

Fish & Wildlife Board
APPROVED Meeting Minutes
Wednesday, May 20, 2009

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on Wednesday, May 20, 2009, in the Skylight conference room of the State Office Complex at 103 South Main Street in Waterbury, Vermont.

Attendees:

Board Members: Brian Ames, Chair; Ed Gallo, Vice Chair; Pete Allard, R. Keith Armstrong, Jeremy Baker, Wayne Barrows, Walt Driscoll, Cyndy Jones, Craig O. Lantagne, Claude Rainville, John Roy; Bob Shannon, and Grant Spates.

Absent: Jeffrey Salvador.

Department Employees: Col. David LeCours, David Englander, John Buck, Scott Darling, Tom Decker, and Cathy Merrill.

Visitors: Senator Harold Giard, Gary Payne, Clint Gray, and Roy Kilburn.

Chair Ames called the meeting to order at 5:10 p.m.

Approval of April 15, 2009 Meeting Minutes

Mr. Gallo made a motion to approve the minutes as written, which was seconded by Ms. Jones. The minutes were approved as written, with all voting in favor, except Mr. Spates, who abstained due to his absence at said meeting.

Third Vote: 2009 Moose Rule

David Englander, general counsel for the Department, informed the Board that the 2009 moose rule was considered by the Legislative Committee on Administrative Rules (LCAR) and passed unanimously. Mr. Roy made a motion to accept the rule, which was seconded by Mr. Gallo. The rule passed unanimously.

Update: 2009 Deer Season Rules

Mr. Englander said the Interagency Committee on Administrative Rules (ICAR) considered the 2009 deer season rules and passed the antlerless rule without discussion. However, the Board's proposed additional muzzleloader season was discussed at length. ICAR noted concern with the proposal in light of the Department's lack of support. ICAR also expressed frustration with the Board, and noted the Board should be mindful of the Department's logistical and operational concerns during rulemaking. ICAR ultimately passed the rule with the muzzleloader season amendment, and the rule was submitted to the Secretary of State's office on May 8.

Tom Decker, Chief of Operations for the Department, reviewed the Department's concerns that were outlined in a memo to Commissioner Laroche dated May 11, 2009, which was previously emailed to the Board.

Mr. Gallo noted the split archery season, and questioned how a split muzzleloader season would pose an administrative burden on the Department. Mr. Decker outlined the administrative challenges an early muzzleloader season would pose if enacted in 2009. Mr. Gallo defended the proposed additional 2009 muzzleloader season and said it would enable a larger deer harvest considering the finite number of available hunters. Mr. Gallo said the Department has not provided any additional methods to address the problem of too many deer and believes the additional season is a viable option.

Mr. Decker reiterated the Department's opposition to implementing an additional muzzleloader season for 2009; however, it is a proposal due for consideration for 2010 in the ten-year big game management plan.

Mr. Shannon made a Motion to Rescind the amendment for an additional muzzleloader season for 2009. Mr. Driscoll seconded.

After discussion on whether the motion was appropriate, and in consultation with Mr. Englander, the motion moved forward.

Mr. Shannon explained the reasoning for his motion was based on the concerns outlined in Mr. Decker's memo, the economic impact the amendment would have on the Department, and favored implementing the proposal in 2010.

There was more discussion on the Department's position, the merits of postponing implementation of an early muzzleloader season, and the desire for more public input.

Mr. Lantagne questioned whether the input gathered at the already-scheduled public meetings could be applied to a 2010 season. Mr. Decker said the ten-year plan would be released for public review during the summer, would include a web-based avenue for public input, and public meetings would be held to consider the plan, including a proposed early muzzleloader season.

Mr. Barrows supported the amendment, saying it had been proposed two years ago, and the Department had not yet provided input on the proposal.

Scott Darling, wildlife biologist for the Department, said he had been tasked with shepherding the big game management plan through adoption and outlined the desired timeline. The timeline is as follows: The plan would be submitted to the Agency of Natural Resources' Secretary for comment by June 12. The public review process would occur June 29 through July 17. There would be three components of public input: direct mailing to the Board and stakeholders; direct mailing to all individuals who attended the statewide meetings; and a web-based review process. The current recommendation is to have one public meeting, possibly during the week of July 13-17.

Mr. Allard made a Motion to Postpone to a Certain Time the Motion to Rescind until after the Department's presentation of the big game management plan, which was seconded by Mr. Lantagne. The motion passed unanimously.

Mr. Ames clarified that whatever the outcome of the Motion to Rescind, the public hearing on June 17 would still be held as scheduled.

At this time, Mr. Ames introduced visitors Senator Harold Giard from Addison County, and Gary Payne who asked to address the Board regarding their concerns about the deer population in Wildlife Management Unit (WMU) F1.

Senator Giard outlined concerns relating to the declining deer population in WMU F1, and introduced Gary Payne who elaborated on specific concerns. Mr. Payne provided the Board with anecdotal information and distributed material itemizing his concerns, which included increased housing, poachers, more hunters, the rural, agricultural nature of the land, and archers/youth hunters harvesting numerous antlerless deer.

Mr. Rainville agreed that land uses and agricultural techniques have changed over the years and have affected the deer population in that area.

Mr. Barrows suggested that Mr. Payne provide more data to the Board for WMU F1; e.g., road kills, reproduction rates, hunter surveys, etc., before the Board takes its second vote.

Presentation: Ten-year Big Game Management Plan

John Buck gave a PowerPoint presentation on the draft ten-year big game management plan for moose, white-tailed deer, black bear and turkey which included bulleted objectives and actions for overall program consideration, and entertained questions from the Board.

Continuation of Discussion: 2009 Deer Season Rules

After Mr. Buck's presentation, there was continued discussion on Mr. Shannon's Motion to Rescind and the already-scheduled public meetings/hearing. Mr. Englander clarified the difference between the noticed meetings and hearing, and said there was no distinction for the Board; the difference in wording was for legal purposes.

Mr. Gallo again voiced his support for the proposed early "split" muzzleloader season for 2009. Chair Ames disagreed with the assertion that the proposal was to be a "split" season as the season was proposed as a new season, not a split season.

There was more discussion about the timing of the meetings and how it might be confusing to the public and costly to the Department to have public input meetings in June for the proposed muzzleloader season, and public input meetings in July on the ten-year big game management plan.

At this time, Chair Ames called for a vote on the Motion to Rescind the proposed early muzzleloader season. The Motion to Rescind passed 8 to 4.

There was continued discussion whether to keep the public hearing scheduled for June 17 in Rutland. The Department proposes two public hearings in July to gather public input on the big game management plan.

Mr. Gallo made a motion to cancel all four meetings, which was seconded by Mr. Driscoll.

The vote was 9 to 3 in favor of cancelling all four meetings.

Legislative Update

Tom Decker gave an update on pertinent legislation and the recent legislative session. Mr. Englander noted that due to APA scheduling constraints, the Board would not be able to take a second vote on the 2009 deer season until June 18, which is a Thursday. It was decided the next monthly Board meeting would be moved to Thursday, June 18, instead of the usual third Wednesday of the month.

Roundtable

Mr. Gallo asked about the status of the captive hunt facilities. Mr. Englander responded the Department is attempting to establish contact with the facilities.

Mr. Shannon wanted to extend congratulations to Major Reinhardt on his recent promotion. Mr. Shannon also wanted to relay that he is receiving reports of anglers exceeding their creel limits and abusing restrictions in the Winooski and Clyde River areas, respectively.

Mr. Baker said the Mendon Fish & Game Club, of which he is President, is sponsoring 11 conservation campers and are establishing a lifetime license program.

Mr. Armstrong said he is still hearing complaints regarding the antlerless permit allocations for his district; however, those concerned are not attending the public meetings. Mr. Armstrong noted the 2008 harvest was 25% below Dr. Haskell's prediction, and put the Board and Department on notice that he will propose amending the number of antlerless permits for WMU N downward to 1900 at the next meeting prior to the second vote on the rule.

Mr. Driscoll asked about the bear trap donation and if the Department was developing a procedure regarding its use. Scott Darling said the Department is developing a nuisance bear response protocol that will incorporate how and when the bear trap will be used. Mr. Driscoll also raised a concern about the apparent over-use and possible abuse of affidavits by hunting license applicants.

Mr. Ames requested that Mark Scott give a short presentation on Hunter Ed at an upcoming Board meeting.

Mr. Baker made a motion to adjourn the meeting, which was seconded by Mr. Allard.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

/s/Catherine Merrill

Catherine Pirie Merrill
Executive Staff Assistant