

**Fish & Wildlife Board**  
**APPROVED Meeting Minutes**  
**Wednesday, May 16, 2007**

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on May 16, 2007, in the Skylight conference room in Waterbury, Vermont.

Attendees

Board Members: Dana Kittell, Chair; Brian Ames; Wayne Barrows; Ed Gallo; Cyndy Jones; Michael Popowski; Claude Rainville; John Roy; Bob Shannon; Walt Driscoll; Craig Lefevre; and Bruce Therrien.

Absent: Jeremy Baker and R. Keith Armstrong.

Department Employees: Commissioner Wayne Laroche, Colonel Robert Rooks, Steve Hill, John Buck, Cedric Alexander, Kim Royar, Tom Decker, and Cathy Merrill.

Chair Kittell convened the meeting at 5:00 p.m.

**Approval of April 18, 2007 Minutes**

Shannon made a motion to accept the April 18, 2007 minutes as written; which was seconded by Rainville. The motion passed unanimously.

**Visitors**

Visitors introduced themselves: Clint Gray, President, Vermont Bear Houndsmen Association; Evan Hughes, Vermont Federation of Sportsmen; Frank Stanley, Vermont Traditions Coalition; Ed Davis, Vermont Traditions Coalition; Steve McLeod, Vermont Traditions Coalition; Kyle Scanlon, Editor, Vermont Outdoors Magazine; Steve Marsh, HAT member; Ray Carter from Hancock; Roy Kilburn from Berlin; John Lapre, Acting President, Vermont Trappers Association; and Joanne Wood, Humane Society of the United States.

**Discussion: Rules of Procedure – Vice-Chair Proposal**

Kittell opened discussion on the proposal to elect a Vice-Chair. Shannon made a motion to move forward with an election of a Vice-Chair; Lefevre seconded.

Shannon nominated Therrien; Popowski seconded. No other nominations were suggested by the Board. Therrien was unanimously elected Vice-Chair. Kittell said he would inform members in advance regarding any future absences.

**Discussion: Importation and Possession of Animals for Hunting (waiting for AG's opinion)**

Hill informed the Board that there has been no activity on the Board's request for an Attorney General's opinion on the Board's authority to prohibit the creation of new hunting preserves. The statutory deadline is September 12, 2007 for the Board to either: 1) have an adopted rule in place; or 2) request an extension from LCAR. Hill recommended that the Board request an extension from LCAR if there has been no movement on this rule by July/August.

Shannon made a motion to remove the request for an Attorney General's opinion; Popowski seconded.

There was discussion on the reasons behind the original request, and options on how to proceed.

Kittell then called the question, and asked who was in favor of rescinding the request and moving forward with scheduling a special meeting.

In Favor: Barrows, Rainville, Therrien, Shannon, Jones, Popowski, and Gallo.

Opposed: Ames, Lefevre, Driscoll, and Roy.

Kittell requested Hill send a letter to the AG's Office on behalf of the Board asking to rescind its request. Kittell asked Cathy to contact the Board members with proposed dates to hold a special meeting at a central location. It was agreed the meeting would begin at 3:00 p.m. and go into the evening. It was also agreed that it would be too ambitious to hold the meeting before the June Board meeting. Cathy will contact the Board members with proposed dates between June 20 and July 18 for the special meeting. Hill will draft a letter withdrawing the request and email it to Kittell for review.

### **Second Vote: Wanton Waste**

Hill reviewed the history of the proposed wanton waste rule, and summarized the comments received during the public comment period, which ended April 30. In general, the comments received did not support the proposed rule. Hill then distributed a new Department recommendation, Draft 8.4 070516, which was reviewed item by item.

The Department's latest recommendation added fish, referenced species by statute not by name, and sections 3.1, 3.2, and 3.3 had language deleted/replaced. Hill said the Department was recommending the Board go forward with version 8.4 as presented.

There was discussion on the purpose of the rule. The Department's choice of language was discussed, as well as Ames' suggested wording. Decker explained the Department's request for a rule as being part of its strategic plan and is consistent with the public trust doctrine.

Therrien noted that 1.3 should add "angling" as a method of take if "fish" was added. It was then decided that the following would suffice: "This rule applies to all persons taking or attempting to take fish, game and furbearers."

Col. Rooks acknowledged the wardens have very few problems with wanton waste, but the problems they do encounter are egregious, and the public becomes upset when there is no recourse to address the problem.

Therrien was concerned with the "11<sup>th</sup> hour tweaking" of the language without the public's input and questioned if the Board should continue if major sporting groups were against the proposed rule.

There was discussion whether the Board should accept the most recent recommendation, and whether it should go out for public comment. Hill said he would have to check with the Secretary of State's Office on the proper procedure. There was more discussion on the pros and cons of going forward with the latest version.

Gallo made a motion to table the rule indefinitely, which was seconded by Barrows.

There was discussion on the ramifications of tabling the rule. The rule could be tabled until a motion is made to bring it off the table, or the rule could languish until the statutory time limit runs out, effectively killing it.

Kittell called for a show of hands of those in favor of tabling the rule indefinitely:

Those in favor: Gallo, Barrows, Rainville, Jones, and Popowski.

Those opposed: Lefevre, Ames, Therrien, Driscoll, Roy, and Shannon.

The motion to table the rule was defeated, 6/5.

Discussion began about having a working group comprised of concerned organizations work on a rule using a process similar to what was used on the bear hound regulation.

Therrien made a motion to vote on the proposal that was advertised and listed on the agenda (draft 8.2, 070126); Roy seconded.

A show of hands indicated **all were opposed** to draft 8.2, 070126, that was advertised as a “second vote” for this meeting.

Shannon requested the Department create a steering committee with representatives from the concerned hunting/fishing/trapping organizations to get their input and move forward on a wanton waste proposal.

Hill reminded those in attendance that a point of contact is listed when a rule is published. Pertinent comments sent directly to Board members need to be forwarded to the point of contact so those comments will be considered and the file will be complete.

### **Get Well Wishes**

Kittell asked that it be noted in the minutes that the Board was sending its “get well” wishes to Board member Jeremy Baker, who was injured recently in a freak hunting accident.

### **Second Vote: 2007 Moose Season Proposal**

Cedric Alexander, Certified Wildlife Biologist for the Department, said the Department had not received any additional formal public input on the proposal.

Lefevre asked if there had been any thoughts on increasing the moose permits in Unit C. Alexander said permit numbers were increased for Unit C in 2007. Alexander said the Department is aware of the concerns in Unit C, and he often directs hunters to the location Lefevre was referring to. Alexander and Commissioner Laroche emphasized the merits of managing the moose population using a scientific, incremental process.

Therrien made a motion to accept the moose season proposal as written; Gallo seconded.

The motion to accept the 2007 moose season proposal passed unanimously.

### **Third Vote: Bear Hound Regulation**

Hill said the bear hound regulation was presented to LCAR and there were no objections.

Lefevre made a motion to accept the regulation, which was seconded by Roy.

The regulation was accepted unanimously as written.

### **Deer Yard Survey**

Commissioner Laroche said he and staff conducted a deer yard mortality survey in the Greensboro/Cabot/Groton areas last week, and found minimal signs of mortality. However, it was apparent that the maximum sustainability of the land was being approached.

Laroche said deer yard mapping surveys have not been done since 1987, and he would like to implement a system for rolling annual deer yard monitoring. Work on the new ten-year deer plan would begin this year.

### **“Three Deer” Proposal**

Commissioner Laroche said the Department will be proposing a three deer (two buck) harvest limit; if not for 2007, for 2008. Laroche said it was not essential for the Board to act on this idea now, but it will be proposed in the future. Laroche said the three deer limit could be adjusted by Wildlife Management Unit through selective issuance of antlerless permits.

There was concern expressed by the Board that a change of this magnitude needed to be brought before the public. The 2007 deer harvest plan that was prepared and accepted by the public did not include a three deer limit.

It was decided to have this item on the agenda for the Board's June meeting. The Department will present at that time how the increased harvest limit would affect the Department's original proposal.

Therrien suggested the use of "management" tags that wouldn't count toward a hunter's annual limit. The Department will provide information on "management" tag use and this type of program in other states.

### **Legislative Update**

Commissioner Laroche reviewed this year's legislation. Some of the legislation that passed included: license fee increases; funding dedicated toward installation of equipment at the Bennington hatchery filter building; and implementation of a five-year fishing license. Col. Rooks said the penalty for illegal use of lead sinkers had been adjusted to be more in line with the offense. It was apparent by the number of anglers using illegal sinkers that more education needs to be done. The Senate passed a resolution regarding the importance of fishing in Lake Champlain and the urgency of eliminating sea lamprey and cormorants from the Lake.

### **Agency Reorganization**

Commissioner Laroche informed the Board that the Agency is undergoing a reorganization. Task forces have been created to look at the organization of the Agency and provide their recommendations to the Secretary in October 2007. The Secretary assured Commissioner Laroche that he intends to make the Department stronger, not weaker. Board members can read the Secretary's outlines for reorganization on the Agency's website (<http://www.anr.state.vt.us>). Gallo indicated he thought having the Department separated from the Agency and on its own would be a good outcome.

### **Sea Lamprey Application Update**

Commissioner Laroche said the application to apply lampricide to the Poultney River this fall has been filed. Staff from the US Fish & Wildlife Service, New York's Department of Environmental Conservation, and Commissioner Laroche participated in a conference call regarding a process whereby the parties would use the Great Lakes model for lamprey control, and also seek federal funding for use in lamprey control in Lake Champlain.

### **Roundtable**

Lefevre suggested there are many volunteers willing to help the Department with deer yard mapping surveys if the Department would ask.

Board members were instructed if they are having problems receiving spam from the "fwboardlist" to let Cathy know, and the Agency's IT Division will look into it.

There was discussion about license sales and some license agents losing customers to on-line sales. Commissioner Laroche said on-line license sales amount to less than 10% of the total license sales.

Shannon has a supply of turned-in lead sinkers that needs to be picked up.

Therrien had heard the Department is behind in fish stocking. Commissioner Laroche said this is a result of the hatcheries running at full capacity, increasing the trophy trout production, late ice-out, and limited staff resources at the hatcheries. Volunteers for stocking are welcomed; however, certain tasks need to be performed by qualified staff.

Barrows suggested revisions to the on-line license as there is no place to indicate check-in station information on the form. This is a problem with the permanent licenses as well.

Commissioner Laroche said the Department is issuing a Request for Proposals to modify the on-line license program, which would include electronic license capability at the license agent locations. Improvements would allow information to be dumped into a database, allow reporting information to be captured instantly, and allow a wireless connection for the wardens.

Therrien made a motion to adjourn the meeting, which was seconded by Shannon.

The meeting was adjourned at 8:00 p.m.

***The next meeting will be held from 5:00 p.m. until 9:00 p.m. on Wednesday, June 20, 2007 in the Skylight conference room at the State Office Complex in Waterbury, Vermont.***

Respectfully submitted:

**/s/cpm**

Catherine Pirie Merrill  
Executive Staff 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.***