

Fish & Wildlife Board
APPROVED Meeting Minutes
Wednesday, May 21, 2008

The Fish & Wildlife Board convened a meeting at 5:00 p.m. on Wednesday, May 21, 2008 at the Edward Kehoe Green Mountain Conservation Camp at Lake Bomoseen, in Castleton, Vermont.

Attendees:

Board Members: Dana Kittell, Chair; Brian Ames, Vice Chair; R. Keith Armstrong; Jeremy Baker; Wayne Barrows; Walt Driscoll; Ed Gallo; Craig O. Lantagne; Craig Lefevre; Claude Rainville; and John Roy.

Absent: Cyndy Jones, Jeff Salvador, and Robert Shannon.

Department Employees: Commissioner Wayne Laroche, Col. Robert Rooks, Major David LeCours, Shawn Good, Eric Palmer, Tom Decker, David Englander, and Cathy Merrill.

Visitors: Representative Bob Helm and Roy Kilburn, Berlin.

Chair Kittell called the meeting to order at 5:07 p.m. Kittell introduced Craig Lantagne, the new Board member representing Caledonia County, who gave a brief background on himself.

Approval of April 9, 2008 and May 15, 2008 Minutes

Driscoll made a motion to accept the minutes of April 9, 2008, which was seconded by Gallo. The minutes were unanimously accepted as written.

Gallo made a motion to accept the minutes of May 15, 2008, which was seconded by Ames. The minutes were unanimously accepted as written.

Third Vote: Muskie/Walleye/Winooski Tributary Regulation

Eric Palmer informed the Board that the Legislative Committee on Administrative Rules approved the Muskie/Walleye/Winooski Tributary regulation that morning, and no changes had been made since the Board's second vote. A motion was made by Baker to accept the regulation, which was seconded by Rainville. The regulation was unanimously approved. Palmer said the regulation would take effect January 1, 2009, and would be published in the 2009 law digest.

Second Vote: Tagging Requirement – Section 2A

Col. Rooks informed the Board that the public comment period for this regulation had not ended; therefore it was premature to take a second vote. The public comment period ends after the Board's June 18 meeting; therefore the second vote will be scheduled for the Board's July meeting.

Discussion/Department Recommendations: Petitions to the Board

Commissioner Laroche presented the Board with the Department's recommendations regarding the petitions to the Board. Commissioner Laroche reviewed each recommendation.

1. Petition to: “request that the Fish & Wildlife Board hold a “public comment meeting” in the Newport area on Deer Management Rule #1501.” The Department recommended the Board hold a public hearing immediately prior to its June 18, 2008 meeting to solicit further public input. However, it was discovered that due to Administrative Procedure Act (APA) constraints, the public hearing cannot be held before June 29. There was lengthy discussion about the location of the hearing.

Ames made a motion to hold a hearing in the central part of state. There was no second to this motion.

Baker made a motion to hold a hearing in Newport, at a site and time to be determined (after June 29). This motion was seconded by Lefevre.

Commissioner Laroche expressed concern that addressing numerous petitions may jeopardize timely rulemaking. There was discussion whether to have two separate hearings between June 29 and July 6. A hearing in the Newport area would address the petition, and another hearing at a central location would be held as a courtesy for the remainder of the state.

Baker withdrew his original motion, and made a motion to hold two meetings located to accommodate the northern and southern sections of the state. Baker then asked the Department for suggested locations. Rutland, Lyndonville, Orleans, and St. Johnsbury were mentioned as locations where the Department has held public meetings in the past.

Baker then made a motion to hold two public hearings; one in Lyndonville and one in Rutland prior to July 6. This motion was seconded by Lefevre.

The motion to hold two public hearings, one in Lyndonville and one in Rutland prior to July 6, was unanimously approved.

Commissioner Laroche said he had committed to Representative Mary Morrissey that he, Shawn Haskell, and a forester would travel to Bennington County to review deer habitat and attend a public meeting in that area to hear the public’s concerns. This effort in response to a petition the Department received “strongly urging” the Department to reduce the number of antlerless permits issued in Zone N.

2. Petition to: “increase the two deer total bag limit to three deer, including three buck, total bag limit. Also allow archers to take two bucks during the archery season.” The Department supports the bag limit(s) identified in the proposed rule which is now under consideration by the Board, and recommends the proposed regulation keep moving forward through the rulemaking process.

Lefevre made a motion to accept the Department’s recommendation, which was seconded by Gallo. The Board unanimously approved the Department’s recommendation.

3. Petition to: “extend archery season to include the entire month of October or add two weeks to the front of the existing season.” The Department recommends this concept be considered during the development of the new ten-year big game management plan.

Baker made a motion to accept the Department’s recommendation, which was seconded by Barrows. The Board unanimously approved the Department’s recommendation.

4. Petition to: “allow the limited use of whole apples for the purpose of baiting deer during the October archery season . . .” The Department does not support changing current laws relative to feeding or baiting white-tailed deer.

Lefevre made a motion to support the Department’s position, which Baker seconded. The Board unanimously supported the Department’s position.

5. Petition to: “allow feeding of white-tailed deer between December 16 and May 1.” The Department does not support changing current laws relative to feeding or baiting white-tailed deer.

Ames made a motion to support the Department’s position, which was seconded by Rainville. There was some discussion about feeding practices in other states, and what was considered “feeding” in Vermont. The Board unanimously supported the Department’s position.

6. Petition to: “consider an “archery only” moose season.” The Department recommends this concept be considered during the development of the new ten-year big game management plan.

Lefevre made a motion to accept the Department’s recommendation, which was seconded by Roy. There was discussion on the merits of an archery only moose season and the potential pressures of numerous hunting seasons on landowners. Commissioner Laroche said the Department was not against the proposal, but wanted it considered during the review of the ten-year big game management plan.

All voted in favor of the Department’s recommendation, except Armstrong, who opposed.

7. Petition for: “special archery season for moose.” The Department recommends this concept be considered during the development of the new ten-year big game management plan.

Gallo made a motion to accept the Department’s recommendation, which was seconded by Rainville. All voted in favor of the Department’s recommendation, except Armstrong, who opposed.

8. Petition to: “request the Board review all regulations concerning hunting with crossbows.” The Department advised the Board that crossbow hunting is regulated under statute, and not within the Board’s authority.

Chair Kittell requested that David Englander draft a response for Chair Kittell’s signature for each petition (where the petitioner(s) are known) informing the petitioner(s) of the Board’s decision.

There was discussion regarding the requirement for the Board to take action on petitions within 30 days of receipt; but given the Board’s monthly schedule, it was Englander’s recommendation that the Board do the best it can to act on petitions in a timely manner.

Legislative Update

Commissioner Laroche gave an update on the legislative session and general items of interest to the Board.

Roundtable

Rainville said he had been asked to bring to the Board's attention an interest in extending rabbit season by a couple of weeks. He was concerned that regulations allow fishing for brook trout during spawning season. Commissioner Laroche said that trout season ends October 31, and most of the trout spawning occurs in November.

Driscoll had heard concerns about non-residents coming into Vermont, leasing cornfields, then posting exclusive rights to those guiding bear hunts. Col. Rooks said this has become a trend within the last six months. Col. Rooks said the practice was legal if no fee is charged to run the bear with dogs; however, guiding for hire with dogs is illegal. Driscoll questioned the effectiveness of the bear hound rule the Board adopted a couple of years ago. Col. Rooks said he was aware of only a couple of on-going investigations.

Driscoll asked if a credit card handling fee could be collected by license agents. Commissioner Laroche said the statute is clear on this issue; agents are only allowed to collect \$1.50 per license, and agents sign a contract agreeing they will not charge extra fees.

Barrows said he attended the ten-year big game management plan meeting in Springfield and was discouraged at the turnout. Commissioner Laroche said the largest turnout was in South Burlington with 25 attendees, but overall turnout was low. Barrows wants to know how the deer numbers are produced in the new model, and wants to substantiate the number of buck in Vermont. Barrows wants to see the information for comparison. Commissioner Laroche said the Department will provide more clarification to the entire Board.

There was concern raised about a possible increase in posted land as a result of the Department's harvest recommendations.

Baker asked about on-line sales and said a person could print an unlimited number of licenses. Col. Rooks said there had been very few problems with people falsifying information on-line. Wardens have the capacity to verify licenses immediately.

Gallo asked if any thought had been given to registering harvested turkeys on-line rather than at check-in stations. Commissioner Laroche said the check-in stations are valuable as they provide the Department with critical information. Gallo said he had suggested a process for handling petitions to the Board via email. Englander said the Department would review Gallo's proposal internally.

Lantagne questioned if social security numbers are required on license applications. Commissioner Laroche said social security numbers were no longer required; however, some agents may be using old affidavit forms which have a space to enter it. Social security numbers are not required on the current forms.

Ames asked how many complimentary licenses the Department issues a year, and if any decision had been made about moving the biological check stations to youth season weekend. Commissioner Laroche answered 20-30 complimentary licenses are issued per year, and no decision had been made regarding the check-in station locations.

Lefevre asked if you could enter the moose lottery on-line. As of May 22, the public will be able to enter both the antlerless and moose lotteries on-line.

Armstrong said he was disappointed the public meeting would be in Rutland, and suggested Manchester would be a better location. He warned that if the Department's attitude continues, he would be behind a "posting" movement. He said the vast majority of WMU N is not the same, and

the Department should issue antlerless permits to landowners instead of treating the entire zone the same. Commissioner Laroche said he and Shawn Haskell (deer team leader) would visit Armstrong's farm in Pownal, as well as the Rupert area, to assess the situation. Commissioner Laroche clarified that the meeting in Rutland would be a Board hearing, and that he and Department staff would attend a public meeting in Bennington County to address the concerns of the recent petition from that area.

Roy and Ames complimented the Department on the ten-year big game management plan meetings and how they were run.

At this point, the guests introduced themselves: Representative Bob Helm (Rutland-2 district), and Roy Kilburn, representing the Whistling Arrow Archery Club.

Commissioner Laroche commended Representative Helm for his strong support of the Department in the Legislature; most notably providing funding for the conservation camps.

Mr. Kilburn said he had been responsible for four petitions to the Board, and asked what weight petitions carry versus attendance numbers at meetings. There was dialogue between several Board members and Mr. Kilburn on how members make decisions and how public comments are considered in making those decisions.

Board members agreed they are making decisions for the good of the resource; many times all Board members do not agree, but the decision is made for the resource. There was discussion on sociological versus science-based issues. Chair Kittell said if the public has specific issues, those can be brought up at the spring deer meetings. Mr. Kilburn believed that archers would always be outnumbered by rifle hunters on the sociological issues. Chair Kittell said the Board has never discriminated against the bow hunting public, and the request for a special archery moose season will be addressed in ten-year big game management plan.

Baker wanted to clarify that the meeting in Bennington was a Department meeting with Representative Morrissey, Shawn Haskell, and a State forester and would occur before June 15. The other two meetings would be Board hearings and would be held in Rutland and Lyndonville.

Baker made a motion to adjourn, which was seconded by Gallo. All agreed, and the meeting adjourned at 6:55 p.m.

Respectfully submitted,

/s/cpm

Catherine Pirie Merrill
Executive Staff Assistant
Fish & Wildlife Department