

Draft of Potential Department Recommendations Related to Trapping Best Management Practices

November 2022

The department has developed draft recommendations for new trapping best management practices in response to Act 159. The recommendations are based on peer reviewed national scientific research and stakeholder feedback gathered during four working group sessions held during August, September, and October 2022. The working group identified the four issues for recommended regulation changes described in the following sections. Listed in each section are the positions submitted by members of each of the main stakeholder groups—the Vermont Trappers Association (VTA) and the coalition including Protect Our Wildlife (POW), the Humane Society of the United States (HSUS), and the Vermont Wildlife Coalition (VWC)—as well as the department’s draft recommendations outlined in the boxes below.

(1) Issue One: animal welfare and selectivity

Objective: To improve trapping and trapping systems for animal welfare, selectivity, and safety in accordance with the findings of the Association of Fish and Wildlife Agencies’ (AFWA) decades-long scientific research effort into the Best Management Practices (BMPs) for trapping.

- a. POW/HSUS/VWC Proposal: No opposition to the VTA proposal, but there was disagreement over whether it would be enforceable or beneficial to animal welfare. This stakeholder group saw serious deficiencies in the BMP process.
- b. VTA Proposal: The items described in the Department Proposal section, below, were originally put forth in a petition to the Fish and Wildlife Board by this stakeholder group and were drawn from AFWA’s recommendations for improving animal welfare and selectivity.

c. Department Proposal: The Department recommends that the Board adopt the 5 bullets below to improve animal welfare and selectivity based on scientific research done by the Association of Fish and Wildlife Agencies:

- All base plates must feature a center chain mount with swivel, with free moving chains that allow mobility for animals caught.
- All traps must be adjustable for pan tension.
- Traps must be anchored with a minimum of 12” and maximum of 18” chain length.
- Foothold traps must be padded or offset, laminated, or have jaws with a minimum thickness of 5/16ths.
- No foothold trap shall be set on land with a spread of more than 6 ¼ inches.

(2) Issue Two: baits and lures

Objective: To minimize the take of non-target animals.

- a. POW/HSUS/VWC Proposal: Prohibit baiting a trap if the bait is visible from the air with the goal of limiting the take of birds that are protected by the Migratory Bird Treaty Act.
- b. VTA Proposal: Meat-based baits should be covered at the time a trap is set.

c. Department Proposal:

Meat based bait used in conjunction with trapping shall be covered at the time the trap is set. Coverings shall include but are not limited to brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

(3) Issue Three: body-gripping traps

Objective: To minimize the potential for the capture of domestic pets in body-gripping traps set on land [it is the Department's position that the capture of domestic pets is a relatively uncommon occurrence].

- a. POW/HSUS/VWC: Prohibit the use of body gripping kill traps on land. Traps in the water should be fully submerged. Prohibit the drowning of animals in submerged sets and require reporting of incidental takes [the reporting of non-target domestic pets was already required by statute and expanded in Act 159 to include all non-target animals injured or killed]. Note: A non-target animal is a furbearer taken out of season or a non-furbearing animal taken in a trap.
- b. VTA Proposal:
 - i. No meat-based baited body gripping traps shall be set on the ground.
 - ii. Legalize BMP certified cable restraints in the state of Vermont with prior VFWD certification for users [these are currently prohibited by statute]

c. Department Proposal:

No meat-based baited, body gripping traps shall be set on the ground. However, baited body-gripping traps with a jaw spread up to and including 60 in² (up to and including size 220 traps) can be used on land if the trap is placed at least 5' above the ground or placed within an enclosure with openings no greater than 60 in² and with a trap trigger that is recessed at least 12 inches from all openings. Note: Body gripping traps of any size set in the water are legal regardless of whether they are baited or not.

(4) Issue Four: hiking or walking trail and public highway offsets

Objective: To address the expressed concern for the potential capture of domestic pets and children in body-gripping traps set on public lands [Here again, the Department notes that it is important to recognize that while domestic pets are rarely caught in body-gripping traps, there are no known cases of a person caught in such traps. Furthermore, if the proposal to prohibit meat-based baited body-gripping traps on land as detailed above is adopted, the risk to pets is significantly reduced].

- a. *POW/HSUS/VWC*: A 500-foot setback for all traps from public trails, class 4 roads, public parks, playgrounds, and other areas where people may be expected to recreate per the language of Act 159
- b. *VTA Proposal*: No trap set within 10 ft from a trail, except under bridges and waterways. There is no evidence that traps are a risk to the public.

c. Department Proposal:

- No traps set in a designated walking or hiking trail bed on any public land.
- No foot traps on or within 25 feet of the traveled portion of a trail on state-owned public land excluding Wildlife Management Areas unless in the water or 5' above the ground.
- No body-gripping trap set 50' from a road or trail unless it is in the water or more than 5' off the ground or in a dog-proof set (described above).
- Department agrees to develop brochures for trail kiosks and a video link that will address the release of dogs from a foot hold or body-gripping trap.
- We will also recommend that this will be added to trapper education courses.

Proposed trail definition:

On state owned land not including Wildlife Management Areas, trails are defined as those that are authorized by the Agency of ownership officially designated for the purpose of hiking and walking and are maintained and mapped. Public highways are those found on Agency of Transportation (AOT) or town highway maps.

(5) Additional Issues and Working Group Findings

Humane Dispatch: There was unanimous support among Working Group participants to wait until the Association of Fish and Wildlife Agencies develops dispatch recommendations as long as the Department agrees to commit to revisiting this once they come out; in advance, POW/HSUS/VWC registered their recommendation for gunshot only.

Other:

- There was unanimous support for an increase in the number of wardens.
- The VTA recommended that any new regulations be incorporated into trapper education.
- There was a question as to whether these regulations should apply to ADC trappers and landowners/towns.