

Best Management Practices for Trapping Working Group First Meeting

August 4, 2022

Notes: CDS

WG Members: Lt. Sean Fowler(warden), Tom Decker (AFWA), Brenna Galdenzi (POW), Mike Scott (warden), Kevin Lawrence (VTA), Bruce Martin (VTA), Mike Kolsun (VT F&W Board), Martin Van Buren (VT F&W Board), Scott Chapman (alternate, Sportsman's Federation), Rob Mullen (VT Wildlife Coalition), Joanne Bourbeau (HSUS), Sen. Christopher Bray (5:35 pm), David Deen.

Absent: Representative Amy Sheldon

Guest: David Deen

Staff: Mark Scott, Kim Royar, Catherin Gjessing, Chris Bernier, Walt Cottrell, Chris Saunders

Thursday, August 4th Agenda

5:00 Department welcome

5:01 Mark Scott

5:05 Kim – Introductions

5:18 Reviewed working group decision making; emphasized common ground

5:20 Reviewed ground rules

Group agreed to a proposal to operate from a place of forgiveness. This was added to the ground rules.

5:25 Committee charge – focus on Best Management Practices (Mark Scott)

5:27 Review process timeline

Clarification – Public meeting is for public input/information and not Board, go to Board after...

Mark Scott – cognizant of ambitious schedule

Hand out petitions/draft petitions for review by WG members.

5:50 break

6:10 Introduction to Trapping BMPs, Association of Fish & Wildlife Agencies (AFWA), Bryant White, Dr. Dan Grove, PPT

6:37 Questions for Bryant White and Dr. Dan Grove following the presentation:

- *Is it true that up to 30% of animals caught in restraining traps, such as leghold traps, can suffer from severe trauma, such as amputation, compound fractures, severe internal organ damage, spinal cord injury, or death and still meet the BMP criteria?*

BW Response: Yes, but in practice, it was found to be only 9%.

Dr. Dan Grove Response: In the case of weasels, foot hold traps are lethal.

- *There are concerns about the trapping of non-target furbearers. [My question had more to do with the high 'Selectivity' score in White's /AFWA's report and that the report did not include non-target furbearers. (B.Galdenzi addition)]*

BW Response: We have those statistics, but it is density dependent and therefore very variable.

- *One of the thresholds used for measuring injury was to ensure that survival of captured animals is not compromised if released. How do you know?*

Dr. Grove Response: Based on the extensive experience of participating vets and expert opinion of field biologists many of whom had participated in trap and relocation, or radio-collar based research. The necropsies were much more in depth than a normal necropsy and participating veterinarians did not know which foot was trapped etc. Scoring system is geared towards ensuring that the captured animal could continue to function in the wild unimpeded. Considerations included what the species is and what it does for living and how the injury would impact function? Detailed necropsy included non-visible injuries. Process ensured that traps that caused serious but not visible damage were not approved.

BW Response: The necropsies took about an hour per animal and included a whole animal evaluation. Not just part that was caught—from nose to tail.

- *Would you in the future consider tracking animals to ensure that your assessments were correct?*

Dr. Grove Response: Keep in mind, a lot of these traps are already being used by agencies for reintroductions and research. Numerous studies that used traps to capture and release/reintroduce animals.

Bryant White: Aware of a couple of studies including bobcat and coyote that were radio-collared and most if not all were released unharmed

Tom Decker Response: At beginning of BMP process, high deference was given to veterinarians and biologists who had used traps for research and reintroductions.

- *How much does time in trap impact survivability?*

Dr. Grove Response: Toxins do correspond with increased injury, edema, etc. BMP trappers had to check traps once/day –no more than that. Veterinarians could tell if there had been blood flow issues.

Bryant White Response: We require that trappers check trap each day before noon. Trapper didn't know if the animal had been in the trap one hour or 23 hours.

- *Is it possible that some trappers were checking them more? Was there record of when and how?*

Bryant White: Trappers were specifically told to only check the trap once a day before noon unless they got a call from a landowner. Exact time was recorded. Also helps trapping become more effective.

- *The score allows for a threshold of 55 points. How was that determined?*

Bryant White Response: Fifty-five points was determined to be the threshold based on the fact that the tech advisory group felt that a higher score could impact survivability.

Dr. Grove: Scoring was cumulative, and every single injury was counted (i.e., multiple pinpricks would be scored and added separately). It doesn't take much to get to 55 points.

Bryant White: A fracture is a 50-point injury. And there are always other injuries associated with that.

Dr. Grove: Certain species are more prone to chewing on traps which can also result in a high score. Focus on a whole-body review and assessment.

- *The trap research project began in 1997. Curious if certain injuries such as eye lacerations are still considered acceptable? "The trap research project began in 1997. I'm curious if some of the painful injuries listed as only "moderate", such as eye lacerations, rib fractures, and severe joint hemorrhage would be acceptable in 2022. Is there a desire to revisit and update mammal trapping standards to reflect the changing public attitude toward animal welfare? (modified by Joanne Bourbeau who asked the question)*

Bryant White Response: The injuries you mentioned (eye lacerations, rib injuries) are very rare.

Dr. Grove: Keep in mind that 41% of the traps tested have failed. We are blinded to the trap type when performing the necropsy. The only times I have seen this type of injuries was when it was used to trap an animal it wasn't set for.

- *You say BMPs should be voluntary, what are the consequences of VT creating a regulation—why has no other state tried it?*

Tom Decker Response: Creating regulations are left to the individual states. We (AFWA) can't answer idea of how you get them there. What are the practices in your state now? Can you get there voluntary? AFWA's position is not to dictate what the states do.

- *Is there increased injury as restraint time increases? Is it a fair assumption that researchers are checking traps more often?*

Dr. Grove: In recent years there are signaling devices available that can be sent when trap goes off.

Kim Royar: That technology was not available when we conducted the bobcat and coyote research in Vermont. Traps were checked once a day and involved recreational trappers.

Tom Decker: There are no studies looking at trap check data. We do know that today more research efforts are using technology. Also, most universities have animal care standards and use BMPs recommended traps.

Bryant White: Wisconsin used regulated trapping for large bobcat study and only checked once/day. As far as I know, there was no evidence of impacts on survivability.

- *In your paper (The Monograph), it states multiple times that there is not one end all or be all recommendation. In the section titled Implications, you talk about some suggested criteria that would improve trapping systems. Should we consider these?*

Bryant White: chain and pan tension was standardized for some, but not all, species. The presence of swivels, laminated jaws, shock springs, off sets or padded jaws, center swivel are all potentially important. Protocol was standardized so we could compare apples to apples.

Tom Decker: However, we cannot necessarily say what part of the systems are most valuable.

7:23 pm End of presentation/questions

7:25 Breakout into two groups (green and blue)

Blue Group Breakout Notes

Members: Bruce Martin, Warden Sean Fowler, Joanne Bourbeau, Michael Kolsun, Representative Amy Sheldon (absent), Scott Chapman (sub for Chris Bradley).

Assume we are all on the same page with respect that we are here to improve trapping practices.

We should start by eliminating those petition items that do not fall within the purview of the legislative charge. It appears that the VTA proposal is all subject to the legislative charge.

Based on the BMP presentation, it appears that sticking to the BMPs is the best approach. (group consensus). There was no “group consensus” on “sticking to the BMP’s as the best approach”. The only thing our group discussed and agreed upon were the areas that fell within the legislative mandate. We simply agreed that the BMPs proposed by the VTA fall within the mandate. (Added by Joanne Bourbeau, HSUS)

What petitions items meet the legislative mandate?

Setbacks?

- Are all public lands currently open to trapping?
- What is public land? Trappers already need permission from the town to trap on municipal lands. Permission is implied on WMA's and FPR lands. Public lands are not black and white-- Public place vs. public land. On non -state owned land, permission is needed. Also, public town trails on private land need permission from private landowners. Should we limit the discussion to public land that is open to trapping without asking permission? Unintended consequences.

Signage doesn't apply to mandate.

what is a trail? Bushwhacked?

Don't get mired down.

Group agrees setbacks should be considered, but also agrees that signage doesn't fit.

Baiting (# 3 of POW petition).

Group agrees that baiting should be considered.

Number of traps?

Group agrees that 'number of traps' bullet does not fall within the mandate given that trap numbers are self-limiting. Department regulations require daily check (not every 24 hours). The HSUS agreed 'given that the legislative mandate did not mention the number of traps' (added by Joanne Bourbeau, HSUS)

Method of take?

Group agrees it deserves further discussion and potentially falls within the mandate. (i.e. requiring gunshot as only allowable method) added by Joanne Bourbeau, HSUS

Drowning?

One member doesn't initially think it fits, but the remainder do. After explaining their position, the member agrees. Group consensus it should be included. (i.e. prohibiting drowning in submersion sets) (added by J. Bourbeau, HSUS)

Incidental take?

It's already in the statute and not in mandate (group consensus).

Sensors on land traps?

Group agrees it doesn't fit under the mandate.

Defense of property?

Group agrees it does not fall under the legislative mandate as the Board doesn't have authority to change the defense of property. It's in statute.

There were 2 other items on the HSUS/GMAD/POW letter that the group also agreed would fall under the legislative mandate for further discussion:

- Body-gripping traps may only be set underwater in order to avoid killing non-targeted animals
- Body gripping traps must be fully submerged under water and should have a reduced check time (currently 72 hours for water traps) (Added by J. Bourbeau, HSUS)

Green Group Breakout notes

8/4/22 Meeting Breakout Group Discussion Notes

Notes taken by Chris Bernier

NOTE – The first ~10 minutes of this breakout group's discussion were not captured by this notetaker due to the fact that he was initially helping the other breakout group.

One member noted that the language of the bill "looks a lot like the POW petition."

A member responded that the language came out of committee discussions and was based on testimony from lots of people. The six charges identified in the bill were drawn from a running list of topics/concerns voiced by Legislative committee members and those providing testimony.

It was noted that there is no dispatch element in the BMPs and, therefore, questioned what the objective of the working group is if not explicitly focused on the BMPs.

One member felt that the biggest issue with the BMPs is enforceability recognizing that the BMPs are species-specific and what works for one species may not necessarily work for another making it hard to create an enforceable rule. Given this complexity and nuance, she doesn't believe enforcement is even possible.

In response it was suggested that there are some discreet recommendations that could be extracted from the BMPs that are not subjective or species-specific, and that are enforceable such as trap jaw size, anchor system, etc.

Others agreed that looking at trap characteristics made sense – like the VTA petition does. A species-by-species approach will undoubtedly get bogged down.

There is an online portal trappers can use for finding information on traps that passed the BMP process and for what species.

It was reiterated that there are many BMP trap characteristics that are already widely accepted, used, and even taught in Vermont's trapper ed courses such as pan tension, swivels, etc.

Much time was spent by the group dissecting the pros and cons of producing species-specific recommendations versus more general recommendations. The main points of contention were that species-specific rules will be complex and hard to enforce while some were concerned that more general rules may not be adequate to address all the issues such as selectivity and **animal welfare (added by B. Galdenzi)**. In addition, the BMPs are being updated continuously, therefore, rules must be designed to allow for the use of newly tested/approved trap types/systems accordingly.

Members returned to a focus on trap features that might lend themselves to potential regulations. It was noted that although such rules would be general, they would be applicable to all traps and trapping systems and would improve welfare. **([This point was considered] vague and not agreed to by POW— added by B.Galdenzi)**

It was also noted that most traps used here in the Northeast are a little larger than 6" so regulating such would prevent trappers from using something even larger while still preserving trapper options for using anything smaller depending on what species they are targeting.

One member was concerned that the legislative charge to address trap placement for the protection of people was a "red herring" given the fact that there appears to be no risk to people being caught as evidenced by the lack of any such incidents in the 24-year BMP research effort. It was further noted that dictating trap placement would limit trapper opportunity and their ability to efficiently check traps (e.g., could no longer set traps along a Class IV town road where the traps would be readily accessible and could be reliably checked from vehicle).

One person expressed the concern that BMP research trappers were likely more careful about trap placement than regular trappers, so the BMP findings aren't necessarily a perfect representation of reality. Regardless, despite the rarity of previous issues resulting from trap placement, such regulations would give people security and peace of mind knowing the rules were in place.

It was reiterated that the legislative charge clearly dictates that the group address trap placement and noted that the biggest challenge with this dictate will be defining what constitutes a "public trail" and "other public locations" the definitions of which can be quite ambiguous. **[One member suggested that the working group check out states like Montana to see what their setback rules are. (added by B. Galdenzi, POW)]**

Given the amount of effort trappers currently spend trapping, they are doing a pretty good job of avoiding people and pets without any rules regulating placement. NOTE: VFWD staff were asked how many Trap Nights (TRNTs) were expended annually by trappers? Staff responded, "somewhere in the low 10s of thousands – perhaps somewhere around ~30,000". This was later verified by staff and, in fact, annual TRNTs ranged, on average over the past ten years, between 2,600 for opossum and 58,484 for muskrats and overall averaged 19,427 per species. For species which would be most impacted by rules

dictating trap placement (i.e., canids, raccoons, bobcat, and fisher), the average number of TRNTs expended annually per species over the past ten years is 20,884.

It was noted by the AFWA representative that the BMP research clearly demonstrated high trap selectivity overall and that “no humans were caught” during the research effort. In addition, trappers who participated in the BMP research were recreational trappers who used their existing traplines with no particular consideration given to any increased caution regarding trap placement and, therefore, the BMP findings are representative of trapping as a whole.

One member offered an account of two cases of dogs caught in foothold traps that he was personally aware of since the 1990s – dogs were ultimately fine in both cases with or without veterinarian care (the level of vet care administered, if any, was not particularly clear to the notetaker) – as a result, there continues to be concern by some individuals that the non-target capture of domestic dogs is more common than the research data indicates. It was also noted that the Bolton Town Forest, allows trapping and is heavily visited by the public. Although no specific incidences of people/pets being caught by traps on the town forest have occurred to date, he believes the opportunity for such to occur is heightened given the current level of visitation. He does not agree with the policy to allow trapping on the town forest.

Some believe that the 2019 petition regarding trap placement rules would not impact trappers recognizing that many already avoid these areas. Trap placement rules would, however, give the public some assurance that it was safe to recreate in these areas.

There was general consensus by the group that the VTA petition provides a good baseline and would offer some improvements. Most felt that the individual requirements proposed in the petition made sense in terms of practicality, enforceability, and in improving animal welfare. It was further noted that this rule change, as petitioned, would have significant consequences for trappers such as having to buy new and/or modify their existing traps. [POW does not support this. (added by B. Galdenzi)]

It was noted that one of the charges of the bill is to secure funding to help trappers make the transition to BMP traps.

It was suggested that trappers, “who know trapping”, should work together to figure this out, particularly how to regulate/enforce the BMP’s. What regulations would be practical and enforced in the field. There is a lot to get through with this legislative charge including the selectivity issue.

Others agreed but offered that “it isn’t just us guys talking about trapping” but, rather, it is all of us that need to be part of this conversation. Some wondered if this move to regulate BMPs would result in the legalization of currently illegal, but otherwise BMP certified, traps such as cable restraints which tested very high for animal welfare for some species.

Some had some concerns/questions regarding whether trap springs weaken over time and how that could influence their effectiveness and, in turn, impact their welfare. In response, the group briefly discussed the factors that impact trap effectiveness, namely rust and poor maintenance, and whether or not there should be a certification or inspection of traps over time.

The group was again reminded that the BMPs were not designed to be adopted in regulation given the complexity, the fact that only the states have the authority to regulate trap use, and there is wide

variability in the rules already in place across the country that regulate trap use. BMPs were designed, by necessity, to be recommendations that are taught and promoted by trappers and state FW agencies. Thus, he questioned what the objective of the working group is – “are we trying to develop our own BMPs?”

It was noted that the bill’s use of the term BMP was not necessarily tied to the AFWA BMP process but was, rather, more broadly used by the legislative committees to mimic other agencies’ use of the term (e.g., agricultural BMPs). He suggested that the intent of the term BMP was to consider/include the AFWA BMP recommendations but not limit the group to it.

Green Group Summary Comments based on Flip Chart Notes

Recorded by Kim Royar

A. **Green Group:** Warden Michael Scott, Kevin Lawrence, Brenna Galdenzi, Martin Van Buren, Senator Chris Bray, Tom Decker, Rob Mullen.

a. **Questions generated by the group:**

- i. How do we or should we enforce multiple traps for multiple species?
- ii. How would a warden know if a coyote set was able to take a bobcat?
- iii. How do we control all the variables?
- iv. What are other New England state laws regarding trap setbacks?
- v. What is the definition of a public trail?
- vi. Should trap be certified/or inspected to ensure that they continue to meet BMP standards over time?
- vii. Can we identify those characteristics that are most desirable rather than species specific recommendations such as swivels, covered bait, pan tension, traps appropriately sized for the target animal?

B. **Consensus:** Group agreed that the VTA petition would improve animal welfare and that the six requirements as proposed all make sense. Want to make sure that implementation would reduce non-target animals.

Comments were made as a good-faith icebreaker to hopefully catalyze some discussion in reply to the Chair's urging for some points of consensus. This seemed like a low bar for the group to start from. The proposer felt that the VTA proposals would at least not make foothold traps any worse and might reduce suffering, even if minimally. That indeed would seem to be the lowest of low bars to clear in seeking to start a discussion of areas of agreement. [added by Rob Mullen as a clarification to the minutes]

[POW does not support].

C. **Concerns:**

- a. Possible furbearer non-targets
- b. Concern about dictating the location of traps, particularly off class IV town roads.
- c. Concern about human and pet safety

