

Fish & Wildlife Board  
\*\*APPROVED as amended\*\* Meeting Minutes  
Wednesday, December 17, 2008

The Fish & Wildlife Board convened a meeting at 5:30 p.m. on Wednesday, December 17, 2008, in the Skylight conference room at the State Office Complex in Waterbury, Vermont.

Attendees:

Board Members: Dana Kittell, Chair; Brian Ames, Vice Chair; R. Keith Armstrong; Wayne Barrows; Walt Driscoll; Ed Gallo; Cyndy Jones; Craig O. Lantagne; Claude Rainville; John Roy; Jeff Salvador; Robert Shannon; and Grant Spates.

Absent: Jeremy Baker.

Department Employees: Commissioner Wayne Laroche, Major David LeCours, Tom Decker, David Englander, Kim Royar, Eric Palmer, Len Gerardi, and Cathy Merrill.

Visitors: Eric Nuse, representing the Vermont Federation of Sportsmen's Clubs; Roy Kilburn, Berlin; and Frank Stanley, representing the Vermont Traditions Coalition.

Chair Kittell called the meeting to order at 5:30 p.m.

### **Welcome**

Chair Kittell introduced Grant Spates, the newly-appointed Board member representing Orleans County. Mr. Spates, from Derby, provided background on himself.

### **Approval of October 28, 2008 Minutes**

Mr. Rainville moved to accept the minutes of the October 28, 2008 Board meeting. Mr. Driscoll seconded the motion. The minutes were unanimously approved as written.

### **Third Vote – Importation and Possession of Animals for the Purpose of Hunting**

David Englander gave a brief summary of the LCAR meeting held on December 3, where the proposed regulation passed unanimously. Chair Kittell and Mr. Shannon gave their views of the proceedings.

The Board voted unanimously in favor of the proposed regulation.

Chair Kittell asked that the Board be kept informed regarding removal of native species at any facility. Mr. Englander offered the Commissioner's door is always open, and Board members are welcome to discuss any particular issue with him.

Mr. Roy took this opportunity to thank Mr. Shannon and Mr. Barrows for their efforts on drafting this rule.

### **Preview: Spring Snow Goose Conservation Order**

Tom Decker provided background on the Spring Snow Goose Conservation Order. Bill Crenshaw will give a formal presentation to the Board at its January 21 meeting. A listing of waterfowl hunters have been informed that the Board will be considering this proposal in January, so they should not unnecessarily discard their 2008 duck stamps.

### **Petition Re: Clyde River -- Department's Recommendation**

Eric Palmer, Director of Fisheries for the Department, addressed the Board and said the Department is not recommending any changes to the fishing regulations at this location as requested by the petitioners. The Department believes the proposal would significantly restrict salmon fishing at this popular fishery, but before the Board takes any action, the Department recommends gathering more input during the public input phase of the fishing regulations.

There was discussion on the reasoning behind the requirement to “trap and truck” salmon imposed on Great Bay. Mr. Palmer said the requirement was designed to enhance the natural reproduction of the fish, with the goal of transitioning from a stocked population to a naturally reproducing population. Mr. Gerardi agreed to attend a meeting of the petitioners to address their concerns.

Mr. Ames made a motion to accept the Department's recommendation, which was seconded by Mr. Gallo.

The motion passed 9 to 3, with Driscoll, Rainville, and Spates opposed.

The Department will draft a response for the Chair's signature to inform the petitioners of the Board's decision.

### **Discussion/First Vote: Retrieval & Utilization Rule (Wanton Waste)**

Kim Royar, wildlife biologist for the Department, gave a presentation regarding a proposal to regulate the retrieval and utilization of fish and game (wanton waste). At the request of the Board, the Department created a committee of Board members (Ames and Shannon), Department staff, and representatives of various interested organizations (including the Vermont Traditions Coalition and the Vermont Federation of Sportsmen's Clubs, among others).

The Department's proposal was reviewed line by line.

There was a question regarding the definition of “abandon” in Section 3.1; it was noted the definition was specific to this rule.

It was questioned whether a definition of “carcass” was needed in Section 4.1; Mr. Englander said Section 4001 contains all the definitions included in the rule.

Mr. Gallo asked if this draft rule would address the various problems the Board is trying to solve (e.g., a deer hanging in a tree for an extended period of time).

Mr. Spates asked if there should be a better definition of “reasonable effort.” Major LeCours said the Enforcement Division preferred having the definition as is, leaving it up to the individual warden's discretion.

There was more discussion on the application of the rule.

At this point, Chair Kittell said the Department should be doing more to educate hunters rather than creating more rules, and the rule was an insult to the hunting and fishing public.

Ms. Royar said she had spoken with Pat Bosco, a federal law enforcement officer, regarding the proposed language. Agent Bosco said the proposed regulation is very similar to the federal law regarding wanton waste of migratory waterfowl, and he believed it would help apprehend those egregiously wasting wildlife.

There was more discussion on the purpose and necessity of the rule. Mr. Driscoll noted the rule only addressed retrieval, not utilization, and there was a lot of discussion about utilization the last time the Board considered this subject. Commissioner Laroche said wanton waste of some animals could impact management goals.

Eric Nuse, representing the Federation of Sportsmen's Clubs (and a member of the working committee on this rule), spoke and said it was difficult to create a law without interfering with the private rights of hunters, however, there was a need to start with something, and the Board could address future issues as they arise.

Frank Stanley, representing the Vermont Traditions Coalition (and a member of the working committee on this rule), said the Board would not get buy-in with utilization included, but thought this proposal was a good start.

Mr. Driscoll suggested that proper disposal could be addressed rather than utilization.

Chair Kittell outlined the Board's options: 1) pass this proposal and enter the public comment period; or 2) turn down the rule for a second time.

Mr. Ames and Mr. Shannon said a lot of work had gone into this proposal, and acknowledged that this was the only language that the majority of the working group could agree to. Mr. Shannon recommended the Board allow the public process to begin and give the public an opportunity to amend or reject the proposal.

A motion was made by Mr. Roy to vote on the rule, which was seconded by Mr. Driscoll.

The motion passed 7 to 5; with Gallo, Barrows, Lantagne, Armstrong, and Jones opposed.

The Department recommended holding three public hearings in the north, south, and Montpelier locations of the state.

### **Lifetime License Drawing**

Ms. Jones made the draw for the annual lifetime hunting/fishing license lottery. The winner was George Goldsworthy from Cambridge, Vermont.

### **Farewell**

Chair Kittell gave farewell remarks, and said he had enjoyed his tenure on the Board. Brian Ames has been appointed Chair by Governor Douglas.

### **Roundtable**

Chair Kittell said that Zone B was overrun with hunters as there are few areas in that Zone open to hunting. He said antlerless permits are necessary in this Zone; however, areas have been decimated as they are the only areas open to hunting. He warned that thousands of acres will be posted due to this year's antics during muzzleloader season. Commissioner Laroche acknowledged the concern and would like to hear any creative ideas how to address this issue. There was some discussion about prohibiting posted land from enrollment in the Current Use Program; and how some landowners believe native animals belong to them personally, not the State, and therefore post their land to hunting. Chair Kittell thought the state is being overrun with turkeys, and the Board may see a petition for a fall turkey season.

Each Board member prefaced their thoughts with thanks to Chair Kittell for his service on the Board.

Mr. Roy relayed a tale of how he helped two New York detectives find good hunting spots in Zone A, and even though they were unsuccessful in their hunt, the men sent Mr. Roy a thank you note and designated Mr. Roy an honorary detective complete with a badge.

Commissioner Laroche mentioned that Department calendars were not produced this year due to budget cuts. However, a calendar of the season dates is available on the Department's website. He queried the Board members (as private citizens) what they thought would be a reasonable cost if the Department were to charge for the calendar -- \$5.00 was the general consensus.

Commissioner Laroche asked the Board, again as private citizens, their opinion on allowing advertising in the digest to help defray the cost of publication. There were no objections.

Mr. Armstrong agreed with the need to increase turkey tags, and wondered if the deer harvest numbers could be provided earlier. Commissioner Laroche responded that once the on-line system is up and running, the reporting times should improve, but this won't be realized until next year.

Mr. Rainville said the deer herd appears to be good. He said he heard from a permanent license holder who wants to be able to shoot spikehorns, and wondered if this exemption could be considered. Mr. Rainville saw his first bald eagle near Maidstone Park.

Mr. Ames would like to put the question of exempting permanent license holders from the spikehorn restriction to the audience at the public deer hearings. Commissioner Laroche said it would be difficult to judge the impact this exemption would have on the deer herd, as it is currently unknown how many permanent license holders there are.

Mr. Salvador asked if the hunter safety course could be mandated for landowner dependents, as he thought this exception was a safety concern. Major LeCours said the exception was in statute and would have to be changed legislatively.

Mr. Shannon said the Board may be receiving a petition to consider requiring arrows to have the archer's name and address on them. Commissioner Laroche said it would be hard to regulate against mis-use of such a requirement.

Mr. Barrows said there must be a way to have reporting stations provide the moose harvest numbers earlier.

Mr. Shannon asked if the Department was going to propose any new deer regulations for 2009. Commissioner Laroche did not foresee any. Mr. Shannon questioned whether the bag limit for deer would

be addressed again for 2009, as it is already printed in the digest as a three deer limit for 2009. Major LeCours said generally Section 1502 is not addressed every year, therefore the three deer limit would stand; however, the Board has the prerogative to open up the rule at any time.

Mr. Driscoll asked about allowing non-resident landowners' children to participate in youth weekend. Commissioner Laroche said legislation will be proposed this year to allow youth hunters from reciprocal states to hunt in Vermont's youth hunt. Mr. Driscoll brought up a discrepancy in the beaver season start date in the 2009 digest; he recalled the season was to start November 15, however, the digest states November 1. *After review, Mr. Englander finds the Board did pass a rule that changed the beginning of beaver season from November 1 to November 15, and that is the date filed with the Secretary of State's office. However, the change was not printed in Lexis (the green statute books), and therefore was not picked up by staff preparing the digest.*

Mr. Gallo asked if the Department could explore prohibiting non-biodegradable worm containers, and suggested a material similar to that used in milk cartons. Mr. Englander thought any such language could be added to the baitfish rule.

Mr. Lantagne said he observed way too many moose but no deer in the Brunswick, Ferdinand, and Bloomfield areas.

Commissioner Laroche said the Department is going forward with the "forward looking infrared" (FLIR) survey in the Northeast Kingdom area in an effort to assist in estimating the moose population.

Commissioner Laroche commended the Board for its work on many issues. The raw numbers of the deer harvest were 12,800 deer so far in all seasons. He predicts between 14,000 and 15,000 animals will be harvested. There were 1,500 antlerless permits leftover in Zone N; all the permits were issued in the other zones. Hunters are reporting high quality deer, and the Vermont Big Game Trophy Club has reported over six deer scoring higher than 140 (Boone & Crockett scoring system). Commissioner Laroche said the Winooski and Missisquoi Rivers were treated with lampricide this fall, and sampling of salmon and lake trout shows a decline in sea lamprey wounds, and an increase in the size of the fish sampled.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

**/s/cpm**

Catherine Pirie Merrill  
Executive Staff Assistant  
Fish & Wildlife Department

***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.***