

Fish and Wildlife Board Meeting Minutes

Thursday, November 30, 2023

The Vermont Fish and Wildlife Board held a virtual meeting at 12:00 pm on Thursday, November 30, 2023, one Board member, five department staff, and four members of the public attending in person at the Catamount Room, Davis Building, 1 National Life Dr, Montpelier, VT 05620. A recording of the meeting is available on the department's YouTube channel.

Agenda

1. Public Comments (Limited to 2-minutes per speaker)
2. Proposed Amendments to the Furbearing Species Rule – Vote
3. Commissioner's Update

Board Members Present: Brad Ferland (Chair)

Virtual: Brian Bailey, Michael Bancroft, Nicholas Burnham, David Deen, Jamie Dragon, Allison Frazier Neal Hogan, Michael Kolsun, Bryan McCarthy, Paul Noel, Robert Patterson, Jay Sweeny, Martin Van Buren

Department Staff Present: Commissioner Christopher Herrick, Counsel Catherine Gjessing, Wildlife Director John Austin, Game Warden Major Sean Fowler, Principal Assistant Abigail Connolly

Virtual: Project Coordinator Chris Saunders, Wildlife Management Program Manager David Sausville, Furbearer Project Leader Brehan Furfey, Retired Furbearer Biologist and Part-Time Fish & Wildlife Employee Kim Royar, Wildlife Specialist Tyler Brown, Outreach Coordinator Megan Duni, Wildlife Technician Molly Byrne, Black Bear Project Leader Jaelyn Comeau, State Lands Ecologist Danielle Owczarski, Public Information Officer Joshua Morse, Fish and Wildlife Law Enforcement and Recruitment Coordinator Hope Carey

Members of the Public Present: Rod Coronado, Bob Galvin, Nancy Fitzpatrick, Katie Nolan

Virtual: Randy Barrows, Anne McKinsey, Ray Gonda, Tim Meehan, Brenna Galdenzi, Randy, Jane Fitzwilliam, Mikey Covey, Michael Bielawski, Emma Cotton, Sarah Gorsline, John Wehner, Chris Knapp, Medora Plimpton, Ryan O'Malley, Anthea Dexter Cooper, Pamela Simmons, Joanne Bourbeau, Dana Gray, Larry Martin, Kjell Thomas

The meeting was called to order at 12:00 pm

PUBLIC COMMENT PERIOD

Rod Coronado, Orange, regarding the term animal rights activists and implored the Board to not go into executive session

Brenna Galdenzi, Protect Our Wildlife, regarding the public comment period and the Board

Sarah Gorsline, Grand Isle, Project Coyote, regarding the furbearer rule

Ray Gonda, regarding the furbearer rule
Mike Covey, Vermont Traditions Coalitions, regarding the furbearer rule
Kjell Thomas, regarding the furbearer rule
Randy Barrows, regarding the furbearer rule

[The recording of the public comments and the meeting can be viewed here.](#)

Proposed Amendments to the Furbearing Species Rule – Vote

General Counsel Gjessing explained that on November 16, 2023, the Legislative Committee on Administrative Rules (LCAR) voted to approve the furbearer species rule and objected to four portions of the rule. General Counsel Gjessing reviewed the recommendations from the Fish & Wildlife Department to revise the rule in response to LCAR's objections. The recommended language is included below.

General Counsel Gjessing reviewed the recommendations to sections 3.6 and 4.20 regarding the control of dogs. The Board discussed the recommendations. Board Member Deen moved to approve the recommended changes to sections 3.6 and 4.20 as presented by the department. Board Member Bancroft seconded the motion. The Board voted by roll call (11-3) to approve the motion, with Board Members Kolsun, Bailey, and Dragon voting no.

Board Member Frazier left the meeting at 12:50 pm.

General Counsel Gjessing reviewed the recommendations to section 3.14 regarding the definition of public trails. The Board discussed the recommendations. Board Member Bancroft moved to approve the recommended changes to section 3.14 as presented by the department. Board Member Deen seconded the motion. The Board voted by roll call (10-3) to approve the motion, with Board Members Dragon, Patterson, and Kolsun voting no.

General Counsel Gjessing reviewed the recommendations to sections 3.13, 3.4, and 4.15 regarding the setback exemption for traps in the water or under ice. The Board discussed the recommendations. Board Member Bancroft moved to leave sections 3.13, 3.4, and 4.15 the same as the last submission to LCAR and not accept the department recommendations. Board Member Bailey seconded the motion. The Board discussed the motion. The Board voted by roll call (11-2) to approve the motion, with Board Members Sweeny and Deen voting no.

General Counsel Gjessing reviewed the recommendations to section 3.20 regarding the definition of trapping. The Board discussed the recommendations. Board Member Bancroft moved to keep the definition of trapping to include the word hunt. Board Member Van Buren seconded the motion. The Board voted by roll call (11-2) to approve the motion, with Board Members Sweeny and Deen voting no.

General Counsel Gjessing reviewed the next steps for the furbearer rule, which includes replying to LCAR on behalf of the Board.

Commissioner's Update

Commissioner Herrick introduced the new Wildlife Director, John Austin, and thanked the Board and General Counsel Gjessing.

Motion To Adjourn:

The Board voted to adjourn the meeting at approximately 1:45 pm.

Section 3.6 and 4.20 – control of dogs

LCAR objected to sections 3.6 and 4.20 of the final proposed rules related to control of dogs while hunting coyotes.

The Department recommends including tones in the definition of training/control collars. The recommended language with changes are as follows:

3.19 “Training/control” collar is any family of collars that deliver audible tones and electrical stimulation of varying intensity and duration to the neck of a dog via a radio-controlled electronic device incorporated into the collar.

The Department is also recommending the following language regarding encouraging hunters to request landowner permission to hunt coyote with dogs. This language is in response to the Memorandum by legislative counsel.

4.20.7 A person hunting coyotes with dogs shall not release the dogs on land posted in accordance with Title 10 V.S.A. § 5201, without the written permission of the landowner. In addition, a person hunting coyotes with the aid of dogs is encouraged to seek landowner permission before releasing dogs or entering land that is not posted in accordance with Title 10 V.S.A. § 5201. Hunter education shall include the recommendation that persons hunting coyotes with dogs seek landowner permission prior to pursuing coyotes with dogs.

Definition of Public Trails

LCAR objected to one provision of public trails that applies to trails that are not mapped. LCAR appears to be requesting that this provision apply to all trails used by the public, including those on private lands. The Department recommends the following clarification which will not significantly change the definition and will not generally apply to trails on private land:

3.14 “Public Trail” for the purposes of this rule, means:
b) a path or corridor open to the public, commonly used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities that is designated, managed, maintained and clearly marked as a trail on the ground with blazes, tags, or signage on municipal lands, on Vermont state-owned land, or on federal land, within the state of Vermont; or

Setback Exemption for Traps in the Water or Under Ice

LCAR has objected to the exemption of traps set under the water or ice from setbacks asserting that it is contrary to the legislative intent of Act 159 Section 1(a)(4). The Department recommends removing the setback exemption for traps in the water and under ice and, changing the application of setbacks from all public highways so that it only applies to Class 3 or Class 4 roads:

3.13 “Public Highway” for the purposes of this rule, means town, state, and United States roads, shown on the highway maps of the respective towns, made by the Agency of Transportation.

3.4 “Class 3 or Class 4 Road” for the purposes of this rule, means a town road designated as a Class 3 or 4 road by the municipality in accordance with 19 V.S.A. Chapter 3 and shown on the highway maps of the respective towns, made by the Agency of Transportation.

4.15 Trapping Set-backs:

- a) No foothold traps or body-gripping traps shall be set on or within 50’ of the travelled portion of a legal trail, public trail or public highwayClass 3 or 4 road, unless set in the water or under ice. Setbacks shall not apply to public trails on Wildlife Management Areas except those public trails the Department specifically designates as requiring a setback. The Department shall post signage on Wildlife Management Areas advising the public of hunting seasons and locations where setbacks apply.
- b) No foothold traps or body-gripping traps, unless set in the water or under ice, shall be set on or within 100 feet of the buildings, parking lots, and maintained (cleared, continuously maintained or landscaped) portions of designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities such as ball fields or tennis courts; owned and managed by municipal, state or federal entities except that trapping may occur with the explicit permission of schools, camps or campgrounds.

Section 3.20 – the definition of trapping

While the Department strongly disagrees that defining trapping as a form of hunting is in any way contrary to the intent of Act 159, Section 1(d), Title 10 Part 4, or the Vermont Constitution, it is recommending that the word hunt be deleted from the definition of trapping, as follows:

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