

## **Fish and Wildlife Board Meeting**

### **Minutes for January 17, 2018**

The Fish & Wildlife Board held a meeting at 5:00 PM EST on Wednesday January 17, 2018, at the Dewey Building on the National Life Campus located at 1 National Life Drive Montpelier, VT 05620.

**Members of the Board:** Kevin Lawrence (Chair), Theresa Elmer (Vice Chair), Craig Nolan, Pete Allard, Dennis Mewes, Bill Pickens, Brian Wiles, Craig Greene, David Fielding and David Robillard.

**Fish and Wildlife Staff:** Louis Porter (Commissioner); Will Duane (Executive Assistant); Mark Scott (Wildlife Director); Jason Batchelder (Director of Law Enforcement); Catherine Gjessing (General Counsel); Scott Darling (Wildlife Management Program Manager); Adam Miller (Fish Culture Operational Chief); Chris Saunders (Project Coordinator); Eric Palmer (Director of Fisheries); Tom Rogers (Information Specialist); Tom Jones (Fish Health Biologist); Matt Thiel (Senior Warden); Josh Hungerford (Game Warden); Justin Turner (Game Warden Trainee); Will Seegers (Game Warden Trainee); David Sausville (Migratory Game Bird Project Leader); and Mary Smith (Law Enforcement and Recruitment Coordinator).

**Members of the Public in Attendance:** Alison Mewes; Rod Elmer; Bert Saldi; Paul Bugeja (Native Fish Coalition); Kristen Cameron (Protect Our Wildlife), Holly Tippet

The Board Meeting was called to order at 5:00PM, EST by Chairman Kevin Lawrence

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- 1.) Introductions by Department Staff
- 2.) Baitfish Educational Update Presentation
- 3.) Overview of 2015 Waterfowl Hunter Survey
- 4.) Overview of Big Game Planning Process
- 5.) Public Comment Period
- 6.) Overview of Comprehensive Deer Management Evaluation (CDME) Timeline
- 7.) Board Members' Round Table Discussion
- 8.) Executive Session (Closed to Public)
- 9.) Approval of 2017 September Board Minutes
- 10.) Commissioner's Update
- 11.) Adjourn

#### **1. Department Staff and Introductions**

Department staff introduced themselves to the board and members of the public in attendance. See *Fish and Wildlife Staff* in attendance above.

#### **2. 30-minute "Baitfish Educational Update" – Geographic Areas of Risk / Bait Use**

Fish Culture Operations Chief Adam Miller presented information to the board regarding the use and transportation of baitfish in the state of Vermont. Topics included:

- Complaints regarding the current baitfish regulations
- Anglers have suggested a larger geographic designation zone system
- Commissioner Porter notes that the staff is working hard to find a solution; this scientific approach is well above and beyond what's required by statutes
- Eric Palmer notes that public hearings are useful for obtaining valuable community input. The Department wants to make sure we're hearing all potential complaints. The Department is looking for gaps in regulations.
- Adam Miller states Board Members can help by attending the public hearing sessions and facilitating the small group sessions. This is an opportunity for public interaction. Power Point will be made available to all board members and public.

The Department will seek input from the Board later in Spring 2018. The proposed regulation will likely be done in Fall 2018. Final adopted baitfish regulations will likely go into effect in 2020, with a plan to revisit every 4 years.

Board Member Craig Greene stated that anglers are confused regarding the regulations. He suggested that the Department inform the public about the reasons for baitfish regulations. More outreach and education on this topic would be helpful.

### **3. Overview of 2015 Waterfowl Hunter Survey**

Mark Scott and David Sausville presented findings from the 2015 Waterfowl Hunter Survey. The survey contained information on methods, Department activity, and hunting types. There was an 18% response rate, which it was noted is good for mail surveys.

- Vice Chair Theresa Elmer requests that the Department consider a system of both online and paper surveys to increase response rate for future surveys.
- Commissioner Porter notes that several hunters from the southern sections of the state have requested a hearing in Southern Vermont. The Department plans to schedule such a meeting.
- Power Point will be made available to all board members and public.

### **4. Overview of Big Game Planning Process**

Scott Darling and Chris Saunders discussed the ongoing big game plan focusing on the 2020-2030 timeframe. Topics included:

- This is a ten-year plan for management.

- Stakeholder meetings to identify issues are planned. The Department will come back to the Board with findings from the field and analyze the input and get their input.
- This fall the Department plans to conduct a random big game survey of hunters and non-hunters. The Department will explore the data and get the information out to stakeholders as soon as possible.
- The state's population is increasingly moving toward Chittenden County. By 2030 half of the state could be there. This presents real challenges because increasingly urban populations have different values relating to traditional activities such as hunting and trapping.
- Moose: The Department is working on all issues that were discussed during the recent moose hearings.
- Black bear management and conflicts with people is a big issue.
- There have been real reductions in turkey populations in southeastern states.

**5. Public Comment Period**

**Paul Bugeja:** Representing newly formed Native Fish Coalition. We'd like the board to revisit the creel limits on brook trout. The current limit is 12 fish. You can take 12 brook trout daily or 6 brook trout and a combination of brown and rainbow. We'd like to move the limit from 12 to 6. There is competition, and global warming also affects it. We'd like the board to revisit it. We like 6 as a limit because we'd like to see greater numbers of larger brook trout. A lower limit enhances the size.

**Bert Saldi:** Clarification in petition to the board. I do not support the harvest of anymore antlerless deer. We think white-tailed deer hunters are being impacted. Bear kill more white-tailed deer than any other furbearer animal. The bear population is growing too fast, they're killing more than just weak deer. Bear numbers need to be brought down quickly.

**Kristin Cameron:** Representing the board of directors for Protect Our Wildlife (POW). The Board's September minutes contain statements that POW's counsel contends are defamatory. POW represents 2,000 members statewide. Please correct the previous meeting's minutes, by removing unsubstantiated claims.

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**Break for Dinner at 6:30**

During the break for dinner, Department Staff spoke with Board Members to determine the best times to work on potential regulatory issues presented in future from submitted petitions. Board members were given the opportunity to review six different topics with Department staff who recorded their comments. Recorded comments are listed at the end of these minutes. Department will study comments and report back to the Board with recommendations.

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**6. Overview of Comprehensive Deer Management Evaluation (CDME) Timeline**

Scott Darling reviewed 2018 timeline for moving forward with recommendations based on that data.

- Goal is to have a timeline that fits with big game planning framework.
- Age data will be coming in this March; there will be a report created this summer. Presentation on that data will be in summer Board Meeting.
- Timeline for final rule going into effect is early 2020. The proposed timeline is attached.

**7. Board Members' Round Table Discussion**

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Only formal actions or requests resulting from the Round Table are recorded in the meeting minutes.

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Board Member Bill Pickens: What was the turkey count in zone C? Please have Department Staff respond with numbers.

**8. Executive Session (Closed to Public)**

Prior to entering the executive session, the Board and its legal counsel discussed the procedures:

- Catherine Gjessing (General Counsel): The Board is statutorily allowed to enter executive session. There must be a motion and 2/3 of the board must vote to enter Executive Session.
- Boards cannot enter Executive Session without an appropriate reason. The criterion that applies to enter Executive Session in this instance is to provide professional legal services to the Board.

- There's been an allegation of per se defamation associated with the previous meeting minutes. Therefore, a motion to enter Executive Session would be appropriate at this time.
- Chairman Kevin Lawrence motions to enter Executive Session to confer with legal counsel regarding the previous meeting's minutes. MOTION: To take up the September 20, 2017 meeting minute discussion after an Executive Session held so that the Board may consult with legal counsel regarding allegations that portions of the meeting minutes constitute defamation. No other matter may be considered in the executive session. Furthermore, it is the finding of the board that proceeding without legal advice is unwise and that general public knowledge of any confidential attorney client communications relating to the allegations of defamation would clearly place the Department, the board and potentially individual Board members at a substantial disadvantage.
  - Seconded by Member Bill Pickens.
- Unanimous voice vote in approval of entering Executive Session.

## **9. Approval of 2017 September Board Minutes**

After returning from Executive Session Members of the Board took up the approval of the previous meeting's minutes. Member Bill Pickens motions to approve the Board's September 20, 2017 meeting minutes.

Craig Greene seconds the motion.

**Discussion:** Brian Wiles motions to amend the September 20, 2017 meeting minutes as follows: Amend the Round Table discussion section comments by Member Brian Wiles to read: "Great job by the Elmers' this weekend. Thinks Rodney should take his show on the road. Observations about how petitions work. What has surprised him the most is how groups deal with the Board and the Department. "Separately, he has listened to other members talk about threats of harm from people that disagreed in the past, and that threats by anyone and derogatory comments should be unacceptable. What is the threshold of what the future looks like for this board? Safety should be a concern going forward anytime this happens."

Vice-Chair Theresa Elmer seconds the motion. No Discussion.

Chairman calls the question: Should the minutes be amended as read and seconded?

Unanimous Voice Vote of all Members.

No further discussion after amendment.

Chairman calls the question: "Should the minutes be approved as amended."

9 votes in favor

1 abstention

The previous meeting's minutes were approved as amended.

## **10. Commissioner's Update**

- Distributes summary of preliminary harvest numbers.
- The Yankee show is this weekend the Department will have representation at the show.
- Moose Study is going well. Team did great work capturing moose.
- Last year the Department learned that 280 acres of land was available adjacent to Kehoe Green Mountain Conservation Camp. The Department along with other partners was able purchase the land for future use. Vermont Federation of Sportsmen recently donated \$10,000.00.
- Discussion on coyote contests and the Board's authority to regulate and potentially ban such contests.
- Reviewing fish study follow-up survey on brook trout. Young-of-the-year and biomass are up.
- Commissioner provides update the coming legislative session:
  - Antlerless Deer Bill
  - Coyote Bill
  - Access Use Bill
  - 2 Trapping Bills
    - Nuisance Trappers
    - Any incidental taking would need to be reported
  - Fish and Wildlife Department Omnibus Bill

**Next Meeting will be February 21:** Moose Season Discussion and Presentation will be moved to April 18, 2018 meeting.

Straw Vote Migratory Game Bird Season Preview will be held at next meeting.

Vice-Chair Theresa Elmer requests questions for public meetings in advance of meeting with public.

## **11. Adjournment.**

- Motion to adjourn was made by Member Craig Greene and Seconded by Craig Nolan

- Approved on unanimous voice vote
- Meeting was adjourned at 9:35 pm.

## **Attachment 1**

### **Recorded Notes from Board Member Discussions with Staff**

Question for discussion: “What topics would Board Members like to take up for regulatory review, and when?”

#### **Fish:**

- Commercial fishing
- 4-year cycle I.E baitfish +++
- 12 trout limit
- 13 trout limit

#### **Species Not Currently Hunted:**

- No need to pursue
- 2028

#### **Furbearer/Trapping:**

- 6-year cycle +++
- 3-year cycle +

#### **Wanton Waste:**

- No need to pursue ++++++
- Examine on a species by species basis +++

#### **Ruffed Grouse/Rabbit & Hare/ Squirrels**

- 3-year cycle +++
- 6-year cycle +
- Habitat +

#### **WMA/State Land Rules**

- 10-year cycle
- Map State lands/access areas
- Better Signage
- Enforce squatters
- Trap placement on state lands
- Horseback Riding
- Uses at access areas
- Food Plots

“+” indicates additional members agreed with original comment.