

Fish & Wildlife Board
APPROVED Meeting Minutes
Wednesday, April 15, 2009

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on Wednesday, April 15, 2009, in the Chapel 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; Jeffrey Salvador; John Roy; and Bob Shannon.

Absent: Grant Spates.

Department Employees: Commissioner Wayne Laroche, Col. David LeCours, David Englander, Cedric Alexander, Shawn Haskell, and Cathy Merrill.

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

Approval of March 18, 2009 Meeting Minutes

A motion to approve the minutes was made by Mr. Rainville and seconded by Mr. Gallo. The minutes were accepted unanimously as written.

Welcome

Chair Ames introduced Pete Allard, the newly-appointed Board member representing Franklin County. Mr. Allard, from Swanton, provided background on himself.

Presentation/First Vote: 2009 Deer Season

Dr. Shawn Haskell, wildlife biologist for the Department, gave a summary of the 2008 deer season and presented the 2009 Antlerless Permitting and Youth Season Recommendations. The Department is recommending: 1) all Wildlife Management Units (WMUs) be open to the taking of antlerless deer during archery season; 2) an increase in the overall antlerless deer permits for muzzleloader season; and 3) Youth Weekend remain as previously defined for 2008. Dr. Haskell explained the methodology used to arrive at the muzzleloader permit allocations for the various WMUs, and said pending results of the spring dead deer searches, typically conducted between mid-April and early-May, the Department may recommend antlerless muzzleloader permits for WMUs C and/or G prior to the second vote on this rule.

There was discussion how to address concerns regarding the increasing deer population in the lower portion of WMU E; e.g., redistrict the unit, or only allow taking of antlerless deer south of Route 2.

David Englander clarified that the Board can subdivide a WMU, but 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” [Chapter 4084 (c)].

There was further discussion on the statewide deer population, antlerless permit allocations in other units, and deer yard mapping.

Mr. Driscoll suggested closing WMU E to antlerless deer for this year. Mr. Gallo made a motion to accept that proposal, which was seconded by Mr. Shannon.

Mr. Driscoll then revised his motion to close WMU E to antlerless hunting for all three seasons (archery, rifle, and muzzleloader). Mr. Lantagne seconded the motion.

The motion passed with 11 members in favor.

Chair Ames 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 requested a ruling on whether this was the appropriate time to make a motion for an early four-day muzzleloader season. Chair Ames said yes. Mr. Gallo made a motion to amend the proposal to allow for an early four-day muzzleloader season that would begin Thursday, October 29 and conclude Sunday, November 1; this early season would follow the same regulations as the December muzzleloader season; bucks would be allowed, and the season would be in addition to the December muzzleloader season.

David Englander noted this amendment would apply to Regulation 1502, not the antlerless recommendations (Regulation 911) under discussion. However, due to the meeting being warned to discuss the “2009 deer season,” Mr. Englander said the motion could be taken up after the discussion on Regulation 911, but was not in order at this time. Mr. Gallo withdrew his motion.

Mr. Baker asked Dr. Haskell for justification for the increase in the antlerless permits in Zones K1 and K2.

There was further discussion about the increase in permits in certain zones and the ability of the Department to have them all distributed.

Mr. Armstrong made a motion to reduce the number of antlerless permits proposed in Zone N from 2900 to 1900. Mr. Barrows seconded the motion.

Commissioner Laroche cautioned against arbitrarily changing the permit recommendations.

The vote on Mr. Armstrong’s motion was tied (5 in favor; 5 opposed, 1 abstention). Chair Ames voted against the motion, breaking the tie. The motion to amend failed.

A vote was then taken on the entire proposal, including the amendment to close WMU E to antlerless hunting in all three hunting seasons.

Ten members voted in favor of the regulation; the rule passed as amended.

At this time, Mr. Gallo made a motion to amend Appendix 37, Rule 1502, to allow for an early four-day muzzleloader season that would begin Thursday, October 29 and conclude Sunday, November 1; this early season would follow the same regulations as the December muzzleloader season; bucks would be allowed, and it would be in addition to the December muzzleloader season. Mr. Roy seconded the motion.

There was discussion on the merits of the Mr. Gallo's motion. Ms. Jones was concerned the early muzzleloader season would conflict with fall turkey hunting, interfere with the Vermont traditional rifle season, and suggested if allowed, the season be reduced to two days and be antlerless only.

Mr. Gallo said the proposed dates are a week prior to the Youth Weekend, and two weeks prior to the rifle season. Mr. Gallo said this early season would allow more opportunity to harvest antlerless deer, would not change the December muzzleloader season, and noted the question was asked on the Board's survey that was distributed at the Department's March deer meetings (there were 203 respondents: 105 were in favor of an additional early muzzleloader season; 88 were against).

Commissioner Laroche said it was premature for this proposal, suggested waiting for the big game management plan to be adopted, and also wanted to obtain more public input at the next spring deer meetings, as the survey ratio did not indicate overwhelming support.

Mr. Gallo noted he made this proposal last year, was told to wait, and indicated that he would like to move forward with the proposal.

Mr. Barrows said trappers utilize those two weeks prior to rifle season, and asked the Department if there was any biological need to take antlerless deer in late October rather than December.

Commissioner Laroche said it was more of a social issue, and if the amendment passed, said the same number of antlerless permits would be issued, and expressed concern with the lack of public input on the proposal.

Mr. Shannon asked Mr. Gallo if he would entertain a motion to amend his original motion and have the early muzzleloader season begin in 2010. Mr. Gallo said yes, however, Mr. Englander said the 2009 deer season had been warned for discussion, not 2010.

Chair Ames call the vote on Mr. Gallo's motion to amend Appendix 37, Rule 1502, to allow an early four-day muzzleloader season that would begin Thursday, October 29 and conclude Sunday, November 1; this early season would follow the same regulations as the December muzzleloader season; bucks would be allowed, and it would be in addition to the December muzzleloader season.

A vote was taken on Mr. Gallo's proposal: 7 were in favor; 5 opposed. The motion to amend passed.

Chair Ames said such a change warranted statewide public input, and suggested four public hearings. Board members suggested the following locations: Rutland, St. Albans, Hartford, and Lyndon.

Discussion/Second Vote: 2009 Moose Season

Cedric Alexander said the Department had not received any public input regarding the 2009 moose season proposal.

Mr. Baker made a motion to accept the proposal; Mr. Rainville seconded.

Mr. Gallo asked the Board to consider an amendment that would require those applying for the moose lottery to hold a current Vermont hunting license. He thought this would provide more opportunity for “true” hunters and curtail multiple entries by families.

David Englander said that such an action was beyond the authority of the Board.

There was discussion whether the 2009 moose season proposal was a two-year or one-year proposal. Mr. Englander said due to anticipated changes in the big game management plan, the rule would be re-opened next year, so the proposal now before the Board is functionally a one-year rule.

Mr. Gallo made a motion to increase the permit allotment for WMU D2 from the two-year proposed number (230) to the number that would have been proposed for a one-year recommendation (340). Mr. Shannon seconded the motion.

A vote was taken on Mr. Gallo’s motion. The vote was unanimous in favor of the amendment.

Chair Ames called for a vote on the proposal as amended. The vote was unanimous in favor of the proposal as amended.

Discussion/Second Vote: Retrieval & Utilization Proposed Regulation

Mr. Gallo made a motion to dismiss the rule based on public input and the lack of any biological reason for the rule. Mr. Roy seconded the motion.

There was lengthy discussion on the proposal. Chair Ames asked each Board member to share his/her opinion on the proposal. The majority of the Board was in opposition to the rule. Mr. Ames and Mr. Shannon spoke in defense of the rule.

Commissioner Laroche thought the Legislature would take up the issue, and urged the Board members to testify if it did. He said regardless of the outcome, this was an opportunity to educate the sporting community.

A vote was taken on Mr. Gallo’s motion to dismiss the rule. The vote was 10 in favor to dismiss; 3 opposed. The rule is dismissed.

Legislative Update

Commissioner Laroche gave an update on pertinent legislation.

Minutes Reopened

Chair Ames said Ms. Jones asked to reopen the minutes as she had made comments at the last meeting that she wanted included in the minutes. Chair Ames said in order for the minutes to be reopened, the Board would have to vote unanimously in favor of reopening. The Board voted unanimously to allow the minutes to be reopened.

Ms. Jones would like the following paragraph inserted into the minutes:

“Ms. Jones suggested to Mr. Weir and Mr. Blodgett that food plots could be a useful tool for their properties to deter deer from browsing their wood lots, and cited examples of where food plots have been beneficial. She also noted that the Department needs to conduct habitat conservation work in Wildlife Management Areas and suggested the use of volunteers.”

The Board voted unanimously in favor of the amendment to the minutes.

Chair Ames brought up Board expenses and reimbursable expenses were clarified.

Roundtable

Mr. Gallo shared the final tally of the Board’s survey that was distributed at the Department’s March deer meetings.

Ms. Jones noted a need for more turkey reporting stations in Orange County. She would also like the Department to be more proactive in informing sporting clubs of federal monies available for grants. Commissioner Laroche said it was up to the clubs to come to the Department with proposals, and the Department would help shepherd proposals through the system.

Mr. Driscoll raised a concern about incidental take of lynx. Commissioner Laroche will have Ms. Royar contact Mr. Driscoll. Mr. Driscoll said he had received complaints about the cost of youth turkey weekend stamps (additional \$17 turkey stamp required, for a total of \$25). Commissioner Laroche noted any change in fees would require legislative action.

Mr. Salvador suggested the Department do a better job of educating the public about the subject of scheduled hearings, as some attendees appear to be uninformed.

Mr. Armstrong said the fishing regulations are complicated and the digest format needs improvement.

Mr. Gallo made a motion to adjourn the meeting; Ms. Jones seconded.
The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

/s/cpm

Catherine Pirie Merrill
Executive Staff Assistant
Fish & Wildlife Department