

Fish & Wildlife Board
****APPROVED** Meeting Minutes**
Wednesday, October 10, 2007

The Fish & Wildlife Board convened a meeting at 7:00 p.m. on Wednesday, October 10, 2007, in the 4th floor conference room of the Pavilion Office Building in Montpelier, Vermont.

Attendees

Board Members: Dana Kittell, Chair; Bruce Therrien, Vice Chair; Brian Ames; R. Keith Armstrong; Jeremy Baker; Wayne Barrows; Walt Driscoll; Ed Gallo; Cyndy Jones; Craig Lefevre; Michael Popowski; Claude Rainville; and John Roy.

Absent: Bob Shannon.

Department Employees: Commissioner Wayne Laroche, Colonel Robert Rooks, Steve Hill, Major David LeCours, Shawn Good, Bernie Pientka, Eric Palmer, Tom Decker, and Cathy Merrill.

Chair Kittell called the meeting to order at 7:00 p.m.

Approval of August 15, 2007 and August 30, 2007 Minutes

A motion to accept the minutes of the August 15 and August 30, 2007 meetings was made by Driscoll and seconded by Gallo. The minutes were unanimously approved as written.

Visitors

Gilbert Gagner, Martins General Store, Highgate Springs, Vermont, and Roy Kilburn, Berlin, Vermont.

Mr. Kilburn distributed the publication "The Facts on Bow Wounding" to the Board members.

Presentation and First Vote: Emergency Baitfish Rule

Eric Palmer, Director of Fisheries, gave a brief overview on Viral Hemorrhagic Septicemia (VHS) and the proposed emergency rule. Shawn Good, Fisheries Biologist, gave a PowerPoint presentation entitled "Viral Hemorrhagic Septicemia and Baitfish Use in Vermont."

Mr. Gagner stated he had been appointed to represent the Lake Champlain commercial bait harvesters, and distributed a handout to the Board. After reading a statement, Mr. Gagner said the commercial bait harvesters are willing to work with the Department.

Ames asked if it was time to call the question.

There was discussion on various scenarios; e.g., splitting zones, types of bait sold, requiring receipts of bait purchased.

When asked what he would have done if the emergency rule had been brought before him for signature, Commissioner Laroche said he would have enacted the emergency 120-day rule as presented. It then would have been brought to the Board for rulemaking at its December meeting.

There were concerns raised regarding the lapse of time between the expiration of an emergency rule and the enactment of the rule amendments. It was suggested by Lefevre that the commercial bait harvesters meet with the Department to find a mutually-agreeable proposal.

Ames made a motion to accept the emergency rule as presented, which was seconded by Popowski.

Popowski and Ames voted in favor of the emergency rule as written; all others opposed.

Therrien manned the white board to visually outline the Board's position. All but one Board member agreed with Section 5.4, Personal Bait Use Restrictions as proposed (personal trapping of baitfish would be prohibited, receipts would be required and only be valid for 48 hours, and anglers would not be allowed to depart waters of the state with baitfish in their possession).

The majority of the Board agreed with the concept of zones (Lake Champlain and Interior). It was noted by Eric Palmer that applying zones to an emergency rule may be problematic; e.g., knowing where the baitfish are being held, but he felt this could be addressed in regular rulemaking. The Board was narrowly split regarding free movement of baitfish within zones. It was the expectation of the Board that if a dealer was declared to be a Lake Champlain dealer, then they could not exchange baitfish between zones.

It was agreed to use the same definition for Lake Champlain as in the Digest of Laws. There was discussion about allowing only Lake Champlain-harvested baitfish to be used in Lake Champlain, and allowing only hatchery-tested baitfish in the interior zone.

A straw poll was taken which indicated the majority of the Board agreed to move forward with the changes discussed.

Steve Hill was tasked with incorporating the suggested changes into an amended emergency rule, which would include delineating two zones and allowing two specific baitfish.

It was the Department's position that adding zones was a liability to the intent of the Department's proposed amendments, which was to prevent the spread of disease.

It was decided that the Board would hold a special meeting via conference call next week and take two separate votes: 1) vote on the emergency baitfish amendments to the fishing rule; and 2) take a first vote on similar amendments to the fishing rule.

Eric Palmer stressed that the Department wants to get the word out to the dealers as soon as possible, as the longer the delay, the harder it is for dealers to make their business decisions.

Steve Hill will work with Eric Palmer and Shawn Good to draft language to reflect the Board's suggestions, and will send a revised draft to the Board either Thursday or Friday. A conference call will be scheduled for 7:00 p.m. next week to take the votes. Board members were encouraged to provide any comments they have to Steve.

Second Vote: Importation and Possession of Wildlife (not for hunting)

Steve Hill distributed a revised version of the rule relating to the Importation and Possession of Wildlife (*not for hunting*). Steve reviewed the minor changes that had been made to the proposal, and said the Department had only received one comment regarding the rule. Col. Rooks urged a second vote due to the length of time it has taken to get this far (six-plus years).

Baker made a motion to accept the revised rule; which was seconded by Gallo.

There was no discussion, and the Board voted unanimously to approve the rule as presented.

Discussion: Importation and Possession of Wildlife

Chair Kittell said he had appointed Board members Barrows and Therrien to represent the Board at the meeting that LCAR had directed the Board/Department to conduct. No meeting has been scheduled as yet. Kittell said it will not be within the representatives' authority to make any decisions; they are to bring any proposals discussed at the meeting(s) back to the Board for consideration.

A motion to adjourn was made by Roy; seconded by Armstrong.

The meeting adjourned at 10:00 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.