

Fish & Wildlife Board  
\*\*APPROVED\*\* Meeting Minutes  
Thursday, June 18, 2009

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on Thursday, June 18, 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, Claude Rainville, John Roy, Jeffrey Salvador, Bob Shannon, and Grant Spates.

Department Employees: Commissioner Wayne Laroche, Col. David LeCours, David Englander, Scott Darling, Tom Decker, Dr. Shawn Haskell (via phone) and Cathy Merrill.

Absent: Craig O. Lantagne.

Visitors: Gary Payne, Roy Kilburn.

Chair Ames called the meeting to order at 5:00 p.m.

**Approval of May 20, 2009 Meeting Minutes**

Mr. Driscoll made a motion to accept the minutes as written, which was seconded by Mr. Rainville. The minutes were unanimously approved as written.

**2009 Antlerless Season Rule**

A motion was made by Mr. Gallo to accept the proposed rule regarding the 2009 antlerless season; Mr. Driscoll seconded the motion.

Dr. Haskell, wildlife biologist for the Department, reviewed the Deer Team's recommendations for the 2009 antlerless season.

Mr. Gallo questioned the redrawn boundaries of Wildlife Management Unit (WMU) E, for a proposed antlerless zone in the southern portion of that WMU. Mr. Gallo said such a proposal warrants more public input, similar to the early muzzleloader season proposal that was postponed by the Board at its June meeting in order to obtain public input. Mr. Driscoll said the boundaries of WMU E had been discussed in the past due to habitat changes being seen in the lower section of that WMU. Mr. Gallo wanted to ensure the Board was considering proposals consistently.

Dr. Haskell said the redrawn boundaries for WMU E were being offered by the Deer Team to address a biological issue and that the Deer Team prefers taking action now rather than delaying it.

There were questions from the Board regarding the hunting success rate, harvest numbers, severity of recent winters, road kill numbers, fawn survival rates, and fetus checks.

Dr. Haskell said he is using a new model to estimate the deer population, and is not using harvest numbers alone to manage the deer population as in the past. Dr. Haskell referred the Board to page 3 of the 2008 White-tailed Deer Harvest Report for the desired buck:doe ratio for the carrying capacity of the habitat.

Commissioner Laroche said he did not believe the recent legislative change to open Youth Season to youth from any state would impact the deer management objectives significantly. However, the Department will monitor the season to be sure it does not result in a significant change.

There was more discussion on the proposed vs. actual harvest success rates and proposed antlerless permits for the various WMUs.

Mr. Payne spoke to the petition he and Senator Harold Giard submitted to the Board on June 11, 2009, entitled "Petition to Stop Doe Killing in Muzzleloader Season in F1 Zone." Mr. Payne clarified that the header on the petition was in error, and what the petitioners intended was to request a deer count in southern WMU F1, and to stop allowing the harvest of doe until the numbers rebound. Mr. Payne submitted 74 additional names and 26 individual letters from residents of WMU F1 in support of the petition. Mr. Payne also submitted a map suggesting boundaries for WMU F1 where antlerless hunting should be banned.

Chair Ames informed Mr. Payne that typically a petition requires the Board to either initiate or deny a request for rulemaking, and, as the Board is currently in the process of rulemaking, the petition did not need to be granted nor denied. Chair Ames said the petition, individual letters, and Mr. Payne's and Senator Giard's testimony at the Board's May meeting would be taken as public comment.

Chair Ames requested that the Department summarize the letters and inform the Board of their contents.

Commissioner Laroche shared information that Dr. Haskell had prepared indicating the deer harvest in Addison County is the highest it has been in the past 30 years. Commissioner Laroche recommended waiting for the issuance of the draft 10-year big game management plan (BGMP) before adjusting WMU boundaries. He said there would be ample opportunity for public input and changes to WMU boundaries may be recommended that would require legislative approval.

There was more discussion about muzzleloader success rates and the inability of the Department to issue all the antlerless permits in certain zones.

There was discussion about the changes in agricultural practices and machinery and the effect on deer habitat and fawn survival.

Chair Ames asked for a motion to address the petition. Mr. Rainville made a motion to eliminate 1400 muzzleloading permits in WMU F1 as requested by the petition.

Chair Ames recommended leaving the rule as is, and wait for the BGMP recommendations before considering any re-districting. He urged those interested in changing the boundaries of F1 to aggressively testify during the public process for the BGMP.

There was discussion about the Board's authority to re-zone WMUs, and the reasoning for the request to redraw the boundaries to ban antlerless hunting in WMU F1.

David Englander, legal counsel for the Department, clarified that the Board can subdivide an existing WMU once, but actual WMU boundaries can only be redrawn by the Legislature. He also noted that the Board may "establish territorial limits for any rule under this subchapter" [10 V.S.A. § 4084 (c)].

There was no second to Mr. Rainville's motion. Mr. Rainville withdrew his original motion and made a new motion to "not issue antlerless muzzleloading permits in the outlined section by setting territorial limits in the southern portion of the map." The closed area would be from Larrabee's Point in Shoreham, follow Route 74 north to Cornwall; follow Route 30 north to Middlebury, to include the Otter Creek area west to a point called Fort Cassin. Mr. Armstrong seconded the motion.

Concern was expressed with issuing the same number of antlerless permits in an area of land that would be reduced by 40% by setting new territorial limits.

Scott Darling, wildlife biologist for the Department, said the recommendation to delineate new territorial limits in the southern portion of WMU E is compatible with the BGMP; however, the petitioner's proposal for F1 creates an island for antlerless tags. He went on to say that during the BGMP process, some consideration was given to redistricting F1 and F2, but it was very different from what is being recommended by the petitioners.

A vote was taken on the motion to "not issue antlerless muzzleloading permits in the outlined section by setting territorial limits in the southern portion of the map." The motion failed: 8 opposed; 3 in favor.

Chair Ames offered to contact Mr. Payne in the future and discuss a course of action for the petitioners.

Mr. Armstrong noted the lack of deer sightings in WMU N and made a motion to reduce the number of antlerless muzzleloader permits in WMU N from 2900 to 1900. Mr. Barrows seconded the motion.

The vote to reduce the number of antlerless permits in WMU N from 2900 to 1900 was a 6-6 tie. Chair Ames broke the tie by voting in opposition. The motion failed, 7-6.

There was discussion about the timing of the Department's new recommendations. Commissioner Laroche noted that the Board had asked the Department to evaluate alternative boundaries for a possible antlerless zone in the southern portion of WMU E, determine the appropriate number of antlerless permits for that area, and come back to the Board with a proposal prior to the second vote on the rule.

Mr. Gallo made a motion to postpone the subdivision of WMU E (area south of Route 2) until 2010 to allow an opportunity for the Department to gather more information and public input. Mr. Armstrong seconded the motion.

The motion passed: 7 in favor; 4 opposed.

Chair Ames called the vote on the entire rule, as amended, to include the Department's recommendations to add 400 antlerless permits to WMU D1, and 200 antlerless deer permits to WMU C; however, WMU E would be closed to antlerless deer hunting, except during Youth Hunting weekend.

The rule passed 11-1, with Mr. Armstrong in opposition.

**Roundtable:**

Mr. Shannon asked to have the Department give the Board a presentation on the fish stocking program, costs, disease issues, etc.

Chair Ames asked Board members to provide him with program topics for which they would like see short presentations/overviews when the meeting agendas are light. These items would not be for regulatory action, but for informational purposes only.

A motion was made by Ms. Jones to adjourn the meeting, which was seconded by Gallo.

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

**/s/cpm**

Catherine Pirie Merrill  
Executive Staff Assistant  
Fish & Wildlife Department