

Fish and Wildlife Board Meeting Minutes

Wednesday, May 18, 2022

The Vermont Fish and Wildlife Board held a meeting beginning at 5:00 pm on Wednesday May 18, 2022, at the National Life Building in Montpelier. A recording of the meeting is available on the department's YouTube channel.

Board Members Present: Board Chair Brad Ferland, Brian Bailey, Michael Bancroft, Nicholas Burnham, David Deen, Jamie Dragon, Michael Kolsun, Bryan McCarthy, Robert Patterson, David Robillard, Jay Sweeny, Martin Van Buren

Present virtually: Neal Hogan

Absent: Nancy Mathews

Department Staff Present: Commissioner Christopher Herrick, Director of Wildlife Mark Scott, Director of Outreach Alison Thomas, Counsel Catherine Gjessing, Furbearer Biologist Kim Royar, Deer Project Leader Nick Fortin, Game Warden Lt. Sean Fowler, Public Information Officer Joshua Morse

Staff Present Virtually: Game Warden Col. Jason Batchelder, Director of Fisheries Eric Palmer, Wildlife Management Program Manager David Sausville

Members of the Public Present: Bill Pickins (Wolcott)

Member of the Public Present Virtually: Kurt Behrens (not identified), Sophia Bowater (not identified), Kristen Cameron (Burlington), Mike Covey (Williamstown), Jane Fitzwilliam (Putney), Marion Gideon (Morrisville), Sarah Gorsline (Grand Isle), Gerry Huck (Roxbury), Lisa Jablow (Brattleboro), Anne Jameson (Marshfield), David Kelley (Greensboro), George Lindeau (not identified), Walter Medwid (Derby)

Agenda items:

- 1) Approval of Previous Meeting Minutes.
 - April 27, 2022
- 2) Public Comments (Limited to 2 minutes per speaker)
- 3) Petition Discussion
 - Petition to close Nichols Pond to ice-fishing
 - Petition to regulate coyote hunting with hounds
- 4) Final Vote on 2022 Antlerless Deer Hunting and Youth Weekend Proposal
- 5) Update on Trapping Petition
- 6) Commissioner's Update

The meeting was called to order at 5:00 pm

APPROVAL OF PREVIOUS MINUTES

Motion: Chair Ferland moved to approve the previous meeting's minutes.

Vote: 10 yes, 0 no, 4 abstain for new members who were not in attendance and one absent member.

NEW MEMBERS INTRODUCED

Commissioner Herrick and Chair Ferland introduced the newly appointed members: Nicholas Burnham, Neal Hogan, and Robert Patterson. The sitting board members and department staff present introduced themselves.

PUBLIC COMMENT (2 MINUTES PER SPEAKER)

Kristen Cameron (Burlington): Stated that coyote hounding is dog fighting and should be illegal. Stated that the board and department historically privileges sportspeople, and that she looks forward to inclusion of other perspectives on the board as a matter of equity. Asked how the board can hold wildlife in public trust without diversity of thought in the decision-making process.

Lisa Jablow (Brattleboro): Stated that S201 and S281 are still to be resolved. Stated that legislators recognize the cruelty of Vermont's trapping practices. Stated that the commissioner and board have been tasked with crafting and adopting more humane practices, and that best management practices (BMPs) do not meet these standards. Recommended that the board accept recommendations on trapping [from Protect Our Wildlife (POW), Green Mountain Animal Defenders (GMAD), and the Humane Society]. Stated that the moratorium on coyote hunting is sensible until guidelines that allow hunters to keep their hounds under control can be established.

Anne Jameson (Marshfield, Wildlife Advocacy Coordinator for Green Mountain Animal Defenders): Acknowledged more open attitude and willingness to listen [from the department/board]. Stated that trapping and hunting coyotes with hounds are cruel. Listed trapping recommendations from GMAD [and others] including: prohibiting trapping of bobcats, otters, mink, fisher, and coyote on the basis of other stressors including habitat loss and the ecological services they provided; that gunshot should be the only legal method of kill [of trapped furbearers]; that warning signs must accompany traps on public lands; that checking traps be mandated to occur before noon; that incidental take be reported within 24 hours; that drowning sets be prohibited.

Walter Medwid (Derby): Stated that his comments are general and not specific to the meeting's agenda. Stated that many movements, wildlife professionals, The Wildlife Society, the Association of Fish and Wildlife Agencies, Vermont legislators, and others, are calling for changes in wildlife management. Stated that large majorities of department staff also feel wildlife management should change. Called on board members to adapt to change.

Jane Fitzwilliam (Putney, Representing Vermont Coyote Coexistence Coalition): Stated that she does not see how the board can regulate coyote hounding and leg hold trapping to make them safer and more humane, and that both should be banned. Stated her interest in participating in future conversations with the department and discussing a regulated coyote hunting season.

Sarah Gorsline (Grand Isle): Identified herself as a landowner and Project Coyote employee. Stated that coexistence strategies can be financially viable. Stated support for S281, noting that coyotes are important keystone predators. Stated that coyote hounding violates landowner rights. Stated appreciation that the board is going to try to find meaningful solutions to these issues. Stated that baiting leads to more wildlife-human conflicts.

David Kelley (Greensboro, Vermont Wildlife Coalition Vice Chair): Stated that for hounding and trapping, currently legal means of take are not ethical and should be banned.

Gerry Huck (Roxbury, Vermont Wildlife Coalition Board): Asked that the board take a commonsense approach and consider all Vermonters when making decisions concerning trapping and hounding. Stated that Vermonters who have conflicts with hounds can experience serious and significant negative impacts.

Marion Gideon (Morrisville): Spoke to the petition to close ice fishing at Nichols Pond. Clarified that several individuals have used her family beach to access the pond, passing the no-trespassing sign, and have been hostile to individuals who do have permission to fish there. Asked whether other lakes that are surrounded by private land/no public access are open to ice fishing and what strategies they may use to protect landowners and assure safety for anglers.

Board Chair Ferland thanked the commenters and stated that the board will take into account everything that they have heard.

PETITION DISCUSSION

Petition to close Nichols Pond to ice fishing

Chair Ferland turned the meeting over to Commissioner Herrick and Director of Fisheries Palmer for a summary on the department's recommendation responding to the petition. Palmer recommended the board deny the petition and responded to the four concerns listed in the petition:

- 1) No suitable public access in winter: The department talked to the town of Woodbury, and found that the class four town road leading to the dam is open to the public. Chair Ferland clarified that there is uncertainty in the community about the status and class of

this road and that the board should not make a decision on the basis of whether the road is a class 4 road. Palmer clarified that there are other lakes in VT with private shoreline ownership that are open to fishing, these have public access across private land with the landowner's permission.

2) Seasonal camps are vulnerable in the winter: Palmer acknowledged prior history, but no known vandalism this winter. Palmer suggested that ice fishing is likely to make the camps safer due to the presence of anglers and patrolling game wardens – Warden Circe patrolled the pond 10 times this winter. Deen asked for clarification of what “patrol” means, Fowler clarified that Wardens on patrol check for compliance with fishing regulations and would notice the general condition of camps.

3) Conservation of the trout population: Palmer stated that the species in the lake are stocked rainbow and lake trout placed there to provide fishing opportunities. Department research has not shown a negative impact from ice fishing to trout populations.

4) Ice safety: Palmer agreed that ice safety is an important consideration but stated that it is not just an issue at Nichols Pond. He stated that wardens have not seen any unusual safety issues when they have patrolled the pond. Palmer also noted that concerns about private property and access are valid, and that this is something the wardens and additional posting can address.

Discussion: Chair Ferland asked for clarification whether uncertainty about the status of the road has any impact on the recommendation. Palmer clarified that the department recommend ice fishing access be maintained regardless of road status. Ferland clarified that the status of the road (public or private) needs to be made clear to fishermen to avoid possible conflict. Palmer noted that the Agency of Transportation and the Town of Woodbury agree the road is class 4 but that a local family does not believe the road is public. Palmer stated the department will pursue conversations with all parties, and that this is not a pond where there is significant expected ice fishing pressure. Deen asked how long it will take to resolve this issue to determine if it is necessary the board vote on the matter this evening and suggested tabling the discussion until the status of the road is resolved.

Motion: Brian Bailey moved to deny petition to close Nichols to Ice Fishing. Michael Bancroft seconded.

Deen argued he made an out of order procedural motion to delay this vote one month, and wanted this on the record. Ferland acknowledged Deen but moved to vote on Bailey's motion first.

Vote: 12, 1 absent, 1 abstention, 0 no

Petition to regulate coyote hunting with hounds

Ferland introduced Mike Covey as a petitioner representing the Vermont Traditions Coalition's petition for the regulation of hunting coyotes with hounds.

Commissioner Herrick noted that he will update the board on the process the department will recommend on the trapping petition. He asked the board to accept this petition, as they did with the trapping petition, and noted that this petition is timely and that it is expected the Governor will sign S281.

Covey acknowledged the brevity of the Vermont Traditions Coalition's petition and stated that its purpose is to start a process with the board. He stated that it will be important for the board work with those who engage in the activity, as it will do with the trapping petition. He argued that hound hunters will be the most impacted stakeholder community and that the department must work with this community. He stated that the legislature's change of S281 from the ban to a movement for regulation of hunting coyotes with hounds is a statement of the practice's value. He expressed concern that individuals not engaged in the practice but with decision making power could introduce pitfalls to the process. He stated that the sporting community provides wise council, and that he has started working with a number of coyote hounders to propose a set of rules adapted from the bear rules. Covey expressed his hope that the department will join hounders in discussion and urged the board to take the Vermont Traditions Coalition petition up at this time.

Ferland clarified that at this time in the board meeting the window for public comments has been closed, and that Covey's statements were part of the 10 minute presentation window allotted to petitioners.

Discussion: Sweeney noted that this regulation will have impacts on those outside of the coyote hounding community and that the board needs to acknowledge all stakeholders. Covey expressed concern that such a process might include stakeholders who wish to see the practice end. Deen noted that if the board does not engage with all stakeholders, it risks having its rulemaking power revoked by the legislature. He stated his conviction that the stakeholders who brought S281 to the legislature must be engaged by the board. Robillard noted that discussion on this topic has been heavily influenced by misinformation and that he looks forward to learning more. Van Buren asked Covey for a timeline for his recommendation from coyote hounders, and Covey replied that he expects a recommendation within a week. Sweeney clarified that accepting the petition would give the department a chance to craft proposed rules for the board's review, which would then go to public comment. Commissioner Herrick further clarified that if the petition is approved, the department would return at the next board meeting with a plan and timeline for how to approach this issue. Ferland and Director of Wildlife Mark Scott further clarified that this is the process the board and staff have already begun on trapping and coyote hunting broadly.

Motion: Bryan McCarthy moved to accept the petition. Michael Kolsun seconded the movement.

Vote: 13 yes, 1 absent

FINAL VOTE ON 2022 ANTLERLESS DEER HUNTING AND YOUTH WEEKEND PROPOSAL

Mark Scott summarized the five in person public hearings and one virtual hearing held on this topic. He thanked board members Bailey and Van Buren who attended most meetings and noted high warden division participation. He noted overall low attendance by the public, that the department took all attendees seriously, recorded any comments and provided these to the board in the appendixes to the recommendation. Scott thanked Sausville and Fortin for excellent work at the meetings and invited Fortin to summarize the recommendation.

Fortin summarized the recommendation: all WMUs are recommended to be open to archery for antlerless hunting, youth and novice season are recommended to allow one deer of any sex in all WMUs with no antler point restrictions, and 19,400 muzzleloader antlerless permits are recommended to be issued across the state. Fortin noted that this is the same recommendation the board received in April, and that the board has authority to change any element of this.

Discussion: Ferland asked Fortin to remind the board of the usual ratio of permits issued to deer harvested. Fortin reported that the fill rate on antlerless permits is roughly 15% statewide, and that the management objective goal is to kill a much smaller number of deer than the number of permits issued. Patterson stated that he listened to the presentation and read all comments, and that Fortin's responses to comments were excellent. Van Buren stated that low meeting attendance is a good barometer of public satisfaction. Sweeney pointed out that one comment received suggests the department is doing this for the money, and that he wished to clarify that the Board has never discussed fundraising through the number permits to be issued and that the objective is a healthy deer herd.

Motion: Deen moved to approve the recommendation. Van Buren seconded the motion.

Vote: 13 yes, 1 absent

Post Vote: Commissioner Herrick acknowledged Fortin's excellent work, and credited Scott as well. He noted that he has received feedback from the public that Fortin has made complex topics accessible.

The board broke for a 30 minute dinner at 6:20 pm

UPDATE ON TRAPPING PETITION

Commissioner Herrick updated the board on the department's proposal for acting on the trapping petition. He stated that the department needs to hear from all stakeholders, and will host a working group to develop rules that regulate the use of foothold traps according to BMPs and consider other proposals related to animal welfare, selectivity, and safety. He clarified that the proposed working group process is not a referendum on trapping, that close collaboration with the Senate and House crafted the final version of S201 which is in line with the petition the board is responding to. He further clarified that the department aims to convene stakeholders committed in good faith to working towards the goals above through fair process. Commissioner Herrick also noted that Vermont is the first state to recommend trapping BMPs as a standard for

regulation. He outlined the working group's proposed objectives: 1) to gain informed consent on process and outcomes from stakeholders and maintain equitable and transparent process mirroring the process by which the department and legislature arrived at the current form of S201; to 2) secure agreement on the final language of the trapping rules; and to 3) ensure that the rules are clear, applicable, practical, and enforceable. He listed the proposed members of the working group and the proposed timeline. Commissioner Herrick affirmed the department's commitment to open process.

Discussion: Ferland asked for a rough estimate of how long the rulemaking process is expected to take. Counsel Gjessing provided details and noted that there will be several meetings with LCAR. Ferland conjectured that the rules will likely go into effect in March, Gjessing added that they may be implemented sooner. Bancroft asked for clarity on whether the opened trapping rule in response to the VTA's petition will be impacted by S201. Commissioner Herrick clarified that a comprehensive approach accounting for both would be most efficacious.

Bancroft asked how the proposed working group was arrived at. Commissioner Herrick clarified that these are known stakeholders with expertise. Bancroft asked how often working groups are used by the department, and how effective they are. The commissioner clarified that the proposed working group is a good faith initiative that the department's collaborative approach to the legislative session reflects that intention. Gjessing added the process to update the Threatened and Endangered Species statute to include habitat conservation as an example of a successful working group in the department's recent history. Scott noted that working groups are dependent on context and desired goals. He added that because this is a complex issue a working group led by Kim Royar, who has considerable expertise, is called for. Scott noted that this is an ambitious timeline, and that the department has the goal of completing the process before the next legislative session. Scott added that the list of participants the department proposed will leave some parties out at the working group stage, but that the membership recommendation was carefully deliberated and the board can offer feedback. The commissioner further clarified that the purpose of the working group stage is to help the department craft its recommendation to the board, and that the department and board would subsequently move to public hearings on the recommendations generated. He added that the goal is not to exclude stakeholders – the goal is to create a leadership group to generate a recommendation, and then open the recommendations to further stages of public process.

Scott reminded the board that they are the first to hear about this, and the department's goal is to give the board a chance to get familiar with the proposed process. Deen affirmed the value of working groups in his history as an environmental legislator. Ferland affirmed that the legislature has ruled [via S201] that this process is not intended as a referendum on trapping, and that establishing that as the starting point for the working group will be crucial.

Scott invited Kim Royar to speak, noting her expertise from working with peers nationally on this topic. Royar described her proposed approach: invite BMP research effort chair to give working group members the relevant background at the start; then divide the working group into breakouts for conversation, with minutes posted after meetings. Royar suggested 3-4 working

group meetings, early in the evening to allow working participants. She reaffirmed that the goal of the proposed working group is getting informed consent for a path forward from stakeholders.

Bailey asked whether suggested organizations will pick their own representatives; Scott confirmed this. Bailey questioned whether the commissioner would have veto power with respects to proposed membership. Commissioner Herrick confirmed that he would, but added that he would need very strong reasons if he were to use it. He stated his goal of finding common ground, and identified this process being the start of building towards an ability to do this.

Ferland questioned whether having multiple iterations of this process, for instance on trapping and coyotes at once, is feasible given department staff capacity. Commissioner Herrick clarified that different teams would lead these efforts in order to respect the capacity of department staff. Ferland clarified that no further board motion is needed at this time, since the prior vote to open the trapping rule covered the establishment of a working group that the board will be getting periodic updates on progress.

COMMISSIONER'S UPDATE

Commissioner Herrick welcomed new board members Burnham, Hogan, and Patterson, and congratulated newly appointed chair Ferland.

Commissioner Herrick updated the board on the legislative session and noted the success the collaborative approach taken by the department and legislature. He reminded the board that there are passionate stakeholders on all sides of wildlife issues, and that the department's mission is to do what is best for the wildlife all cases.

Commissioner Herrick then announced that the department will be looking to propose its own legislative initiatives moving forward to show its proactiveness as part of an agency-wide endeavor. With a large number of new legislators coming to the table, the commissioner identified the importance educating the legislature about the department's full scope of work. He highlighted the department's work on habitat restoration, wildlife passage and connectivity, and the fact that climate change and development are the biggest threats to Vermont's wildlife populations. He recognized the dedication and expertise of the department's staff, and reminded the board that Vermonters as a whole are pulling in the same direction despite some misinformation to the contrary. Commissioner Herrick closed with the updated that the Agency of Public Safety bill was not passed, meaning that the warden division will remain with the department.

OPEN DISCUSSION

The board discussed trapping regulations during deliberation on S201, and the moratorium associated with S281.

Meeting adjourned at 7:49 pm

From: [Bradley Ferland](#)
To: [Mike Covey](#)
Cc: ANR.FWBoard@list.vermont.gov
Subject: Re: [ANR.FWBoard] Petition to regulate the hunting of coyotes with hounds
Date: Thursday, May 5, 2022 8:47:19 AM
Attachments: [ATT00001.txt](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you Mike. Please consider this request received.

Brad Ferland
Caledonia County

On Wed, May 4, 2022 at 5:17 PM Mike Covey <mcovey802@gmail.com> wrote:

Hello Members of the Fish and Wildlife Board,

I am writing to petition you to regulate the use of hounds for the hunting of coyotes. We feel this is a valuable practice, but we do see the need for regulation. We look forward to helping you facilitate the development of thoughtful rules surrounding this practice.

My Best Regards,

Mike Covey
Executive Director
Vermont Traditions Coalition
(802) 461-3786

ANR.FWBoard mailing list
ANR.FWBoard@list.vermont.gov
<https://list.vermont.gov/mailman/listinfo/anr.fwboard>

February 1, 2022

To: Vermont Fish & Wildlife Department

Attn: Christopher Herrick – Commissioner

Cc: Brian Bailey – Washington County board member

From: Kurt Behrens –Nichols Pond Association President

Subject: Petition for Rule Change

Gentlemen,

I am writing this letter on behalf of the Nichols Pond Association Inc. to respectfully ask you to consider a small change to the fishing regulations as they pertain to Nichols Pond in Woodbury, Vermont. Specifically, we would like to add: *“Only open to fishing from second Saturday in April to Oct. 31”*. We believe this rule is justified for the following reasons:

- 1.) There is no suitable public access in winter.** There is a private road to the dam on Nichols Pond that is available to fishermen in summer months, but it is gated and unplowed in winter.
- 2.) Seasonal camps are vulnerable in winter.** The only way to access the ice is by crossing private camp-owners property. There are no property owners occupying their camps in winter except for brief welfare checks on their properties. Nichols Pond has a history of partying, vandalism, break-ins and thefts. No property on the pond has been spared. The property owners believe that inviting the general public to come to the pond for any reason in the winter when our camps are most vulnerable needlessly endangers our properties.
- 3.) Conservation of the trout population.** Nichols Pond is a small body of water and overfishing Lake Trout can easily be done. Ice fishing lends itself to long periods of fishing on the bottom where Lake Trout feed on dead fish and pursue Smelt. Lake Trout must compete with the invasion of Smallmouth Bass as well. East Long Pond is in a similar position and has recently experienced a decline in its Trout population even before ice fishing was allowed.
- 4.) The ice is unsafe for fishermen.** There are underwater springs in some locations of the Nichols Pond which create and hide thin ice. And the only logical access for fishermen is at the dam spillway where the ice is unpredictable. We know VT Fish & Wildlife tries to

warn ice fishermen to stay away from specific areas of lakes known to have unsafe ice. So inviting them to ice fish a lake where the only obvious access point is known to have unsafe ice seems imprudent.

Since January 1st, 2022, when Nichols Pond became open to ice fishing, we have already experienced an ice fisherman pulling a shanty with an ATV across private land without the owner's permission, vehicles blocking the turn-around area near the gate, and trash being left behind.

Please grant our request for this winter fishing rule change on Nichols Pond. We thank you in advance for the board's consideration and look forward to your response.

Sincerely,

Kurt Behrens

Nichols Pond Association

behrenskurt@gmail.com

(802) 254-3303