

**Fish and Wildlife Board
Meeting Minutes**

Monday, April 13, 2020

Emergency Meeting

The Vermont Fish and Wildlife Board held an emergency meeting beginning at 4:00 p.m. on Monday, April 13, 2020. The meeting was held via conference call at: 929 436 2866 and meeting ID: 844-167-158

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

Department Staff in Attendance: Louis Porter, Commissioner; Mark Scott Wildlife Director; Col. Jason Batchelder, Law Enforcement Director; Catherine Gjessing, General Counsel; Will Duane, Executive Assistant; Adam Miller, Big Game Project Leader; John Hall, Outreach Specialist; and Chris Ingram, Information Specialist.

Members of the Public: Mark Rosolan and Jay Mohar.

The Meeting was Called to Order by the Chair at 4:00 PM

Introduction from the Commissioner

Commissioner Porter welcomed everyone on the call and explained that the purpose of this emergency meeting was to make a modification to the current big game reporting rule so that successful spring turkey hunters could check in their birds electronically. Currently, the big game reporting rule at 10 V.S.A. App. 2 requires that carcasses be exhibited to a check station or game warden. The temporary change created by the emergency rule would allow electronic check-in of turkeys without the requirement to exhibit the bird. Exhibiting a successfully harvested turkey could be accomplished by uploading a photo to the new online reporting site, however there is concern that not all hunters would be able to accomplish this. The proposed emergency rule, attached at the end of these minutes, would make displaying the carcass a requirement only at the request of a game warden. The option to upload a photo when reporting a bird electronically is still in place and is strongly encouraged. Per the emergency rules statute, this rule will only be in place for a maximum of 180 days.

Public Comments (Limited to 2 minutes per speaker)

Mark Rosolen from Hinesburg: Thank you all for your efforts in trying to solve this problem and getting turkey season on its way. Thank you all.

Jay Mohar from St. Johnsbury: Thank you all for considering this option, I hope it works out well.

Thank you for doing this.

2020 Spring Turkey Season Emergency Rule on Exhibiting a Carcass

Wildlife Division Director Mark Scott read the current rule and the proposed amendment out loud for those on the call. Board Members received the proposed amendment via email prior to the emergency meeting. The substantive change to the rule is as follows (the full, annotated text of the emergency rule is attached to these minutes):

A person taking big game, as defined by 10 V.S.A. § 4001(31), pursuant to the seasons provided by law or regulation of the Fish and Wildlife Board, shall within 48 hours report the taking and exhibit the carcass to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports. Notwithstanding this section, due to the public health risk associated with COVID-19, a person taking turkey shall report electronically or as otherwise authorized by the Commissioner and shall only be required to exhibit the carcass of a turkey at the request of a state game warden.

Director Scott read the rule and the proposed changes aloud twice for everyone on the call.

Department General Counsel Catherine Gjessing explained the process for passing such an emergency rule and the Department's plan for filing. Emergency rules are typically effective for 180 days maximum, though we can include an earlier end date. The intention is that this rule run through the youth weekend and spring turkey seasons. The emergency rule will be effective on the day that the rule paperwork is filed.

Department staff and Board Members discussed the timeframe of the rule's effectiveness, the option of implementing online reporting in the future, the status of check stations for the upcoming turkey season, and the mechanism for the online reporting and the collection of data.

Commissioner Porter noted that if the Department recommends online reporting for big game in the future, that rule would go through the full notice and comment public-engagement process.

Law Enforcement Division Director Col. Jason Batchelder stated he had reviewed the online reporting system and that the requirements were just as enforceable as the current reporting system at check stations.

Board Chair Biebel asked if there was a motion to adopt the emergency rule as proposed by the Department.

Motion: Bryan McCarthy moved that the Board vote to adopt the Department's recommended emergency rule as proposed. Jay Sweeny seconded the motion.

Discussion: Board Members requested clarification on the length of the emergency rule and its potential impacts on the fall big game seasons. Catherine Gjessing clarified that, per statute, emergency rules were effective for 180 days and the emergency rule goes into effect upon the date of filing. The Department will note in its filing to the Secretary of State that the rule shall terminate prior to the start of the fall turkey season. This emergency rule will not be in effect for the fall turkey season.

The Department will inform big game reporting stations and issue press releases if the emergency rule is successful.

Board Chair Biebel read the text of the proposed emergency rule one additional time prior to the vote.

Vote: There was a unanimous roll-call vote to approve the proposed emergency rule.

Commissioner's Update

- Board Chair Biebel asked which Board Members intend to join that evening's public hearing on deer and moose.
- Commissioner Porter thanked the Board Members for their attendance at this emergency meeting. It's possible that there will be no issues with reporting online and uploading photos for successful spring turkey hunters, but we wanted to make sure that successful hunters were not in violation of the rules because the technology was difficult.

The meeting was adjourned at 4:32 PM

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

ANNOTATED

10 App. V.S.A. § 2. Report, big game

(a) A person taking big game, as defined by 10 V.S.A. § 4001(31), pursuant to the seasons provided by law or regulation of the Fish and Wildlife Board, shall within 48 hours report the taking and exhibit the carcass to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports. Notwithstanding this section, due to the public health risk associated with COVID-19, a person taking turkey shall report electronically or as otherwise authorized by the Commissioner and shall only be required to exhibit the carcass of a turkey at the request of a state game warden.

No big game carcass shall be transported out of the State without first being reported as required herein.

(b) The Commissioner shall pay to the authorized agent a fee of \$1.00 for each report taken on species where reports are required by law.