

**Fish & Wildlife Board  
Final Meeting Minutes (as amended)  
Wednesday, January 17, 2007**

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on January 17, 2007 in the Skylight conference room in Waterbury, Vermont.

Attendees

Board Members: Rob Borowske, Chair; Brian Ames, R. Keith Armstrong, Wayne Barrows, Walt Driscoll, Albert Floyd, Ed Gallo, Dana Kittell, Craig Lefevre, Claude Rainville, John Roy, Bob Shannon, and Bruce Therrien.

Absent: Jeremy Baker.

Department Employees: Commissioner Wayne Laroche, Colonel Robert Rooks, Major David LeCours, Tom Decker, Steve Hill, and Cathy Merrill.

Commissioner Laroche introduced ANR Secretary George Crombie. Mr. Crombie offered his support to the Board and said he would work to support its initiatives.

**Approval of December 20, 2006 Minutes**

Lefevre made a motion to accept the December 20, 2006 minutes, which Floyd seconded. The vote regarding acceptance of the minutes passed unanimously.

Chair Borowske distributed a calendar of proposed agenda items for 2007. This document was prepared at the Board's request to give the Board an idea of issues they will be considering. The proposed calendar will be flexible and subject to change.

Commissioner Laroche gave a PowerPoint presentation on deer management, which included video taken of deer using a Forward Looking Infrared (FLIR) camera. The Commissioner believes that FLIR could be another tool to use in monitoring deer populations in conjunction with existing harvest estimation methods. Commissioner Laroche said the Department needs to inventory the deer yards, examine how they are being managed, their characteristics, and consider possible remediation for improvement.

Floyd suggested the Department contact local fire departments, as they have similar FLIR cameras that might be available for the Department's use.

**Wanton Waste**

Steve Hill reviewed the Department's proposal for a wanton waste regulation and outlined the Board's options.

Hill said this version of the proposed regulation focuses on game and furbearer definitions and he thought it covered everything the Board had expressed concerns about. He said the Department recommends including game and furbearers, and said this version is more expansive than some other states.

There was lengthy discussion on the merits of the proposal, how it would apply to coyotes, and on the ethics of harvest and use of game. The Department said it would define the “usable portion” of each animal after final adoption of the rule.

Floyd made a motion to accept the Department’s most recent version, Draft 8.0, 070111, which was seconded by Roy.

Therrien made a motion to add “a game animal” to section 3.1 so it would read: “No person shall take a game animal and intentionally, knowingly, or negligently fail to retain for use the fish or game taken.” Kittell seconded the amendment.

There was discussion on the effects of excluding furbearers and fish from the proposal.

A vote was taken on Therrien’s motion to amend, which resulted in a tie vote of 6 to 6. Chair Borowske cast the tiebreaking vote in favor of the Department’s recommended language, which included furbearers, but not fish.

It then became apparent that there was a conflict in the language of section 3.1 of the proposal. Hill acknowledged that was a typographical error, and said the second mention of “fish or game” should have had brackets around the words “fish or game,” similar to the first “fish or game.”

Floyd countered that the original motion on the floor was to vote on the language as written, and his intention was to include “fish.”

Hill explained that the use of brackets in sections 1.3 and 3.1 was to allow the Board to choose the wording it preferred from the brackets. Once the Board chose the wording it wanted in 1.3, the wording in section 3.1 would have to mirror 1.3.

Ames made a motion to correct the typo, which Rainville seconded.

A vote was then taken on whether to accept the corrected typo, which would omit “fish” in 1.3 and 3.1. All were in favor, except Kittell and Lefevre, who opposed.

Lefevre made a motion to go back to the original language proposed by the Department and use definitions #9 and 14. Floyd seconded.

Definitions #9 and 14 were extracted from 10 V.S.A. §4001. #9 defines “game” as: game birds or game quadrupeds, or both; and #14 defines “furbearing animals” as: beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, and muskrat.

Lefevre made an additional motion to amend the language of 3.1 by adding “a significant portion” to have it read: “No person shall take “game” or “furbearing animals” and intentionally, knowingly, or negligently fail to retain for use a significant portion of the “game” or “furbearing animals” taken.” Floyd seconded the motion.

It was noted before the vote that this version still did not include fish.

A vote was taken on the amendment, and all were in favor, except Roy who opposed.

Hill reviewed the motion on the table:

Section 1.1 – no change.

Section 1.2 – no change.

Section 1.3 – use definitions #9 and #14 (game and furbearing animals).

Section 2.0 – no change.

Section 3.1 – use definitions #9 and #14 (game and furbearing animals), and add “a significant portion”

Section 3.2 – no change.

Section 3.3 – no change.

All voted in favor; except Gallo, Shannon, and Floyd who opposed.

Hill recommended holding a public hearing on the proposed regulation, and after discussion by the Board, will schedule it to be held in Montpelier.

### **Rulemaking Update**

Hill gave an update on pending rules:

The *fish health and importation rule* was filed with the Secretary of State’s office on December 28, will be reviewed by LCAR on January 24, and will be ready for the Board’s third and final vote at its February meeting.

The proposed rule on *importation and possession of animals for hunting* is scheduled for a public hearing on February 12 from 7:00 p.m. until 9:00 p.m. in the Pavilion Auditorium in Montpelier, and will be ready for discussion and possible second vote at the Board’s February meeting.

Hill will send the entire filing packets of the rules electronically to the Board members.

The proposed rule on *taking bear with hounds* will be published on January 25, and is not scheduled for a hearing, although one could be requested. Department staff met with Clint Gray, and have been invited to attend the Houndsmen meeting in February.

Hill made a recommendation concerning the process for filing rules with the Secretary of State's office. He had prepared a letter for the Board's consideration to delegate the Commissioner and the Department's General Counsel the authority to sign rulemaking packets.

Gallo made a motion to allow signatory authority to be extended to the Board's Executive Secretary (the Commissioner) and the General Counsel. Roy seconded.

All voted in favor; Chair Borowski signed the letter on behalf of the Board, and Hill will file it with the Secretary of State's office.

### **Roundtable**

Floyd suggested the Department provide sample packets of tin sinkers to anglers. This is being done by the Department already.

Shannon informed the Board that his store is now a drop-off point for split shot, and Department personnel will pick up the lead shot at different intervals starting in the spring.

Therrien suggested that before the public hearing on wanton waste that the Department have a better definition for "retain for use."

Barrows asked about the status of the "big game manager" position. The Commissioner said the Department was in the process of finalizing the job description and ascertaining funding.

There was discussion on the possibility of allowing transfer of unused antlerless permits to hunters 18 years old or younger, or to hunters older than 65. Hill said that all licenses and permits are not transferable, and statute would need to be changed to allow for that. Currently unused antlerless permits can be turned in, which allows them to be redrawn by someone else. The Department has been aggressively pursuing reissuance of unused permits.

Commissioner Laroche said that the Department will be making its deer management presentation at the February Board meeting, and the number of deer allowed to be taken will be on the table, as the antlerless limits are set every year. There was discussion on the feasibility of combining the deer management rule and the antlerless rule into one.

Commissioner Laroche stated that if the harvest of a third deer was allowed, it would be an antlerless deer to control the population. He also said the Department would adamantly oppose having an antlerless season during rifle season due to safety concerns.

Roy questioned if the Department was looking at changing the WMU boundaries. Commissioner Laroche said he did not believe they would be changed as they are mostly delineated by geographic criteria.

Shannon asked about the Funding Task Force Committee and what will happen to its recommendations. He was advised to contact the Committee with any process questions.

Therrien requested that “*legislative updates*” be added to the Board’s agenda calendar during the months that Legislature is in session.

Commissioner Laroche gave a slide presentation on deer habitat and management. He said the deer harvest to date was 12,549 with reports still coming in. His recommendations for next year’s hunting seasons would be to increase the bag limit to three deer, adjust the archery harvest, and adjust the amount of antlerless permits issued.

Chair Borowske asked that the slide pertaining to the three deer limit, be qualified to say that the “Board would be considering . . .” a change in the limit.

Lefevre asked when the Sladyk WMA would have a management plan, as it has been 30 years without one. This is an Agency [of Natural Resources] issue. Tom Decker said there is a long list of lands in need of management plans, and Agency staff are working on whittling down the list. Decker believed that the Sladyk parcel is the Fish & Wildlife Department’s next priority plan in that district; however other Agency Departments may have their own priorities.

Lefevre made a motion to adjourn, which was seconded.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

**/s/cpm**

Catherine Pirie Merrill  
Executive Assistant

***The mission of the Vermont Fish and Wildlife Department is the conservation of all species of fish, wildlife and plants and their habitats for the people of Vermont.***