

**Fish and Wildlife Board
Meeting Minutes**

Wednesday, January 15, 2020

The Vermont Fish and Wildlife Board held a meeting at 5:00 p.m. on Wednesday, January 15, 2020 at Montpelier High School, located at 5 High School Drive Montpelier, VT 05602.

Board Members in Attendance: Tim Biebel (Board Chair); Bryan McCarthy; David Robillard; Martin Van Buren; Michael Bancroft; Wendy Butler; Dennis Mewes; Johanna Laggis; Cheryl Frank Sullivan; Brian Bailey; David Fielding; Bill Pickens; Jay Sweeny; and Michael Kolsun.

Department Staff in Attendance: Louis Porter, Commissioner; Mark Scott, Director of Wildlife; Col. Jason Batchelder, Director of Law Enforcement; Catherine Gjessing, General Counsel; Will Duane, Executive Assistant; Adam Miller, Wildlife Species Program Manager; Kim Royar, Furbearer Species Project Manager; Lt. Sean Fowler, NE District Warden Supervisor; and Game Warden Jeremy Schmidt.

Members of the Public in Attendance: Brent Gadapee, Charles Palmer, Justin Lindholm, Molly Cook, Anne Jameson, Mark Green, Roz Finn, Hale Irwin, Pat Kennedy, Brenna Galdenzi, Mike O’Grady, Representative Kari Dolan, Representative Paul Lefebvre, and Sophie Bowater.

The Meeting was called to order at 5:00 by the Chair

Introductions

Commissioner Porter introduced two members of the Vermont Legislature in attendance, Representatives Kari Dolan and Paul Lefebvre sit of the House Natural Resources, Fish and Wildlife Committee. Commissioner Porter also introduced new Board Member Martin Van Buren from Poultney, filling the vacancy for Rutland County. Martin was appointed effective January 1, 2020, his term runs until February 28, 2023.

Approval of Previous Meeting Minutes

The September 2019 meeting minutes were approved by a 13-0 voice vote. New Board Member Martin Van Buren abstained from the vote.

Public Comments (Limited to 2 minutes per speaker)

4 Members of the public addressed the Board

Former Board Member Justin Lindholm thanked Cheryl Frank-Sullivan and Johanna Laggis for their service on the Board. Their terms expire at the end of February 2020. Mr. Lindholm spoke favorably of the qualifications of the new member from Rutland County but was concerned that it took too long to fill the vacant Rutland County seat.

Roz Finn requested that the Board ban trapping in Vermont, stating that trapping is inhumane. Mrs. Finn stated that wildlife in Vermont is being threatened by development, logging, and trapping.

Brenna Galdenzi spoke to the Board regarding the petition on wanton waste regulation that was received by the Board at its September meeting. Mrs. Galdenzi stated that the Board should pause its consideration of the wanton waste petition while the legislature has convened a working group on the subject.

Sophie Bowater requested that the Board support the petition on trapping under consideration at this meeting. Mrs. Bowater stated that trapping on public lands is dangerous for humans and domestic animals.

Lifetime Hunting License Drawing

Board Chair Biebel conducted the drawing and Elizabeth Grady, 42, of Underhill, Vermont was selected as the winner of the 2019 Vermont Lifetime Hunting and Fishing License Lottery. She was drawn as the winner from among 13,053 lottery tickets purchased in 2019. The Vermont Fish and Wildlife Department holds the drawing annually.

Wanton Waste Discussion

Commissioner Porter explained that, as was the case during the 2019 legislative session, the Department is part of a working group on wanton waste convened by the legislature to work on House bill H. 357. There has also been interest in some to

address this issue as a Board rule instead of through the legislature. The Board received a petition regarding wanton waste regulations at its September meeting, which is attached to these minutes. Since the petition was submitted, the legislature has reconvened and after discussion with the Chair of the House Natural Resources, Fish and Wildlife Committee, the Commissioner and the Committee Chair recommend that the Board not take formal action on the petition at this time. Commissioner Porter recommends that the Department still provide the board with a presentation on the history of wanton waste regulations, and the issues and complicating factors that can come up when creating a statute or regulation regarding wanton waste. The legislature may pass a statute on wanton waste during this session which may require that the Board enact rules. If the legislature does not pass a statute on wanton waste this session the Board may want to take up this petition again later in the year.

Commissioner Porter introduced Wildlife Director Mark Scott who reviewed briefly the Fish & Wildlife Department's long history on working on wanton waste, beginning with the Board and several changes on various big game regulations to create wanton waste rules. He then introduced Vermont's Furbearer Project Leader Kim Royar, who described the history of the Department's work on wanton waste and the Department's current approach of setting wanton waste regulations on the species level through Board rules. The slides from Mrs. Royar's presentation are attached to these minutes.

After the presentation Commissioner Porter spoke to the Board about wanton waste regulations in other states. A comparison document compiled by Vermont's office of Legislative Council on wanton waste regulations in other states is attached to these minutes. Commissioner Porter recommended that the Board not act on the petition at this time to wait and see what comes from the legislature this session.

Board Members asked Department staff about wanton waste issues in Vermont including:

- Does the Department see excessive wanton waste of animals in Vermont? Has there been some increase in wanton waste incidents?
 - Col. Batchelder stated that there has not been an increase in wanton waste issues statewide. While there may be some instances that make headlines there are not chronic issues with wanton waste in Vermont.
- What prompted legislative action on this issue?
 - There was a request to lawmakers during the 2019 legislative session, from Protect Our Wildlife.
- What falls under the definition of regulated species?
 - Game and furbearing species are considered regulated species. Species

where there is no season or that do not have a historical connection to hunting including woodchucks, porcupines, chipmunks, and red squirrels are considered non-regulated species. Even though it would not be illegal, the Law Enforcement Division does not see a wanton waste issue with non-regulated species.

Board Chair Biebel requested a show of hands as a straw vote to determine if Board Members supported waiting until the end of the legislative session to act on the wanton waste petition. It was agreed that the Board would take up discussion of the petition again after the legislative session, if needed.

Trapping Petition Discussion

Brenna Galdenzi of Protect Our Wildlife presented to the Board on the petition submitted by that group regarding trapping on public lands. A copy of the petition is attached to these minutes. Following the presentation on the details of the petition and the reasoning behind it, Mrs. Galednzi and Board Members discussed the merits of the proposed regulations.

The Department recommended to the Board that it table the petition until the furbearer rule is opened up for another reason at a later date. The furbearer rule was last opened in 2019 to implement rule changes required by legislation. As with the deer rules that were recently changed in 2019, the Department recommended to the Board that it table and collect petitions for rulemaking by topic to consider them all together at a regular interval.

The Board broke for dinner from 6:30 to 7:00 PM

After the dinner break the Board continued its discussion of the petition. A motion was then made to table the petition.

Motion: Bryan McCarthy moved to table the petition until there is a further, more compelling reason to open the furbearing rule. Mike Kolsun seconded the motion.

Vote: There was a unanimous roll call vote in support of the motion to table the petition.

Commissioner's Update

- The Commissioner distributed a proposed draft calendar for the upcoming Board meetings in 2020, which is attached to these minutes.
- The Yankee Sportsman's Classic runs from January 17th – 19th at the Champlain Valley Exposition. The Department will have a booth at the show.
- Ice fishing for trout and salmon opens on the inland lakes on Saturday the 18th.
- The baitfish regulations that the Board passed in 2019 are now in effect as of January 1st.
- The Department is making final edits to the 10 – year big game plan. It will be released for comment in February or March.
- 748 bears were taken during the 2019 hunting seasons, the highest total ever.
- 16,479 deer were taken during the 2019 hunting seasons, the fourth highest total since 2000.
- The Department has made some major changes to its land acquisition strategy. The Department has received a significant amount of federal funding to purchase and restore wetland properties that have been in used in farming in order to restore them to functioning wetlands and reduce phosphorous run-off. We've received a great response from landowners and expect additional future federal funds for this work.
- Please check the Department's website for upcoming guided walks on WMAs.
- The Department has proposed a bill in the legislature to create an access fee for visitors to Wildlife Management Areas (WMA) and access areas who don't already have a hunting, fishing, or trapping license. Hunters, trappers, anglers, and boaters have paid into the system for a long time. As the use by other users increase we think it's reasonable for them to also share the cost of maintenance, upkeep, and enforcement.
- The legislature is considering changes to ACT 250, Vermont's development law, that will likely have impacts for the Department. The Department does lots of biological work for ACT 250 review. The current bill proposal may change the way the Department is compensated for that work.
- There are provisions in the Department's annual omnibus bill and an agricultural housekeeping bill that would provide authority for game wardens to intervene on feral swine, and escaped domestic pigs. This has been a jurisdictional gray area.
- The Department is working on an FAQ fact sheet on the new deer regulations that go into effect this year.

The Meeting was adjourned at 7:40

The mission of the Vermont Fish and Wildlife Department is the conservation of all species of fish, wildlife and plants and their habitats for the people of Vermont.

Attachment 1. Wanton Waste Petition Draft Language

Wanton Waste and Wildlife Disposal

A person shall not intentionally kill fish or game of any species which has a season and a bag limit; and intentionally, knowingly, or recklessly fail to make a reasonable effort to retrieve and dispose of it. Any fish or game taken must be immediately made part of the daily or seasonal bag limit.

This shall not apply:

- (1) when the failure to retrieve and dispose of the carcass is beyond the control of the person due to:
 - (A) theft by another person;
 - (B) unanticipated weather conditions or other act of God that prevents salvage or retrieval;
 - (C) unavoidable loss in the field to a wild animal; or
 - (D) lack of legal access to property where wounded or dead game is located;
- (2) in order to defend a person or property, including defense of property authorized under this part or rules adopted under this part;
- (3) when the animal is sick, diseased, or injured;
- (4) to a law enforcement officer or state or municipal employee acting within the course of his or her employment; or
- (5) when following generally accepted hunting, trapping, or fishing practices for retrieval of fish or game, including requirements or practices under this part or rules adopted under this part.

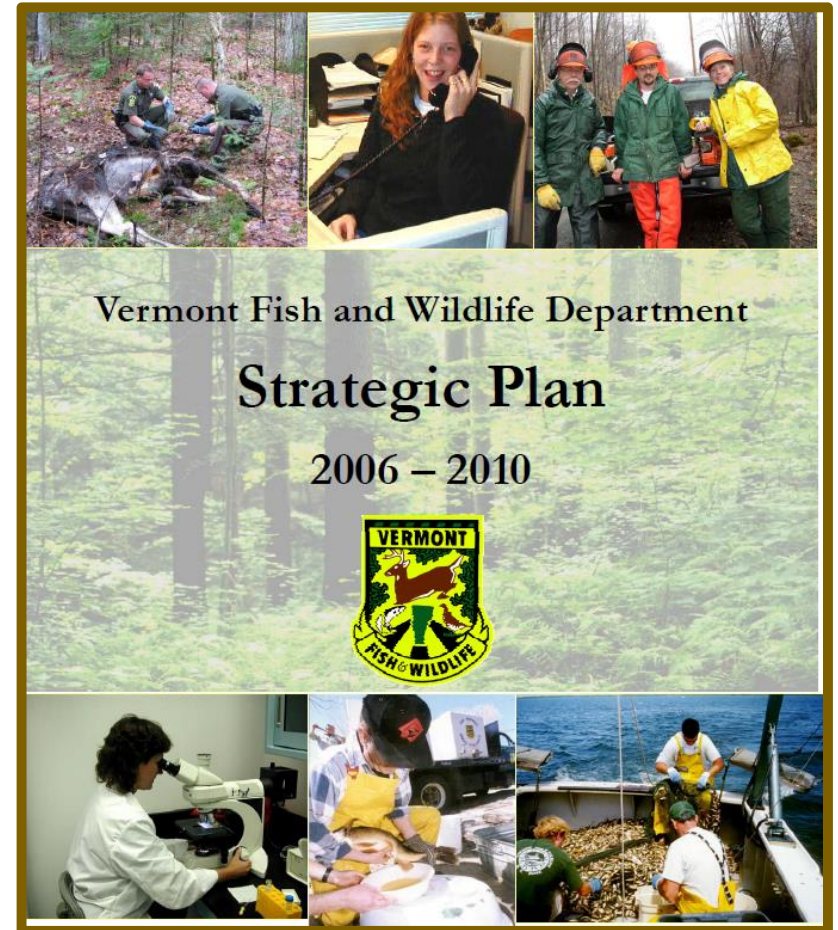
A photograph of three deer in a snowy forest. The deer are brown and appear to be looking towards the right. The background is filled with snow-covered trees and branches. The text 'Wanton Waste' is overlaid in the center of the image.

Wanton Waste

A History in Vermont

2001 Department Strategic Plan

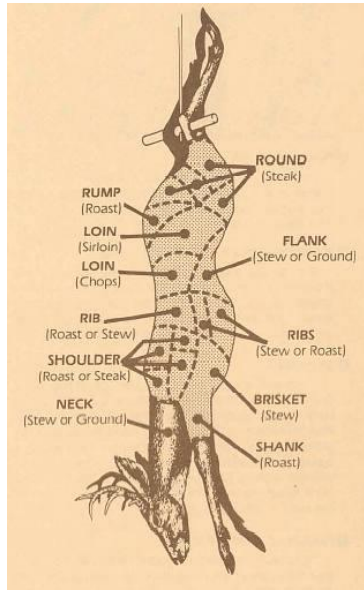
- Strategy: *“Develop and enforce regulations to encourage responsible and ethical harvest techniques and discourage waste of Vermont’s fish and wildlife resources”.*



A photograph of a hunter in camouflage gear, including a hat and jacket, holding a large turkey in his right hand and a rifle in his left. He is standing in a wooded area with trees and a clear sky in the background. A large, semi-transparent circular graphic is overlaid on the left side of the image, containing text.

Consistency

- 10 V.S.A. Section 4082: The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species....
- Not a unique approach. Many other states have regulations dealing with the utilization and/or the retrieval of wildlife.
- Conforms to the NA Model
- Sportsmen's code



Vermont State Law

- Bear, deer, moose, turkey depredation statutes 4826 and 4827:

A person who kills the deer, bear, moose, turkey [doing damage] shall immediately properly dress the carcass and care for the meat.

* § 23. Methods of taking, possessing and transporting migratory game birds





April 2004—Department proposed WW regulation to the Board:

- 3.1 Any person who at anytime takes any bird, game animal, or fish, other than baitfish, shall make a reasonable effort to retrieve such bird, game animal or fish. A person shall not neglect an edible portion and shall dispose of non-edible portions in a reasonable and sanitary manner.


Another Version

While taking or attempting to take furbearers, big game, waterfowl, game birds, gray squirrels, rabbits, or fish, a person shall not abandon a dead or injured animal without making a reasonable effort to retrieve it from the field. A person shall not leave a usable portion of the furbearer, big game, waterfowl, game bird, gray squirrel, rabbit, or any fish that may be lawfully kept in possession in the field. **“Usable portion”** in this instance means the following: 1) for big game, waterfowl, game birds, gray squirrels, and rabbits, that part of the animal that is customarily processed for consumption; 2) for furbearers at least one of the following: the fur, hide, bones, or glands; and 3) for fish, unless released, that portion of the fish that is customarily processed for consumption.Furbearers must be properly skinned and the hide either dried, tanned, or sold. All species listed must be properly utilized and/or cleaned, and the meat eaten or preserved for future consumption.

May 2007 Board Meeting

- Wanton waste proposal submitted to the Board by the Department
- The Board received public comment from 9 individuals and organizations—7 opposed and 2 in favor.
- Rule as written was unanimously rejected.
- Board asked the Commissioner to establish a working group to make recommendations to the Board.





June 17, 2008:
First Meeting
of the Working
Group

Members:

- Vermont Bear Hounds
- HAT
- Vermont Traditions Coalition
- Vermont Federation of Sportsmen
- Two Board members
- Vermont Trappers Association
- Vermont Game Warden
- Ruffed Grouse Society
- 3 Department staff
- Chair: Kim Royar

Working Group Products

- Compilation of regulations from other states,
- Justification for the proposal,
- Proposed language.





December 2008 Board Meeting

- **Hunting:** “ No person may take any game or small game species by means of hunting and abandon the carcass. A reasonable effort must be made to retrieve any taken or wounded game or small game animal and the retrieved animal must be immediately made part of the daily or seasonal bag limit.
- **Fishing:** “No person may take any fish **that is** not retained as part of a person’s daily creel limit shall be returned to the water body from **which it was taken, using reasonable care to keep the fish alive.**
- **Trapping:** “A person who takes a fur-bearing animal shall not abandon any **usable** pelt.”
- Excludes sick or diseased animals and animals taken in defense of property.



March 2009 Hearings

- Essex
- Montpelier
- Castleton



Issues Raised at Hearings

- Almost unanimous opposition,
- Sportsmen and women were offended by the suggestion that they don't utilize the game they take,
- "A solution in search of a problem",
- Suspicion that it was directed at coyotes specifically,
- Crows,
- Discarded wildlife provide food for other wild animals.

Changes since 2004—Move from blanket rule to species specific

§ 7. Bear Management Rule

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

§ 15. Rule governing public use of Vermont Fish and Wildlife Department Lands

5.1 prohibits the abandoning, or disposal of any animal carcass, or their parts, except that portions of fish or game legally harvested on the property may be deposited on;

§ 33. Moose Management Rule

§ 37. Deer Management Rule

11.1 A deer carcass shall be field dressed prior to reporting in accordance with 10 V.S.A. App. § 2.

§ 107. Handheld Spear, Speargun, Crossbow, and Bow and Arrow

(c) A person who takes a fish by handheld spear, speargun, bow or crossbow with line attached to arrow, in accordance with § 122, shall keep the fish in his or her possession until the fish is permanently removed from waters of the state and used or disposed of properly.

§ 23. Methods of taking, possessing and transporting migratory game birds





The End



Attachment 3

Wanton Waste Laws in Other States

Alaska	<p>AS 16.30.010. Wanton Waste of Big Game Animals and Wild Fowl.</p> <p>(a) It is a class A misdemeanor for a person who kills a big game animal or a species of wild fowl to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.</p> <p>(b) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (hock), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.</p> <p>(c) The imposition or execution of the minimum sentence prescribed in (b) of this section may not be suspended under AS 12.55.080 or 12.55.085. The minimum sentence prescribed in (b) of this section may not be reduced.</p>
Delaware	<p>18.0 Wanton Waste; Penalty Section 7 Del.C. §103(d)</p> <p>18.1 Retrieval and Possession of Game Animals. A person wounding or killing a game animal shall make a reasonable effort to retrieve the wounded or dead game animal. The retrieved game animal shall be retained in the individual's possession until any of the following occurs:</p> <p>18.1.1 The game animal is processed for consumption, consumed or utilized for its fur value.</p> <p>18.1.2 The game animal is transported to the individual's residence, to a taxidermist, or to a place of commercial processing.</p> <p>18.1.3 The game animal is utilized for scientific, educational or research purposes.</p> <p>18.2 Any use of a game animal as not described in items 18.1.1 - 18.1.3 above will be deemed wanton waste.</p>
Illinois	<p>Illinois Statutes Chapter 520. Wildlife § 5/2.33. Prohibitions</p> <p>(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.</p>

Wanton Waste Laws in Other States

Maine	<p>Maine Revised Statutes §11224. Waste of game</p> <p>1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use.</p> <p>This subsection does not apply to coyote.</p>
Minnesota	<p>Minnesota Statutes 97A.031. Wanton Waste.</p> <p>Unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal.</p> <p>Subd. 38. Protected birds.</p> <p>“Protected birds” means all birds except unprotected birds.</p> <p>Subd. 39. Protected wild animals.</p> <p>“Protected wild animals” means big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, lake whitefish and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.</p> <p>Subd. 52. Unprotected birds.</p> <p>“Unprotected birds” means English sparrow, starling, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.</p> <p>Subd. 53. Unprotected wild animals.</p> <p>“Unprotected wild animals” means wild animals that are not protected wild animals including coyote, plains pocket gopher, porcupine, striped skunk, and unprotected birds, except any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.</p>

Wanton Waste Laws in Other States

Montana

Montana Code Annotated. § 87-6-205. Waste of game animal, game bird, or game fish.

(1) Except as provided in subsection (3), a person responsible for the death of any game animal, game bird, or game fish suitable for food may not purposely or knowingly waste the game by:

(a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from the carcass of a game animal;

(b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field.

(2) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable for food may not purposely or knowingly waste the game by:

(a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food.

(3) A person responsible for the death of a mountain lion, except as provided in 87-6-106, may not abandon the head or hide in the field.

(4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the head or hide or any parts required by department or commission regulation for scientific purposes pursuant to 87-3-131.

(5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected with trichinosis is not considered to be suitable for food.

(6) A person convicted of a violation of this section may be fined not less than \$50 or more than \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall:

(a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period; and

(b) pay restitution pursuant to 87-6-905 through 87-6-907.

(7) A person convicted of waste of game by abandonment in the field may be subject to the additional penalties provided in 87-6-901.

Wanton Waste Laws in Other States

New Jersey

New Jersey Administrative Code 7:25-5.22

(h) The following activities shall be considered the wanton waste of a game animal and are illegal:

1. It is unlawful for any person who kills or wounds any white-tailed deer; black bear; wild turkey; rabbit species as defined in N.J.A.C. 7:25-5.3; squirrel; pheasant as defined in N.J.A.C. 7:25-5.2; quail, chukar, or Hungarian partridge; ruffed grouse; and all migratory game birds as defined in N.J.A.C. 7:25-5.13 while engaged in any hunting activities to refuse or neglect to make a reasonable effort to retrieve, retain, or lawfully take into possession such game or wildlife.

2. It is unlawful for any person to take, kill, or capture any game mammal or game bird and remove from the carcass the head, hide, or antlers and leave the edible portions of the carcass and meat to waste except for those species in N.J.A.C. 7:25-5.8, 5.9, 5.10, 5.11, 5.15, 5.17, 5.18, 5.19, and 5.21, except with the permission of the owner or tenant as provided at (h)3 below.

i. As used in this paragraph, “edible portions” means:

(1) For white-tailed deer and black bear:

(A) Front quarters as far as the distal joint of the radius-ulna (knee);

(B) Hind quarters as far as the distal joint of the tibia-fibula (hock); and

(C) Backstrap/tenderloin - the meat along the backbone, between the front and hind quarters;

(2) For rabbit and squirrel:

(A) Front shoulders;

(B) Thighs; and

(C) Backstrap;

(3) For game birds:

(A) For turkey, the meat of the breast, legs and thighs; and

(B) For game birds other than turkey, the meat of the breast; and

(4) Edible portions do not include meat from the head or neck; meat that has been damaged by the method of taking; bones, sinew, and meat reasonably lost as a result of butchering, boning, or close trimming of bones; or viscera. Edible portions do not include meat from diseased or scavenged carcasses.

Wanton Waste Laws in Other States

Pennsylvania

34 Pennsylvania Statutes § 2305. Retrieval and disposition of killed or wounded game or wildlife.

(a) General rule.--It is unlawful for any person who kills or wounds any game or wildlife while engaged in any activities permitted by this title to refuse or neglect to make a reasonable effort to retrieve, retain or lawfully dispose of such game or wildlife.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

Texas

Texas Parks and Wildlife Code - § 62.011. Retrieval and Waste of Game

(a) Except as provided by Subsection (c), it is an offense if a person while hunting kills or wounds a game bird or game animal and intentionally or knowingly fails to make a reasonable effort to retrieve the animal or bird and include it in the person's daily or seasonal bag limit.

(b) Except as provided by Subsection (c), it is an offense if a person intentionally takes or possesses a game bird, game animal, or fish and intentionally, knowingly, recklessly, or with criminal negligence fails to keep the edible portions of the bird, animal, or fish in an edible condition.

(c) It is an offense if a person while hunting kills or wounds a desert bighorn sheep, pronghorn antelope, mule deer, or white-tailed deer in violation of Section 61.022 , 62.003 , 62.0031 , 62.004 , or 62.005 and intentionally or knowingly fails to make a reasonable effort to retrieve the animal or intentionally, knowingly, recklessly, or with criminal negligence fails to keep the edible parts of the animal in an edible condition.

(d) In this section:

(1) "Edible condition" means fit for human consumption. The term does not include any portion of a game bird, game animal, or fish that is:

(A) bruised by bullet, shot, or arrow, or otherwise destroyed as a result of harvest;

(B) decayed or rotting; or

(C) obviously infected or diseased.

(2) "Edible parts" means the meaty portions of a carcass that are retained for consumption after quartering as defined in Section 42.001(8).

Wanton Waste Laws in Other States

Washington

Revised Code of Washington § 77.15.170. Waste of fish and wildlife—Penalty.

(1) A person is guilty of waste of fish and wildlife if the person:

(a) Takes or possesses wildlife classified as food fish, game fish, shellfish, or game birds having a value of two hundred fifty dollars or more, or wildlife classified as big game; and

(b) Recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) Waste of fish and wildlife is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife for a period of one year.

(3) It is prima facie evidence of waste if:

(a) A fish dealer purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition; or

(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing and:

(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or

(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.

Attachment 4. Trapping Petition



Date: December 6, 2019

To: VT Fish & Wildlife Board

Re: Petition for Rule-making

Protect Our Wildlife represents over 2,000 Vermont residents who recreate on our public lands, including national and state wildlife refuges, forests, and parks. Our members include wildlife photographers, hikers, dog owners, campers, and other stakeholders. We have three petition items for the Board to consider relating to trapping.

Trapping is allowed on all WMUs owned by the state, in state forests, and on many other public lands, without public notice. Traps are baited and deliberately hidden from public view, such as under leaves, which makes them impossible to avoid. Kill traps present the biggest danger. The only requirement for their use is that a kill trap with a jaw spread over eight inches must be set at least five feet above ground or in the water. A jaw spread less than that can kill a pet, or other non-target animal, by gripping its head or body with tremendous force. These traps are especially difficult to remove, particularly by someone unfamiliar with them and who is responding to an urgent, life-threatening situation. Pet owners are frequently bitten by their dogs while trying to release them from traps. When an otherwise friendly dog (or cat) is frightened and in pain, it is not uncommon for the animal to turn on his/her owner. As it stands now, even leashed dogs are in danger of being trapped. **No one should have to fear that happening while out recreating on our public lands.**

While we are not disputing that trappers are allowed to trap on **our** public lands, if their activity inherently presents a danger to the public and their pets, then we should work together to mitigate such dangers.

We petition the Board to adopt the following:

1.) Setback requirements for traps

No traps may be set on public land:

- Within 150 feet of any public trail
- Within 500 feet of any trailhead that is accessible to vehicular traffic
- Within 1000 feet of any public campground or picnic area

If there are any designated wildlife crossings, specifically those crossings that were erected and/or maintained for that purpose, no traps may be set within 500 feet of entry points or inside structure. It places animals at an extreme unfair advantage if they are using these travel ways to safely cross roads and end up trapped.

Other states with long trapping histories (e.g. Montana and Oregon), require setbacks. These states have recognized the danger that traps present to animals and people.

2.) Standard signage erected at all trailheads on public land warning the public that trapping is allowed on the land

3.) Prohibit baiting a trap with meat or other animal-derived products if the bait is visible from the air on both public and private lands in an effort to reduce the incidental takes of bald eagles and other raptors

Thank you for your consideration, and we look forward to working with you toward adoption of the proposed rules.

Attachment 5. Proposed Meeting Calendar 2020

2020 Fish and Wildlife Board Calendar

February 19: Migratory Game Bird Season Preview (Straw vote)
2019 Moose Season Recommendation – Preliminary Vote

March: No meetings; public deer/moose hearings

April 1: Migratory Game Bird Hunting Seasons – Final Vote
Deer Management 101 – Nick Fortin

April 22: 2020 Antlerless Deer Permits and Youth Season – Preliminary Vote
2020 Moose Hunting Season Recommendation – Final Vote

May 20: 2020 Antlerless Deer Permits and Youth Season - Final Vote

June 17: