

Fish & Wildlife Board
APPROVED Meeting Minutes
Wednesday, April 9, 2008

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on Wednesday, March 26, 2008 in the Skylight conference room at the State Office Building in Waterbury, Vermont.

Attendees:

Board Members: Dana Kittell, Chair; Jeremy Baker; Walt Driscoll; Ed Gallo; Cyndy Jones; Craig Lefevre; Claude Rainville; John Roy; Jeff Salvador, Robert Shannon; and Wayne Barrows.

Absent: Brian Ames, Craig Lantagne, and R. Keith Armstrong.

Department Employees: Commissioner Wayne Laroche, Col. Robert Rooks, Major David LeCours, David Englander, Shawn Good, John Austin, Tom Decker, Mark Scott, Chris Saunders, Shawn Haskell, and Cathy Merrill.

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

Visitors: Roy Kilburn, Berlin.

Approval of March 26, 2008 Minutes

Rainville made a motion to approve the March 26, 2008 minutes, which was seconded by Jones.

Lefevre questioned the wording in the paragraph on page 3 where he asked Englander about the legislative intent of Section 4714. Lefevre asked Englander if he thought that sentence was accurate. Englander said he recalled saying that he did not think the LCAR tapes shed any more light on the statutory authority of the Board, and believed the Legislature's intent was to have the Board adopt rules for the purpose of establishing a permitting system for captive hunt facilities.

Kittell asked if the word "regulate" was replaced with the words "establish a permitting system for" if the sentence would be more accurate. Englander agreed, and the sentence will be revised.

The minutes were unanimously approved as amended.

Discussion: Administrative procedure for handling petitions to the Board

Englander said the Department recommends that any petitions to the Board be directed to the Chair, and the Department would provide administrative support for acknowledging the petitions. Englander cited two different statutes regarding the disposition of petitions.

Kittell said he knew of five petitions before the Board; no action has been taken on any of them, and it is well over 30 days. Kittell asked to have the Department acknowledge the petitions, and provide recommendations to the Board so it can take action at its May meeting.

Roy Kilburn: Deer Season Statistics

Roy Kilburn presented the Board with statistics he had compiled. He asked each Board member to fill out a one-page survey that was included in the Department's 2003 comprehensive deer management survey. Mr. Kilburn also submitted three petitions for the Board's consideration that would: 1) allow limited baiting of deer during the October archery season; 2) extend the archery season to include the entire month of October, or add two weeks to the beginning of the existing season; and 3) increase the total bag limit to three deer,

including three buck, and also allow archers to take two buck during archery season. This brings the number of petitions Mr. Kilburn has submitted to four, as he previously submitted one proposing an archery-only moose season.

There was discussion about the archery success rate, wounding rates, and archery restriction in certain WMUs.

Chair Kittell asked the Board to consider Mr. Kilburn's information as the Board moves forward with the deer regulation.

Baker asked what the Department's position was on how the Board was supposed to consider Mr. Kilburn's information. Commissioner Laroche said the Board is not obligated to consider research by anyone other than the Department; however, it could consider it along with what the Department provides. Baker would like the Department to verify Kilburn's information.

Third Vote: Baitfish Regulation

Englander and Shawn Good gave the Board a recap of their appearance that morning before the Legislative Committee on Rules (LCAR). Englander noted that LCAR expressed concern about the Board's authority over transporting fish by motorized vehicle, as well as taking fish from a VHS-infected water body. David Ross, Steve Sysko, and Gilbert Gagner were present at the hearing and expressed the same concerns to LCAR that they had previously provided to the Board. LCAR voted 5 to 2 in favor of the rule. The two Senators voting against the rule had concerns about the potential economic impact on commercial bait dealers.

Baker made a motion to accept the rule, which was seconded by Shannon.

In favor (7): Baker, Driscoll, Lefevre, Shannon, Rainville, Salvador, and Roy.

Opposed (3): Gallo, Jones, and Barrows.

The rule passed 7 to 3.

Englander said the rule would be filed with the Secretary of State's Office the next day (April 10) and the effective date would be 15 days from the date of filing (April 25, 2008).

Good gave an update on the genetic analysis recently performed on Muskie, and informed the Board that the Department plans to start a Muskie stocking program in the lower Missisquoi River. The river will be stocked with 1,000 six-inch Muskie fingerlings that Vermont will get from New York. This will be the first time that Muskie have been stocked in Vermont since 1968.

Presentation: Youth Hunting

Mark Scott, Education Coordinator for the Department, introduced Chris Saunders, the Department's Hunter Education Coordinator, who gave a PowerPoint presentation on the youth hunting program. It was noted that New Hampshire is in the process of banning Vermont youth from participating in the NH youth hunting weekend because NH youth are not allowed to participate in Vermont's youth hunt. The Vermont resident requirement for Vermont's youth hunt is a statutory requirement, and not under the Board's authority.

Presentation: 2007 Deer Season Results

Shawn Haskell, wildlife biologist for the Department, gave a PowerPoint presentation on results of the 2007 deer season. He said that deer herd management will now be based on herd population, not on harvest data, and the buck:doe and fawn:doe ratios will be an important management tool. The Department is considering moving the biological check stations to the youth hunt weekend dates in an effort to collect data on a cross-section of the entire deer population.

There was discussion on the winter severity index (WSI) and its effect on the deer herd and the proposed 2008 antlerless harvest. Haskell said the old model of estimating the harvest cannot be applied any longer, and many new technological tools are available to predict herd population in addition to the WSI. Haskell said he would be looking at historical records for use in going forward to build a new model and said the focus will now be on the adult doe harvest versus the buck harvest, and hunters are needed to control the herd. Haskell said the deer herd is getting out of the Department's ability to control it, and there are not enough hunters to manage the herd. The Department is proposing a three deer limit (two of which can be buck) in an effort to control the herd and increase the number of hunters.

There was discussion on the numbers of hunters available to manage the herd, and suggestions were made on how to increase participation (e.g., increasing bag limits, extending muzzleloader season, extending archery season, moving muzzleloader season earlier, and allowing antlerless harvest during rifle season).

Commissioner Laroche said the Department is not opposed to moving the dates of muzzleloader season, but would like that to be considered during the review of the ten year big game management plan.

Rainville made a motion to accept proposed Rule 1501 (proposing a three deer limit), which was seconded by Gallo.

There was discussion on the anticipated effect on the herd by increasing the bag limit to three and the effect of too many deer on the habitat.

Commissioner Laroche said the Department believes by increasing the limit to three, the harvest would increase by those hunters taking three deer, but there should also be an increase in those hunters taking two deer as opportunity would increase. There was more discussion on the effects of a two deer versus three deer harvest limit.

The Department is proposing to increase the antlerless permits to 22,050 for 2008; up from 11,000 in 2007, and opening more units to antlerless hunting to get control of the herd in certain WMUs.

Lefevre made a motion to allow one legal buck, and have the Department issue as many antlerless permits as it deems necessary to control the herd. Chair Kittell said it was up to the Board to approve the numbers, not to leave it up to the Department. Lefevre withdrew his motion.

There was discussion on how to word a proposal that would allow the harvest of one buck with a three deer total, and whether to issue special tags to go beyond the three deer limit.

Chair Kittell cautioned that those attending the public deer meetings wanted to increase the buck limit, and if the Board proposed a one buck limit, there would be a revolt.

Commissioner Laroche said the Department is trying to take a first step by recommending three deer, and may take other steps in future years. The Department wants to level out the highs and lows in the deer population, thereby eliminating extreme fluctuations, and prevent damage to the habitat. Commissioner Laroche went on to say that the public should realize that the harvest allotments change annually as needed to control the herd, and changes in the bag limit could be fluid as well.

Lefevre made a motion to allow no more than three white-tailed deer, only one legal buck, and allow the Department to issue special permits. Jones seconded.

In favor (4): Barrows, Driscoll, Jones, and Lefevre.

Against (7): Roy, Rainville, Baker, Shannon, Kittell, Gallo, and Salvador.

The motion was defeated 7 to 4.

Discussion began on how to allow archers to take two antlerless deer, as Driscoll pointed out the way Section 6.1 reads they are limited to one. Austin said that was an oversight, and the last sentence should be corrected.

Driscoll made a motion to amend Section 6.1 to change the archery harvest limit from one to two in WMUs that are open to antlerless harvest, and to amend Section 4.2 to allow three white-tailed deer, all of which could be antlerless. Barrows seconded.

Col. Rooks suggested the following language would achieve Mr. Driscoll's goal: "No more than two deer may be taken during the archery season. One legal buck may be taken during the archery season anywhere in the state. In Wildlife Management Units open to the taking of antlerless deer, both deer may be antlerless deer."

A vote was taken on Driscoll's amendment. In favor (9): Roy, Rainville, Baker, Jones, Gallo, Barrows, Driscoll, Kittell, and Salvador. Opposed (2): Shannon and Lefevre. The motion passed 9 to 2.

Gallo asked if the Department would recommend limited baiting during archery season, to which Commissioner Laroche answered no, due to the difficulty of enforcing an exemption.

A vote was taken on Rule 1501 as amended. In favor (9): Roy, Rainville, Baker, Jones, Gallo, Barrows, Driscoll, Kittell, and Salvador. Opposed (2): Shannon and Lefevre. The motion passed 9 to 2.

Austin said the Department will do public outreach regarding the three deer proposal, and the public should understand that the harvest limit will be reviewed annually.

Gallo made a motion to accept Rule 911, which was seconded by Rainville.

There was discussion about the recommendations for WMU D2, as it was believed the deer population was well under what it should be. There was discussion about the possibility of changing the boundaries of D2 to create a northern district in that area. Haskell said that the WMU boundaries will be considered during the review of the ten-year big game management plan, and some of the boundaries may be revised slightly.

A vote was taken on Rule 911 as presented. In favor (9): Roy, Rainville, Baker, Lefevre, Jones, Gallo, Driscoll, Kittell, and Salvador. Opposed (2): Shannon and Barrows. The motion passed 9 to 2.

Second Vote: 2008 Moose Season Proposal

John Austin, Acting Director of Wildlife, informed the Board that the rule was approved by ICAR and recently filed with the Secretary of State; however, due to timing requirements of the rulemaking process, the Board is not in a position to take a second vote at this meeting. A second vote will be taken in May.

Board Member Roundtable

Chair Kittell said the Board had been invited to the Kehoe Conservation Camp at Lake Bomoseen in Castleton for its May meeting. The Board would be treated to a barbeque, a tour of the facility, and then hold its meeting at 5:00 p.m.

Baker invited Haskell to the Mendon Fish & Game Club to give a presentation in May, which Haskell accepted.

Shannon took an opportunity to explain why he voted in the negative all night. He said he wants to keep the harvest limit at two deer, and doesn't want to give back one deer, and then have the public lose attention to the

numbers. Commissioner Laroche said if the Department started to change limits routinely, the public would understand that this is the normal course of managing the herd.

Shannon gave an update on a meeting that was held on April 3 with representatives from the captive hunt industry, the Department, and the Board. The industry will provide suggestions for moving forward by May 1. The Department was clear at the meeting that it intends to move aggressively on this issue. Another meeting will be scheduled after May 1, and the Department will come back to the Board with its recommendations.

Driscoll submitted a petition he received from a group of Northeast Kingdom residents to allow feeding of deer between December 16 and May 1.

Roy made a motion to adjourn the meeting, which was seconded by Jones. The meeting adjourned at 9:40 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.