

Fish and Wildlife Board Meeting Minutes

Wednesday, August 17, 2022

The Vermont Fish and Wildlife Board held a meeting beginning at 5:00 pm on Wednesday August 17, 2022, at the National Life Building in Montpelier. A recording of the meeting is available on the department's YouTube channel.

Board Members Present: David Robillard; Michael Bancroft; Jay Sweeny; Michael Kolsun; Martin Van Buren; Brad Ferland; Jim Hogan; Brian Bailey; David Patterson; Nicholas Burnham; David Deen; Bryan McCarthy

Present virtually: Jamie Dragon

Absent: the Chittenden County seat is vacant

Department Staff Present: Commissioner Christopher Herrick; Director of Wildlife Mark Scott; Director of Law Enforcement Colonel Jason Batchelder; Director of Outreach Alison Thomas; General Counsel Catherine Gjessing; Wildlife Management Program Manager David Sausville; Research Manager Dr. Katherine Gieder; Black Bear Project Leader Jaclyn Comeau; Public Information Officer Joshua Morse

Staff Present Virtually: Working Group Leader Kim Royar

Members of the Public Present: Beverly [last name not stated], Monkton; Rosalind [last name not stated, town not stated]; Brenna Galdenzi, Stowe; Lisa Jablow, Brattleboro; Sophie Bowater, Middlesex; Anne Jameson, Marshfield; Jeff Mack, Shoreham; Sarah Gorseline, Grand Isle; Annie Smith, Westminster; Rob Mullen, West Bolton

Member of the Public Present Virtually: Barbara Felitti, Huntington; Walter Medwid; Derby; Jane Fitzwilliams, Putney; Harry Crown, Hyde Park; Bryan [last name not stated, town not stated], Irwin [last name not stated], Huntington; Jean Pace, Manchester Center

Agenda items:

- 1) Approval of Previous Meeting Minutes
 - May 18, 2022
- 2) Public Comments (Limited to 2 minutes per speaker)
- 3) Trapping BMP Update
- 4) Coyote Petition and Hunting Management Update
- 5) Bear Management Update
- 6) Commissioner's Update

The meeting was called to order at 5:00 pm

INTRODUCTIONS

Chair Ferland asked the board and staff present to introduce themselves. Ferland added that the public comment period follows the minutes at every meeting and apologized that this was omitted from the agenda posted to the Board website.

APPROVAL OF PREVIOUS MINUTES

Discussion: Jay Sweeny corrected the spelling of his name.

Motion: Chair Ferland moved to approve the minutes.

Vote: Unanimous

PUBLIC COMMENT (2 MINUTES PER SPEAKER)

Beverly [last name not stated], Monkton: Stated her opposition to sport hunting of coyotes. Stated that she comes from a hunting family. Stated that we need to find common ground. Stated that Fish and Wildlife has a poor reputation where she lives. Stated that she has been threatened for her views, and that she wished for her voice to be heard in a safe arena.

Rosalind [last name not stated, town not stated]: Stated the importance of climate change as a factor affecting coyotes and other wildlife. Stated her support for implementing a season on coyotes.

Brenna Galdenzi, Stowe: Stated affiliation with Protect Our Wildlife (POW). Expressed concern with how the Board website presented the agenda for this meeting with regards to the coyote hounding petition and the coyote season petition. Stated that the public wants to have a voice, and that incorrect website information makes it difficult for the public to be involved. Stated that she has emailed the department to expand consideration of hounding regulations for many species because dog control is relevant in many practices. Questioned how a pack of dogs can be under control when they are miles away from their handlers and stated that she does not know how that can be possible.

Lisa Jablow, Brattleboro: Stated her role as a board member of POW. Stated that POW endorses Vermont Coyote Coexistence Coalition (VCCC)'s petition to end the open season on coyotes. Stated that information on the department website is at odds with the department's support for unregulated coyote hunting. Stated that the department's current coyote policy cultivates hatred and violence in a certain segment of the population with affects beyond coyote hunting.

Sophie Bowater, Middlesex: Stated her affiliation with POW and VCCC. Questioned why people dislike coyotes. Summarized coyote family structure. Questioned whether hanging coyotes from trees, hounding coyotes, and killing many coyotes can be supported. Stated that these practices are cruel. Summarized research on coyote diets and stated that coyote killings of livestock are

rare. Stated a wish to compromise despite her opposition to coyote hunting and stated her support for VCCC's petition.

Anne Jameson, Marshfield: Stated her affiliation with Green Mountain Animal Defenders (GMAD). Listed animals with regulated seasons and asked why coyotes do not have one. Summarized coyote natural history and social structure. Stated that hunting adult coyotes disrupts this and potentially results in increased conflict with people. Stated that Vermont has a culture of predator hatred; stated that many hunters in Vermont claim that "any season is coyote season". Stated that an open season invites and condones hate killing. Stated that the department tacitly encourages people to participate in coyote killing. Stated that establishing a coyote season would elevate the species in the public's mind. Questioned whether the department has data on wolf DNA in the Vermont coyote population. Expressed concern that Vermont hunters may be killing federally protected wolves when they shoot canids presumed to be coyotes. Stated her support for VCCC's petition.

Jeff Mack, Shoreham: Stated that violence has been directed at himself, his wife, and his house for his position on coyotes. Asked board members to ask their constituents not to engage in violence.

Sarah Gorseline, Grand Isle: Stated her affiliation as an employee of Project Coyote. Stated that science tells us that coyotes are key apex predators in Vermont and that the removal of coyotes creates more coyotes. Stated support for VCCC's petition, asked the board to go further and reconsider its canid policy entirely. Noted that a canid killed in Cooperstown, NY, tested with 99% wolf DNA and stated that Vermont may have canids with wolf DNA. Listed resources for coyote coexistence that Project Coyote can offer. Stated that department biologists often state that hunting is a form of hazing and that this is incorrect because a dead animal cannot retain information. Reiterated her request for the department to reconsider its canid policy overall.

Annie Smith, Westminster: identified herself as a conservation biologist and member of VCCC. Stated her support for the VCCC petition. Stated that the department's position on predator species is inconsistent and perpetuates a culture that encourages the hatred of coyotes. Stated that coyote management in Vermont is not science-based, describing coyote social structure in support of this. Listed ecosystem services that coyotes perform and stated that the department needs to recognize and support these in light of climate change, habitat loss, and their consequences for biodiversity.

An audio-visual malfunction necessitated Chair Ferland calling a 10-minute recess while department staff resolved the issue. The following comments are from members of the public present remotely.

Barbara Felitti, Huntington: Stated her support for a regulated, limited, season for coyotes that does not include hounding and that recognizes the importance of coyotes to our ecosystem and the principle that wildlife should only be killed with purpose. Stated agreement with the need to dial down acrimony. Stated that the board and department's time spent listening to public comment is only effective if comments are also acted on. Questioned the department's intent

with taking public comment and stated that the department's and board's failure to respond meaningfully to public comment is increasing acrimony.

Walter Medwid, Derby: thanked Outreach Director Alison Thomas for resolving the audio-visual malfunction to ensure the public has a chance to be heard. Thanked Commissioner Herrick for his effort to get a polarizing topic addressed by the board. Stated that the VCCC petition is based in science and seeks to normalize our relationship with coyotes. Stated that the current Vermont policy on coyotes amounts to "the only good coyote is a dead coyote." Questioned who is served by the current policy and stated that the department and board have been discredited by it. Stated that most Vermonters want to coexist with wildlife, not dominate wildlife. Stated that the public image of hunters has been tarnished by the current policy. Stated that he believes that [a vote on the VCCC coyote season petition] will be the most consequential vote board members will take.

Jane Fitzwilliams, Putney: Identified herself as the VCCC lead. Stated that according to the department's website coyotes are important in Vermont ecosystems. Stated that the open season on coyotes is in violation of the North American Model of Wildlife Conservation principle that wildlife can only be killed for legitimate purpose. Stated that the department has an institutional bias in favor of deer over coyotes, evidenced by the department's opposition to three recent Vermont senate bills. Stated that social media photos of hunters evidence a behavior not tolerated in normal society. Asked the board to treat coyotes the same as other species, and to reject the biases of department leadership.

Harry Crown, Hyde Park: Stated support for a ban on the coyote season based on science and ecology. Voiced pride for Vermont's track record creating policy that uplifts the natural world, listing recent examples from legislative session. Stated that these examples conflict with the department's current coyote policy and that current policy does not acknowledge the intrinsic value coyotes have or their ecological importance. Stated that banning an open season on coyotes would be action towards creating a sustainable future for all Vermont communities.

Bryan [last name not stated, town not stated]: Stated that he owns a large woodlot in southern Bennington county where he welcomes hunters, trappers, and hound hunters. Stated his concern about recent events in Groton and that he will require all hunters on his land to have a warden's number in their phone. Ended his comment by stating that he is going coyote hunting.

Irwin [last name not stated], Huntington: stated support for a closed season on coyotes, and that the current open season and wanton waste on this species is inappropriate.

Jean Pace, Manchester Center: Stated that she is pleased to hear the support for a controlled hunt on coyotes voiced by other commenters. Stated that she does not know much of the science, but that the board depends on the science to make its decisions. Stated that there is not credible evidence on indiscriminate killing of coyotes as beneficial to wildlife management. Stated that she hopes her granddaughter will be able to enjoy Vermont's wildlife diversity.

Chair Ferland clarified the board's agenda regarding coyotes and the status of the VCCC petition. He stated that in April, the board took up the petition presented by Chris Schadler on behalf of VCCC and voted to forward that petition to the department for a

review and recommendation to the board—a process that is underway. Clarified that there will not be a vote at the current meeting, but that will be an update on the department’s progress. Apologized for any perceived lack of clarity in the agenda and stated that the agenda was not misleading from the board’s perspective.

PETITION

Robert Mullen, the chair of the Vermont Wildlife Coalition (VWC), presented his petition dated May 2022 pertaining to the working group responding to Act 159: an Act Relating to Best Management Practices (BMPs) for Trapping Wildlife. Mullen stated that he did not know at the time VWC submitted this petition that the organization would be invited to participate in the working group. He summarized his understanding of drowning set traps, and his perspective that drowning sets are inhumane, and suggested outlawing them. He also suggested that a limit on trap sets within 10 feet of beaver lodge entrances should be restored. Stated that climate change will likely advance the breeding season of otters, and that revising the otter trapping season to reflect this would be ethical.

Questions: David Deen asked whether the proposal in this petition would be dealt with by the working group. Mullen affirmed that the petition points are within the charge of the working group, although it remains to be seen whether they will be acted on by that group.

Commissioner’s Comment: Commissioner Herrick recommended that the board accept the petition and forward it to the department for review and a recommendation.

Motion: Brian Bailey moved to accept the petition and forward it to the department. Deen seconded but rescinded his support following the discussion summarized below.

Discussion: Michael Bancroft confirmed that the motion is to forward the petition to the department. Chair Ferland clarified that if the working group addresses it, that is acceptable, but if not the department will make additional recommendations. Deen stated he does not support this motion if the petition will not be taken up by the working group. Ferland asked the Commissioner what items may not fall under the jurisdiction of the working group. The Commissioner noted that the working group’s charge is already extensive. Bancroft asked for clarification on what the BMP working group is currently addressing. The Commissioner clarified its scope of duties, which are to address the requirements of Act 159. He added that engaging with VWC petition was not part of the working group’s initial charge. Mullen noted that he hoped and the three points in VWC petition would be addressed. He stated that while he will bring them up on the working group, whether they are acted upon may be independent from that process.

Motion: Brian Bailey renewed his. Bancroft seconded.

Vote For: Pattison, Bancroft, Hogan, Robillard, Van Buren, Kolsun, Bailey, Sweeny, McCarthy, Burnham, Ferland

Against: Deen

Absent: Dragon

- A 20 minute dinner break was begun at 6:15 –

UPDATES

Trapping BMPs Update

Summary: Mark Scott stated the intent to keep the board informed of the progress of the working group on Best Management Practices for Trapping. Scott turned the meeting over to Kim Royar as the BMP working group leader. Royar summarized the results of the August 4 working group meeting and noted the next are scheduled for August 23 and Sept 8. She listed members of interest groups present and report that the groups started with ground rules that the members contributed to and agreed upon. Royar summarized the committee charge from the legislature as making enforceable and practical recommendations within the parameters of Act 159. She noted that the bulk of the meeting was taken up with Bryant White's presentation as the author of the BMPs monograph, along with Dr. Dan Stone, and participant questions on the presentation. She noted that once the presentation and questions were done the participants split into two groups each charged to review formal petitions and determine: 1) what from each petition fell within the charge of Act 159; 2) to identify any consensus within their groups; and 3) to generate questions for the department. Royar stated that this took the duration of the meeting and that the August 23 meeting will give the groups time to share their respective findings back. Kolsun—a working group board representative—described that he was impressed with the BMP monograph methods and that he was convinced that the BMP standards were focused on not causing any more stress on the trapped animal than necessary. Van Buren—also a board representative—affirmed this.

Royar gave an update on the timeline and intention to report back to the board on working group meetings, to hold a September public meeting, and then to review the results of these with the optimistic goal of making recommendations to the commissioner and board in December. Scott concluded with the point that determining how to act on information not based on research and science will be a challenge. He noted that the Association of Fish and Wildlife Agencies will have a delegate at every meeting to assist. Scott affirmed that Royar is exceptionally qualified to lead this working group.

Discussion: none

Coyote Petition and Hunting Management Update

Summary: Colonel Jason Batchelder summarized that Act 135 requires the board to create a comprehensive rule on taking coyotes with hounds. He outlined the path forward for the working group addressing this charge. He noted the limitations put into place by the general assembly shape much of the working group's approach. He described that working group members will be surveyed to give their impressions on the charges in Act 135. Batchelder acknowledge that the

experiences of Vermonters who do not hunt with hounds have been negatively affected by the practice and affirmed that the working group's purpose is to craft recommendations that may resolve this. He stated that the group will provide feedback to the department, and review a draft rule created by the department. Batchelder listed existing parameters of the rule: a limit on the number of dogs allowable, a prohibition of introducing fresh dogs mid hunt, a legal method of take for hounded game, provisions to encourage hound hunters to seek landowner permission, a reporting requirement for coyotes killed by hounding, and a definition of control that minimizes the likelihood that dogs will enter land that is posted. Batchelder identified this last point as the main challenge facing the working group.

Batchelder also clarified additional considerations before the board include a season restriction and restriction on baiting. The working group survey will include those. All aspects of coyote hound hunting will be on the table through this process because the furbearer rule will open as a whole—this means that the question of a season will also be opened. Batchelder reminded the board that the working group is not an order, and that the goal is to have a process the members can be proud to present to the general assembly. He noted that the Commissioner has final approval on the recommendations from the working group and described an ambitious timeline of delivering the survey to stakeholders by September 1.

Discussion: Bryan McCarthy asked for clarification on the prohibition of releasing dogs onto land where the landowner has expressed that those dogs are no longer welcome. Batchelder clarified that the permitting process could be based on bear hounding and the Department could give hound hunters permits to affix to their dog's collars, and that these permits will be the basis for identifying hunters and dogs. Enforcement would be hunter specific, not dog specific. Kolsun asked how many people will be running coyotes with hounds once the regulation is finalized. The Commissioner clarified that the legislation allows for 100 permits maximum. Ferland asked if the expectation is that the rule not be in effect until spring; the commissioner confirmed that this is the expectation. Bancroft asked whether the agricultural community is represented on the working group and what the impacts to hound hunters will be under the current moratorium. Batchelder confirmed that the agricultural community is well represented and that he is aware of concerns that hunters are unable to use their hounds while the moratorium stands. Ferland asked if there have been any violations of the moratorium; Batchelder stated that there have been none.

Deen raised questions about board involvement in the coyote working group and the BMPs working group. He stated that board members will need to vote to approve products from the working groups and that he hopes to be as fully informed about their process as possible. Deen and Ferland discussed the role of board members other than the two representatives who volunteered to participate in the working groups, and whether it was appropriate for the full board to have access to the working group at all stages. Bancroft clarified whether Deen was looking for any presentation to the group, meeting minutes, and other products (e.g. the furbearer rule survey) and documents circulated at the meetings to be made available to the board. Deen and Ferland both agreed this was a reasonable level of access for an interested board member.

Bear Management Update

Summary: Commissioner Herrick introduced Black Bear Project Leader Jaclyn Comeau and Wildlife Division Director Mark Scott. Scott also introduced Wildlife Management Program Manager David Sausville and Research Manager Katherina Gieder. Scott explained that while we cannot discuss every species that we are managing in detail, it is apparent to him that bear is a matter of great public interest. He clarified that Comeau's presentation will not be seeking a regulation change because the population is healthy and abundant; rather, that the purpose is the education of the board on the state of bear management in Vermont. Scott noted that bear inquiries are the number one inquiry the department receives at present. Scott then gave the floor to Sausville to describe the big game plan's key topics including population objectives, habitat and distribution, laws that are in effect, and public survey data for each of the covered species (bear, moose, deer, turkey). Sausville then gave the floor to Comeau. Comeau's presentation covered the department's mission and explained why bears are a conservation focus: they are an umbrella species that needs access to many habitat types and connectivity between them. Because of this, providing bear habitat benefits many other species that need habitat elements. Comeau then discussed the natural history of black bears and described the key element of the department's approach to bear management in detail: habitat conservation, field research, and human-bear coexistence.

During discussion of the bear population's status and history, Comeau gave the floor to Gieder, who guided the board through the statistical model that informs the department's estimate of the bear population. Gieder discussed the role of bear tooth submission from harvested bears to populate the model and explained how population trends over the last 10 years, climate change and habitat suitability, and the 2018 big game survey informed shifting the population target from 4500-6000 to 3500-5500. Comeau and Gieder concluded that they have high confidence in the population model because of evidence of bear dispersal and a growing hunter take.

Comeau also summarized the bear dog rule update from 2018: a limit to 6 dogs per hunt, a special permit being required, non-resident season being limited until Sept 15, and the establishment of a June 1st training season, as well as the need to field dress bears before bringing them to a check station. Comeau also presented figures on bear hunting seasons in the eastern states.

Comeau concluded by discussing the coexistence program. She clarified that food access is a major driver of conflicts between people and bears because season fluctuation in wild food, paired with bears' natural curiosity and peoples' lack of securing food sources, create situations that encourage bears to explore human food sources. Comeau explained that once bears discover a human food source they can become "food conditioned" to regularly seek human food sources, and habituated to human presences—that is, no longer fearful of people. She described that the department has been seeing an increase in reports of bear conflicts that overlap with the last 10 years' relatively stable bear population. She also described the increase in incidentally killed bears during this time. While the number of bears is influencing increased conflicts, Comeau

stated that it is not the only factor and the department believes we need Vermonters to become more aware of coexistence steps to curtail this trend. Comeau outlined a multifaceted public education approach currently in use by herself and bear project staff (media interviews, social media information sharing, one-on-one site visits and consultation), and concluded by summarizing the main areas where human behavior change can help facilitate coexistence with bears.

COMMISSIONER'S UPDATE

Commissioner Herrick updated the board that he has focused on field visits this summer to understand the scope of biologists' and wardens' work. These have included a visit to a bear conflict site, time gill netting on the lake with the fisheries biologists to understand lake trout population dynamics, and an evening of bat monitoring looking at diseases and white nose syndrome survival. He also noted that initiating the working groups following on the past legislative session, and identifying legislative proposals for the upcoming season, have been focuses. The commissioner concluded by acknowledging that Col. Batchelder is stepping down and a hiring process has begun for the next Game Warden Colonel.

OPEN DISCUSSION

Kolsun proposed a wild game potluck for the next board meeting in Batchelder's honor. Ferland advised the board to disregard suspicious emails from his account, noting that spam messages from his account appear to be going around. Ferland also noted that the board will be working to fill the Chittenden County position, and that a training will be held for new members once that position is filled.

Sweeny moved to adjourn the meeting at 9:01, with unanimous approval.