlife Department.
- 3.4 “Wildlife Management Area” or “WMA” means any lands or portions of lands of the Department so designated by the Department.
- 3.5 “Riparian Land” means any lands or portions of lands of the Department other than WMAs, Fish Culture Stations, Fishing Access Areas, and Conservation Camps so designated by the Department, such as but not limited to stream bank parcels, dams, and pond sites.
- 3.6 “Conservation Camp” means any facilities, lands or portions of lands of the Department so designated by the Department.

- 3.7 “Fish Culture Station” means any facilities, lands or portions of lands of the Department so designated by the Department.
- 3.8 “Designated Site” means a delineated area at a WMA, Riparian Land, Conservation Camp or Fish Culture Station that the Department has designated for a particular activity or prohibition on an activity, and so identified and demarcated with signage or identified on a Department-issued map.
- 3.9 “Designated Corridor” means a road, trail, path or other linear travel route at a WMA, Riparian Land, Conservation Camp or Fish Culture Station that the Department has designated for travel by a particular means or vehicle, and so identified with signage or identified on a Department-issued map.
- 3.10 “Authorized Activity” means an activity for which a person does not need prior permission to engage in, and can engage in at a WMA, Riparian Land, Conservation Camp or Fish Culture Station, or at a Designated Site or on a Designated Corridor within a WMA, Riparian Land, Conservation Camp or Fish Culture Station.
- 3.11 “Prohibited Activity” means an activity that no person, group, business or entity shall be allowed to engage in under any circumstances, and for which no Permit, License or Lease shall be authorized, except as provided for in Sections 6.0 of this regulation.
- 3.12 “Commercial Activity” means any activity or service that produces income for any person, group, business or entity, including any activity or service by any non-profit entity where a fee is required or requested.
- 3.13 “Special Use Permit” means a written authorization issued by the Department or its designee issued to a person, group, business or entity to undertake an activity.
- 3.14 “Group” means ten (10) or more persons.
- 3.15 “Primitive Camping” means temporary overnight occupancy in a natural environment with no developed facilities leaving the site in its original condition so there is no or minimal evidence of human visitation.
- 3.16 “Self-contained Camping” means camping with a portable shelter equipped with a self-contained, portable, sanitary toilet.
- 3.17 “Artifact” means an object produced or shaped by human craft, especially a tool, weapon, or ornament or archaeological or historical interest.
- 3.18 “Emergency situation” means an unintended or unforeseen situation that poses a risk to health or life of a person or animal.
- 3.19 “Field processing” means the gutting or dressing or other removal of non-consumptive parts of an animal for the preservation of the carcass to include the boning and quartering.

- 3.20 “Tree stand” means a platform or structure (placed for any period of time) which is fastened to a tree by nails, bolts, wire, or other fasteners that intrude through the bark into the wood of the tree, or around the tree.
- 3.21 “Ground blind” means a structure or manufactured enclosure made of natural or man-made materials placed on the ground to assist in concealing or disguising the user or occupant. This does not apply to blinds constructed for purposes of hunting waterfowl which are governed by 10 V.S.A. App. § 23.
- 3.22 “Bait” means any animal, vegetable, fruit or mineral matter placed with the intention of attracting wildlife.
- 3.23 “All-terrain vehicle” or “ATV” means any non-highway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less) or tracks, not wider than 60 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain.
- 3.24 “Utility task vehicle” means a side-by-side four-wheel drive off-road vehicle that has four wheels, or tracks, and is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,200 to 2,600 pounds.
- 3.25 “Waterbody” means any lake, pond, river, or stream.

4.0 Authorized Activities

- 4.1 The following activities are authorized on all lands under this rule:
- a) Hunting, fishing, trapping, and target shooting at designated shooting ranges, as well as all other activities authorized under 10 V.S.A. Part 4;
 - b) Fish and wildlife viewing and photography;
 - c) Boating, including launching and landing, for fish-based and wildlife-based activities where not otherwise prohibited by any other relevant regulations or statutes;
 - d) Dispersed, wildlife-based pedestrian activities including walking, snowshoeing, swimming, cross-country skiing, and collection of shed antlers;
 - e) Non-commercial picking of berries, nuts, fungi, and other wild edibles except ginseng;
 - f) Camping for purposes of hunting, fishing or trapping:

- i. Primitive camping on WMAs designated by the Department for no more than 3 consecutive nights. Camp sites must be at least 200 feet from any waterbody, property line, or road;
 - ii. Self-contained camping on sites designated by the Department for this purpose, for no more than 16 days during the periods of May 1-31, September 1 through December 15. No individual parcel will have more than three designated sites for self-contained camping unless that site's use has been demonstrated to have preceded January 1, 2007.
- g) Fish-based and wildlife-based commercial activities limited to those specified in 4.a-4.c of this subsection when conducted by a person. This shall include guiding for purposes of fishing, hunting, and trapping.

5.0 Prohibited Activities

5.1 The following activities are strictly prohibited, unless otherwise authorized in accordance with Section 6:

- a) The operation of any ATV, UTV, or any wheeled or tracked motorized vehicle not registered for public highway use, except as noted as provided for under this subsection and section 6.0 of this regulation:
 - i. Pursuant to 23 V.S.A. § 3506 (b) (4), ATV use is prohibited on, “any public land, body of public water...unless the secretary has designated the area for use by all-terrain vehicles pursuant to rules promulgated under provisions of 3 V.S.A., chapter 25.”
 - ii. If the Secretary has previously designated an area of state land for use by ATVs pursuant to 23 V.S.A. § 3506 (b) (4), the Commissioner shall authorize a designated corridor on Department lands for under section 6.0 of this rule subject to the terms and conditions the Commissioner deems appropriate.
- b) Use of motorized vehicles except on roads specifically designated for such use;
- c) Snowmobiling except as approved by the Department and on designated corridors;
- d) Horseback riding, dog sledding, non-motorized cycle riding, or use of motorized vehicles except on designated corridors;
- e) Draft and pack animals except for retrieval of legally harvested moose, deer, and black bear during the respective hunting season(s);
- f) Commercial Activities except those allowed under 4.1(a-c);

- g) Artifact or fossil collection;
- h) Fires except in emergency situations, or for non-primitive and primitive camping in accordance with 4.1(f);
- i) Abandoning, or disposing of any animal carcass, or their parts, except that portions of fish or game legally harvested on the property may be deposited on site during routine field processing for preservation and transport, or parts used in conjunction with legal trapping;
- j) Construction or placement of temporary or permanent structures, except as provided under Section 7 of this rule or for primitive and non-primitive camping in accordance with Section 4.1(f);
- k) Collection of plants, trees, evergreen brush or limbs, except wild edibles as allowed under Section 4.1(e) of this rule;
- l) Use of any fireworks or pyrotechnic devices except signal flares in an emergency situation;
- m) Feeding or baiting of wildlife except if otherwise authorized by law;
- n) Taking of fish from a fish culture station except during special events established by the Department, including but not limited to fishing derbies, clinics, and educational events;
- o) Entering within 500 feet of any building or other associated infrastructure that is associated with a Department Fish Culture Station or Conservation Camp during times of the day other than those times posted for public use;
- p) Parking of vehicles except while engaged in an Authorized Activity;
- q) All other activities not specifically authorized by this rule, or authorized in writing by the Commissioner including, but not limited to: para-sailing, hang-gliding, recreational rock climbing, and geocaching.

6.0 Special Use Activities and Designated Sites on Vermont Fish and Wildlife Department Lands

- 6.1 The Commissioner may grant a Special Use Permit, Lease or License for any activity under this rule, subject to Section 5.1(a), so long as the Commissioner has determined that there will be no adverse impact on Authorized Activities or other adverse impacts on Authorized Activities or other adverse impacts on the primary purposes of ownership.

- 6.2 The Commissioner may designate a site, by means of signage, or being identified on a Department-issued map, for any activity under this rule, subject to Section 5.1(a), so long as the Commissioner has determined that there will be no adverse impact on Authorized Activities or other adverse impacts on the primary purposes of ownership.
- 6.3 The Commissioner may permit accommodations to persons with a qualified disability pursuant to the Americans with Disabilities Act.

7.0 Use of Tree Stands and Ground Blinds on WMAs

- 7.1 Permanent tree stands and ground blinds are prohibited on state-owned WMAs.
- 7.2 Temporary tree stands and ground blinds are permitted on state-owned WMAs under the following conditions:
- a) Tree stands and ground blinds may be erected and used without written permission from the Department during the time period from the third Sunday in August through the third Saturday in December annually, May 1 through May 31, all dates inclusive, or during any Youth Hunting Day or Weekend. This does not include blinds constructed for purposes of hunting waterfowl pursuant to 10 V.S.A. App. § 23.
 - b) Tree stands and ground blinds may be erected and used at other times of the year with advance notice to, and written permission from, the Department's District office staff responsible for managing and administering state land in the District in which the land is located.
 - c) Tree stands and ground blinds used on WMAs must be constructed and erected in such a way that:
 - i. No damage is done to any living tree in erecting, maintaining, using, or accessing the stand or blind except that:
 - a) Dead limbs, trees or shrubs may be removed as needed to erect and use the stand or blind, and;
 - b) No live limbs, trees or shrubs may be cut for any purpose except those one inch or less in diameter at either ground level or from the main stem or branch of the tree where the stand or blind is located as appropriate (for guidance, a United States quarter is .9 inch in diameter), and;
 - c) No nails, bolts, screws (including access steps), wire, chain or other material that penetrates through the bark and into the wood of live trees shall be used in erecting any stand or blind, and;

- d) All tree stands or ground blinds used on WMAs must be clearly and legibly marked with the owner's name and address. Marking shall be legible and placed in a manner that enables a person to conveniently and easily read it.

7.3 Tree stands and ground blinds that do not conform to this regulation are prohibited and may be confiscated and/or destroyed by the Department. Building, erecting, maintaining, using or occupying a non-conforming tree stand or ground blind is prohibited. Construction of any tree stand or ground blind does not confer exclusive use of its location to the person who built it. Any person may use that location for purposes consistent with this rule.