

Vermont Fish and Wildlife Board

Meeting Minutes from Wednesday, January 30, 2019

The Vermont Fish and Wildlife Board held a meeting at 5:00 p.m. on January 30, 2019 at [1 National Life Drive, Montpelier VT 05620](#) in the Dewey Building.

Members of the Board in attendance: Kevin Lawrence (Board Chair), Theresa Elmer (Vice Chair), David Robillard, Michael Kolsun, Cheryl Frank Sullivan, Bill Pickens, Pete Allard, David Fielding, Brian Wiles, Dennis Mewes, Tim Biebel, Wendy Butler,

Fish and Wildlife Department Staff: Louis Porter (Commissioner), Mark Scott (Director of Wildlife), Maj. George Scribner (Asst. Director of Law Enforcement), Susan Warner (Director of Outreach), Catherine Gjessing (General Counsel), Kim Royar (Wildlife Biologist), Lt. David Gregory (Game Warden), Sean Fowler (Game Warden), and Tom Rogers (Information Specialist).

Members of the Public in Attendance: Rodney Elmer, Brian Bailey

The Board meeting was called to order at 5:01 PM, by Board Chair Kevin Lawrence

1. Approval of October 24th, 2018 Meeting Minutes

Motion: Tim Biebel moved that the minutes of the previous October 24, 2018 Board meeting be approved as drafted. Theresa Elmer seconded the motion.

Vote: Unanimous voice vote in favor of the motion.

2. Public Comments (2 minutes per speaker)

None

3. Lifetime Hunting License Drawing

Board Vice-Chair Theresa Elmer did the drawing. Awarded to: Kevin B. Condon of Brattleboro, Vt.

4. Hunters for the Hungry

Commissioner Porter provided background on the difficulties of getting people to donate already processed meat. Many people already do donate to friends and neighbors. There are concerns about the ability for wardens to maintain a donation list. Currently salvageable dead deer are valuable for them for community outreach and developing positive relationships.

Wildlife Director Scott added that the Department has tried to do this before but there has been little interest among the hunting community. There are several obstacles, but the Department will explore this topic more if there is a lot of interest.

Maj. Scribner stated that wardens do quickly find homes for road kills and that that process does work well. Lt. Gregory spoke about existing relationships with wild game butchers. Warden Fowler said that state licensed butchers don't process wild game meat. The food pantries might take it, but it's hard to get to them.

The Board discussed the pros and cons and the issues of creating a formal Hunters for the Hungry program. Concerns included whether hunters would be willing to donate when it may take them several years to get a deer, whether the meat would go to the needy, as there is no screening at Food Shelves, would other species beyond deer go towards this program. Possibility of creating a Hunters for the Hungry stamp or sticker to defray the cost. Perhaps the Department will consider including this in the outreach to deer hunters when surveying them on deer regulations.

5. Trapping in defense of Property for Compensation Regulatory Proposal and Second Vote

Wildlife Director Scott introduced Furbearer Biologist Kim Royar and General Counsel Catherine Gjessing to discuss the current rulemaking proposal and public comments received for the trapping of rabbits and furbearers doing damage to property for compensation.

Catherine Gjessing summarized the written comments. Of the approximately 166 public comments received, 3 people simply opposed everything, 4 people who generally supported everything. 21 people said snares should be banned. 13 people said trapping should be banned. 41 people said they supported the changes, but snares should be banned. 84 said they support the proposal and that it doesn't go far enough and suggested additional mandatory training and special licenses.

A few had substantive feedback – including concerns about 4.12 and what's prohibited when dealing with dens, generally from folks who trap and stated that it would limit their ability to address nuisance issues. Others had concerns about 4.11 and whether the prohibition against the use of poisonous mixtures, prohibited moth balls, carbon dioxide or carbon monoxide. One person said allowing people who trap for compensation to possess wildlife should be clarified to make it clear that possession is temporary and only for certain purposes. The suggestion was to add 4.8 with clarifying language. There were also some expressions of concern regarding threatened and endangered species.

Mark Scott reiterated that there was some confusion about the changes at the public meeting given there are legislative changes along with the proposed rule. Several people at the public hearing requested that we define compensation and expressed similar concerns about 4.11 and 4.12.

Kim Royar gave a short presentation on the proposed changes to the rule at this round of voting. 3.1

defines Compensation as money, it does not include trading or barter. Add 5.20 and with the exception of T&E species, allow the trapping of these furbearers outside of the season in defense of property (nuisance trapping). Changed “taking” of rabbits and furbearing animals to “trapping” of rabbits and furbearing animals. Delete 4.12 which entails the den prohibitions which included “chemicals” being banned because things like carbon dioxide and carbon monoxide, considered among the most humane methods, would be not be available to compensation trappers.

Board discussed the rule changes.

Additional rule changes highlighted by Catherine were 4.8 which allows temporary moving of wildlife for euthanasia. Also 4.11 might need to be removed because that would remove the ability to use chemicals such as carbon monoxide.

Board Member Bill Pickens suggested changing a rule about beaver trapping in March that hasn't been updated due to the changes to the otter rule.

It was suggested that 4.8 relating to possession be added to apply to compensation trappers with the language “Possession is allowed for the purpose of moving the animal to a more appropriate place for the purpose of euthanasia.”

It was suggested to leave 4.11 in the rule so that it applies to compensation trappers, but with the addition of “unless the animal has already been trapped.”

Suggested striking 4.12.

Change 5.20 to 5.19 to remain sequential in order.

6.0 Delete “taking” and substitute “trapping in the header.

6.1 deleting nuisance, adding “in defense of property” and adding several things.

Board Chair Kevin Lawrence suggested making the changes and reviewing this in February instead of having a second vote at this meeting.

Motion: Bill Pickens made a motion to move this to February, Pete Allard seconded.

Vote: Voice vote all in favor, none opposed.

6. Commissioner's Update

Read a brief written update on the baitfish rule by Adam Miller and asked anyone with questions to contact him.

Waterfowl hearing locations are firmed up. Two meeting locations this year rather than three due to generally sparse attendance. March 12 in Whitehall Senior Center in NY, March 14 Winooski High School, Performing Art Center.

Thanks to the Board members for a good day at the deer trainings.

CWD Meetings are coming up – first one cancelled due to weather, next is Barre tomorrow night, then Mendon Fish and Game.

Fishing Festival was huge this year 770. Many people caught fish, big pike taken by person’s first fish through the ice. Drew Price was recognized as the first master angler to catch all 33 species.

Asked if the next Board meeting on February 27 works? Members replied that it does.

Summary of preliminary 2018 Harvest data was given out. This is a challenging winter to date for deer with winter severity.

We sent out an electronic survey to license 2018 license buyers who indicated they hunt coyote and bobcat. There has been confusion and concern whether this was a legitimate department survey. Department will be re-contacting everyone who received the initial survey.

Highlighted the Rumble Strip Vermont story that profiled Warden Jeff Whipple.

Only one major Fish & Wildlife Department proposal in this legislative session – to tweak to moose hunting statute to have auction and veteran permits be a percentage rather than specific number and propose that the department can suspend the requirement that people have to apply to keep their bonus points, when issued permit numbers are low. There will be several other bills introduced that Department will need to follow.

Budget issues result in potential closing of Salisbury Fish Culture Station. This will severely affect our ability to stock trout. We’re anticipating a phased approach. Salisbury needs a \$12-13 million upgrade to meet water quality standards.

7. Board Member Roundtable Discussion

Motion: Tim Biebel motioned for the meeting to adjourn. Kevin Lawrence seconded the motion.

Vote: The Board voted unanimously to adjourn.

The Board Meeting was adjourned by the Chair at 6:50 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:
Trapping Rabbits and Furbearers in Defense of Property for Compensation
Rule Draft for January 30, 2019 Vermont Fish and Wildlife Board Meeting

§ 44. Furbearing species

ANNOTATED

Proposed Changes to Rules in Response to Act 170 based on Public Input

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating 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 these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to maintain the best health, population, and utilization levels of the regulated species.

1.3 This rule shall apply to all persons who take or attempt to take fur-bearing animals by trapping or hunting.

2.0 Purpose

The purpose of this rule is to regulate the taking of fur-bearing animals.

3.0 Definitions

3.1 "Commissioner" means the Commissioner of the Vermont Department of Fish and Wildlife.

3.2 "Compensation" shall mean money.

3.3 "Department" means the Vermont Department of Fish and Wildlife.

3.4 "Board" means the Vermont Fish and Wildlife Board.

3.5 "Fur-bearing animal" means beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as amended pursuant to 10 V.S.A. § 4001.

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

3.7 A "trap" means a mechanical device used to capture, kill and/or restrain fur-bearing animals excluding firearms, muzzleloaders and archery equipment.

3.8 A "tanned" pelt is one that has been treated to turn the skin into leather.

4.0 Restrictions

4.1 A person trapping for fur-bearing animals under this rule shall visit his/her traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, colony/cage traps underwater or foothold traps under the ice shall visit his/her traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than his/her own which does not have his/her name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.

4.5 A person shall not set a body gripping trap with a jaw spread over eight inches measured inside the jaws unless the trap is set five feet or more above the ground, or in the water.

4.6 A person shall not use toothed foothold traps or snares when trapping under this section.

4.7 A person shall not set a trap between December 31 and the following fourth Saturday in October unless the trap is in the water, under the ice, or on a float in the water.

4.8 A person shall not possess a living fur-bearing animal, except as provided by rules of the board or 10 V.S.A. part 4.

4.9 A person shall not possess a fur-bearing animal trapped outside of its legal season without the written authorization of the Department, not to include animals taken pursuant to 10 V.S.A. § 4828.

4.10 A person shall not possess fur or skin of a fur-bearing animal unlawfully taken.

4.11 A person shall not take a fur-bearing animal by use of any poisonous mixture.

4.12 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of chemicals, or by the use of mechanical devices.

4.13 Beaver Muskrat

a.) When trapping muskrat between March 1 and March 31, body gripping traps are restricted to 5 inches or less.

b.) A person shall not disturb or destroy a beaver or muskrat house or den or place a trap therein, thereon, or in the entrance thereof.

- c.) A person may set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam only from the 4th Saturday in October through the last day of February, all dates inclusive.
- d.) Except for the setting of traps as provided under 4.13b and 4.13c, a person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

4.14 Bobcat; Otter; Fisher.

- a.) From December 17 to December 31, both dates inclusive, in order to minimize incidental bobcat harvest during the remainder of the fisher season, a person shall not set a body gripping trap with a jaw spread over 6 inches measured inside the jaws unless the trap is set 5 or more feet above the ground, or in the water.
- b.) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- c.) A person who takes bobcats, otter, or fisher during these seasons shall notify authorized Department staff within 48 hours of the close of the season. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.
- d.) No bobcat, otter, or fisher pelts or carcasses taken during these seasons shall be transported out of the State of Vermont prior to being tagged by authorized Department staff.
- e.) A person who takes bobcat, fisher, and otter pursuant to 10 V.S.A. § 4828 and who desires to keep the pelt shall notify authorized Department staff with 84 hours of the taking. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

4.15 Raccoons

- a.) A person shooting raccoons during the raccoon hunting season shall use a 0.22 caliber rimfire firearm or a shotgun with #2 shot or smaller.
- b.) A light may be used to illuminate and shoot a raccoon once treed by a dog, or dogs, during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog, or dogs, during the training season.

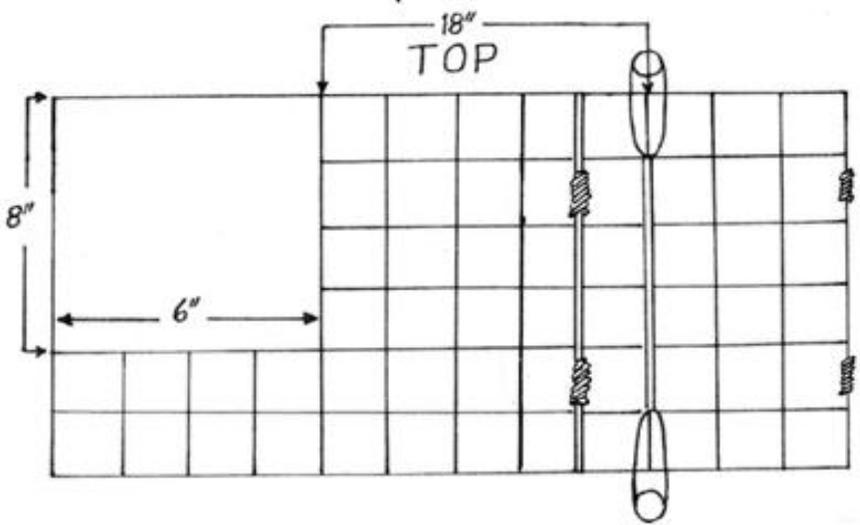
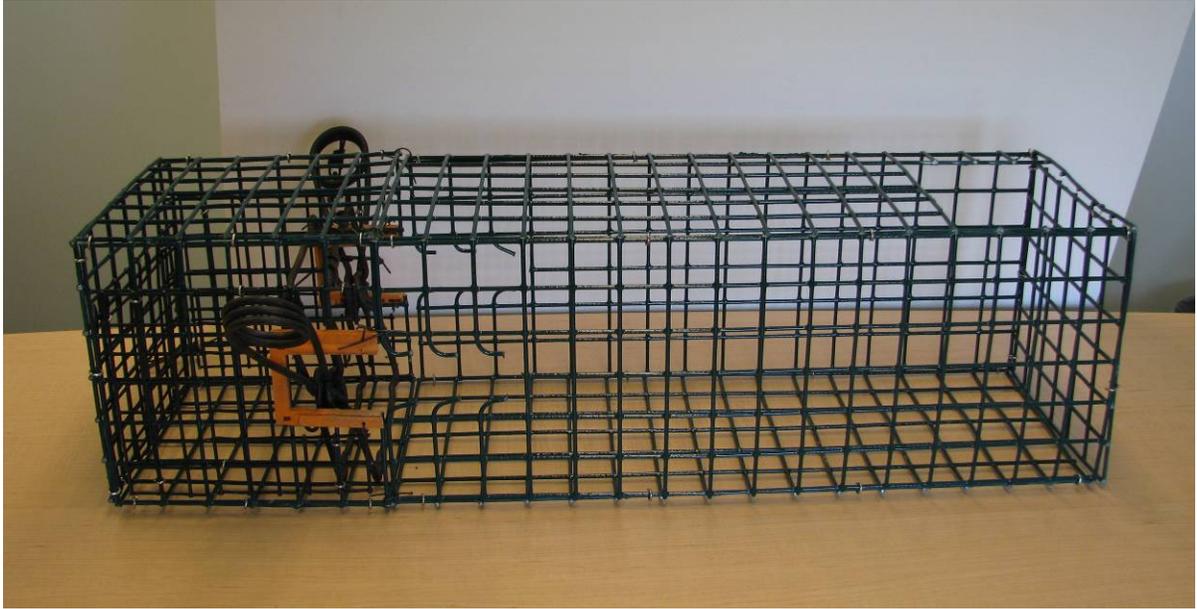
4.16 Lynx

- (a) This subsection shall be effective on January 1, 2014.

- (b) Any person who incidentally captures a lynx shall notify the Department immediately.
- (c) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.
 - (1) Foothold traps set on land must be anchored using a chain or cable no longer than 18” that is center-mounted to the trap using a swivel connection and must have at least one in-line swivel along the chain or cable.
 - (2) From the fourth Saturday in October to December 31, both dates inclusive, all body gripping traps must be set:
 - i. In the water, or;
 - ii. Within a Canada lynx exclusion device as described below and as depicted in Diagram 1:
 - a. the trap jaws shall be completely within the device;
 - b. the trap springs may extend outside of device through openings no larger than 7.5” wide by 1.5” high;
 - c. the device shall not have an opening greater than 6” by 8”;
 - d. the opening shall not be directly in front of the trap but shall instead be either on the top or side of the device;
 - e. the trap set within the device shall be a minimum of 18” from the closest edge of the opening to the trap;
 - f. there shall be at least two attachment points for each side of the device where there is a joint or where panels come together;
 - g. the device shall be constructed of wood or of wire mesh of 16 gauge or less wire (.05” diameter wire or greater) and having a mesh size with openings no greater than 1.5” X 1.5” or 1” X 2”;
 - and,
 - h. the trap shall be anchored outside of the device; or
 - iii. Off the ground as described below and as depicted in Diagram 2:
 - a. at least 5’ above the ground or if snow is on the ground at least 5 feet above snow level with the exception of the 24-hour period immediately following a snowstorm;

- b. affixed to a standing tree which is free of branches below the trap or to a leaning section of pole that has not been planed or otherwise altered except for the removal of branches and is less than 4” in diameter at the trap and is angled at least 45° along its entire length from the ground to the trap; and
 - c. in an area that is free of any object within 4’ of the trap.
 - (3) From the fourth Saturday in October to December 31, both dates inclusive, body gripping traps no larger than a typical 160 (inside jaw spread up to 6.5”) may also be set on the ground if placed:
 - i. Under overhanging stream banks, or;
 - ii. In blind sets without the aid of bait, lure or visual attractants, or;
 - iii. Within a cubby constructed of artificial materials with the trap inserted at least 7” from the front and with an opening no greater than 50 square inches as depicted in Diagram 3.
 - (d) The establishment of a ten-year “Lynx Study Period” shall commence on the effective date of this subsection. The Department will assess the status of lynx in Vermont, identify and evaluate additional techniques and devices for avoiding incidental capture of lynx, and develop revisions to these rules in accordance with the findings of such studies and all current information. The rules set forth in this subsection 4.16 shall expire on January 1, 2024 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:
 - (1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;
 - (2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and
 - (3) The outcome of Maine’s Incidental Take Permit application process.

Diagram 1. Canada lynx exclusion device for body gripping traps.



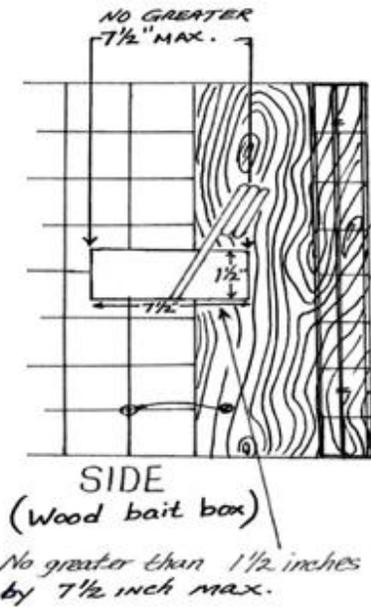


Diagram 2. Off the ground sets for body gripping traps.

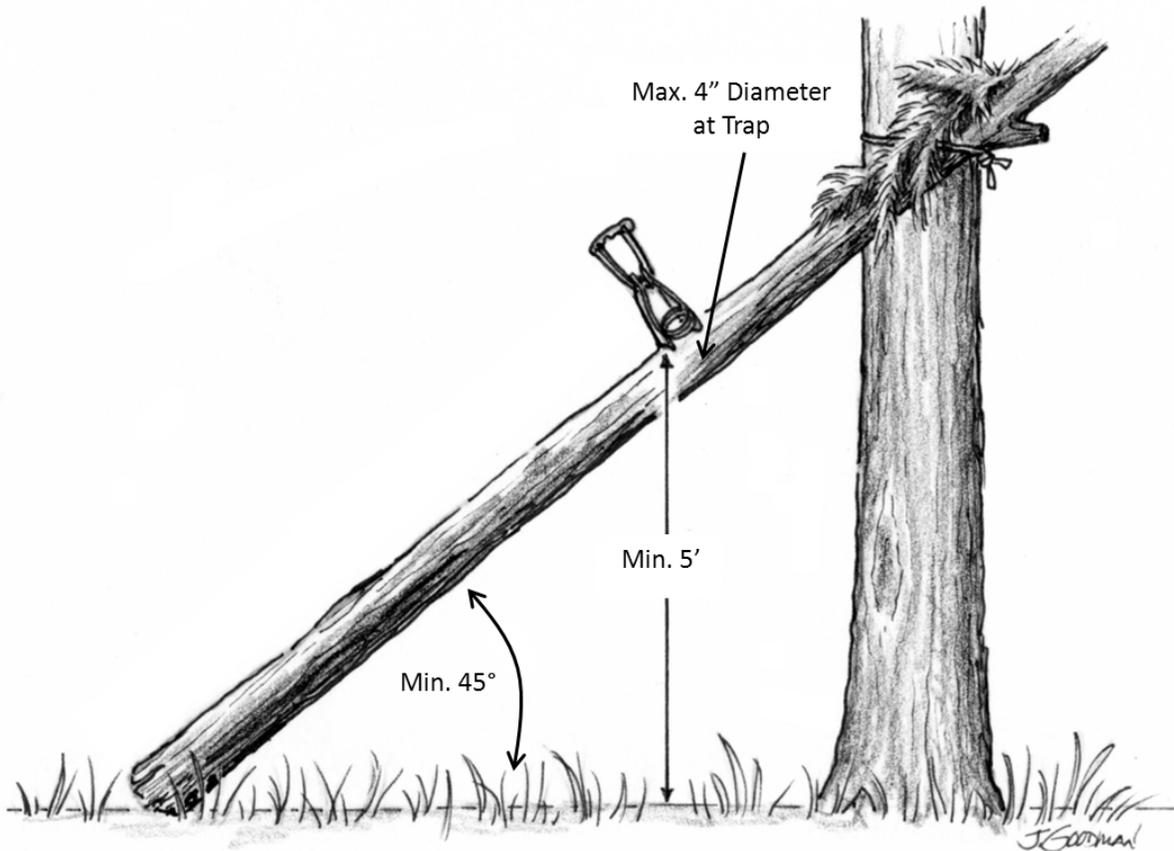
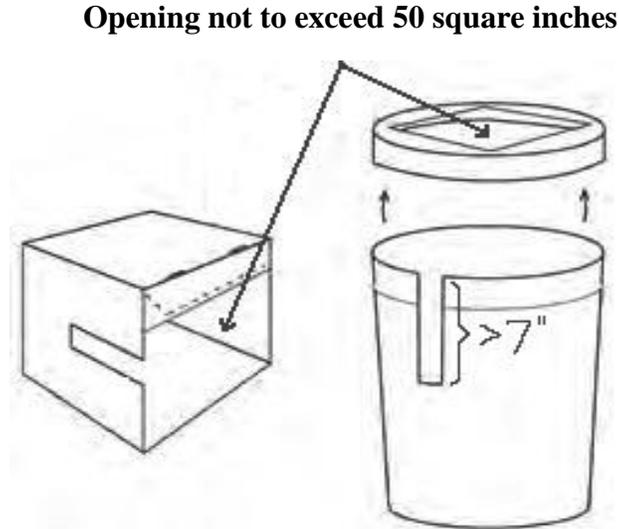


Diagram 3. Cubby sets for body gripping traps no larger than a typical 160.



4.17 Biological Collection

- a) Any person who obtains a trapping license shall complete and submit an annual biological collection trapper survey for the license season to the Department, within the timeline specified by the Commissioner.
- b) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

5.0 Seasons, Bag Limits

The following seasons, methods and bag limits are hereby established for the species listed. All hunting seasons will be with or without dogs, except as otherwise provided. Below is the exclusive, exhaustive list of season and means of take of fur-bearing animals. The taking of fur-bearing animals at other times or by other means, except where otherwise provided by law, is prohibited. All dates are inclusive.

Seasons	Dates	Bag Limit
5.1 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero

5.2	Otter		
	By trapping	Fourth Sat. in Oct.- last day of March	No limit
	By hunting	No open season	Zero
5.3	Marten	No open season	Zero
5.4	Mink		
	By trapping	Fourth Sat in Oct.-Dec. 31	No limit
	By hunting	No open season	Zero
5.5	Raccoon		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.6	Bobcat		
	By trapping	December 1-December 16	No limit
	By hunting	January 10-February 7	No limit
5.7	Fox (red or grey)		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	Fourth Sat. in Oct. through the second Sun. in Feb.	No limit
5.8	Skunk		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.9	Muskrat		
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.10	Coyote		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.14	Fisher		
	By trapping	December 1-December 31	No limit
	By hunting	No open season	Zero
5.15	Weasel		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.16	Opossum		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit

5.17 Wolf	No open season	Zero
5.18 Lynx	No open season	Zero

5.20 With the exception of state and federally listed threatened and endangered species, seasons shall not be applicable to any person, who takes a furbearing animal in defense of persons or property for compensation, in accordance with 10 V.S.A. § 4828.

6.0 Trapping Rabbits and Furbearers in Defense of Property for a Fee

6.1 In accordance with Sec. 11 of Act 170 from the 2017-2018 Adj Session, the following sections and subsections of Board rules set forth in Title 10, Appendix § 44 are applicable to trapping nuisance-rabbits and fur-bearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 (except that snares shall not be prohibited), 4.10, 4.11, 4.12, 4.14 (e), 4.16 (b), 4.17 (a) and (b).

Attachment 2

Baitfish Regulatory Update

The five public hearings that were held for the proposed fish regulations (St. Albans – 1.7.19, Brattleboro – 1.9.19, Rutland – 1.14.19, Orleans – 1.15.19, Montpelier – 1.16.19) were lightly attended (average attendance = 10 attendees / meeting) with minor public comment. Overall there seemed to be general support for the new baitfish regulations proposal with some questions brought up that may result in some proposed tweaks to the revision package for baitfish. Rutland was somewhat more chaotic than anticipated; however, in the midst of negative feedback from anglers, the public seemed overall supportive of the option that the board voted on and had little suggestions on how to improve the current proposal. There was very little feedback on the regulation proposals for Jobs Pond, Martin Pond, and the Lamoille River. Public comment is being compiled and will be shared with the Board at the end of the public comment period (1.24.19). The baitfish regulation review team plans to meet on 1.31.19 to discuss the public comment and, if warranted, propose any potential tweaks to the baitfish regulation proposal. Anticipated second vote is still planned for 2.20.19 with an anticipated third vote on 4.3.19 and an anticipated effective date of 1.1.20. If board members should have any question or concerns regarding the regulations please reach out to Adam Miller.

Thank You,

Adam D. Miller

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Preliminary Harvest Summary for the 2018 Hunting Seasons

as of January 31, 2019

These summaries are simply tallies of harvest reports received to date from statewide check stations. These totals do not incorporate or reflect annual variations in weather conditions, hunter pressure, or other factors that may affect harvest numbers.

Final harvest numbers will be reported in the annual harvest reports for each species, available on our website (www.vtfishandwildlife.com) later this year.

	To-Date Totals	Previous Three-Year Average
White-tailed Deer		
Youth Weekend	1,341	1,392
Archery Season	3,980	3,481
Rifle Season	7,458	7,218
Muzzleloader	6,066	2,893
Total	18,845	14,984
Black Bear	680	662
Wild Turkey		
Spring Season		
Youth Weekend	525	644
Regular May Season	5,373	5,081
Fall Season	1,310	839
Total	7,208	6,564
Moose		
Regular	9	—
Archery	1	—
Total	10	—