

**November 15, 2023**

**To: Rep. Trevor Squirrel, Chair**

**Sen. Mark MacDonald, Vice Chair**

**Senator Christopher Bray**

**Senator Virginia Lyons**

**Senator David Weeks**

**Representative Seth Bongartz**

**Representative Mark Higley**

**Representative Carol Ode**

**Charlene Dindo, Committee Assistant**

**Response to 11/13/23 Fish & Wildlife Department Memo to LCAR on Furbearing Species Rule**

**Re: Setback Exemption for Traps in the Water or Under Ice**

Dear Committee Members,

I am compelled to provide additional written comments following the latest communication from the Vermont Fish & Wildlife Department (The Department) regarding traps placed in the water. The Department asserts in its Nov. 13th memo that: *“The greatest risks to pets are associated with trapping violations and nuisance trapping that occur outside of the regulated seasons.”*

Since October 2023, there have already been three separate incidents involving pets caught in traps that were not trapping violations. (See attached) Also, the incident in Underhill, VT last trapping season that killed a dog was investigated by a warden and determined to be a legally set trap (see attached warden report) not a trapping violation as claimed by the Department in its recent memo.

In addition, the Department states, *“the elimination of this exemption (traps set in the water) would restrict where aquatic fur trappers can place their sets.”* Here the Department’s inference is that LCAR’s interpretation of the legislative intent of Act 159 would negatively impact fur trappers, yet restricting the placement of traps in Vermont in the interest of public safety is arguably the greatest intent of Act 159.

The Department’s Deputy Chief Warden Sean Fowler stated to the Fish & Wildlife Board in May 2023 that the most common trapping practices in the state are for aquatic species ie; beaver, muskrat, mink and otter. The Department’s proposed exemption to Act 159’s required setbacks for traps creates a legal loophole for traps placed in the water, which is where the most recreational trapping in Vermont occurs.

The Department also asserts that the dangers posed to the public by untrapped beavers is far greater than any posed by the state's trappers, and should thus be the reason for exempting "in the water" traps from the intent of Act 159. This is a nonsensical argument that has no place in determining whether the proposed rules meet legislative intent, and only serves to illustrate that the Department's concerns do not align with the interests of public safety, but instead with the protection of the trapping privileges of a few hundred individuals who are responsible for numerous incidents involving an impact to public safety.

The Department states, *"Unfortunately, extending the 50' setback to all traps regardless of whether they are set in water or under ice would shift trapping activities from in-season fur harvesting to out-of-season nuisance trapping giving the public and pets less protection—as evidenced by the Castleton incident."*

The above statement reveals a strategy openly discussed by the Fish & Wildlife Board at its November 1, 2023 meeting where board members concerned about the inconveniences of Act 159, expressed an intent to encourage the state's trappers to avoid the new laws restrictions by exercising their legal right to trap outside of the regulated season as Vermont's existing nuisance trapping laws permit. It is also interesting to note that at both the October and November 2023 F&W Board meetings that I attended, the public was asked to leave the meeting so the Board could discuss the implications in Executive sessions of LCAR's memorandum and what Gjessing stated was the possible legal challenges the Department would face if the proposed rule was not approved by LCAR.

Vermont's Department of Transportation (VTrans) is the largest state agency engaged in nuisance animal trapping, yet even Catherine Gjessing testified to LCAR on Nov. 2, 2023 that the agency was not opposed to the proposed trap setbacks on the literal hundreds of miles of roads and trails it manages in the interests of public safety. In my home town of Orange, recognizing the dangers associated with in the water trapping, VTrans has agreed to cease beaver trapping and instead pursue long-term non-lethal sustainable ways of addressing beaver conflicts in our community. As a reminder, most of the reported instances of domestic animal captures in Vermont traps occurred during the regulated trap season and were the result of poor judgment when determining trap placement. Exempting traps placed in the water from required setbacks will only ensure that the public remains vulnerable to legally placed traps immediately off of trails and roads.

In opposing any further changes to the proposed furbearer rules, the Department is again refusing to represent the interests of the 87% of Vermonters who do not trap or hunt but whom recreate outdoors, and instead continue to speak only for the consumptive users of wildlife. In the over 35 years of wildlife advocacy that I have been involved in, I have never seen such incredible bias and misrepresentation as that I witnessed at every 2023 Vermont Fish & Wildlife Board meeting. The current posturing of the Department reveals an agency out of the Legislature's oversight and unwilling to answer to the constituents it has been empowered to represent. I find it truly reprehensible that such political power is being abused by the state entity entrusted with protecting Vermont's wildlife.

Thank You,  
Rod Coronado Vermont Wildlife Patrol Town of Orange

10/15/23:

## Trapping

Barbara Petrie • Division St, Barre

### Discussion

My beautiful cat came home last Saturday after missing for two days. Several hundreds of dollars later, it's been determined he's been the victim of a "pull injury" that is he was caught in something and was yanked or pulled so hard he now has damage to the nerves in his tail/spine. Currently he is incontinent. Still we do not know if he will need to be put down. We'd like to ask out neighbors all around, if you so dislike all these creatures (wild and domestic alike, we'd rather you set up final kill traps than what you have done here. We've had to release our boy from one of these once before supposedly meant for a skunk. When I look at the medieval "\*\*\*\*" that has been set up around a part of my home to keep cats out and my cats are not the only ones in the neighborhood, in fact when I moved here, I was greeted by a former neighbors cat....., I am appalled by these. Some have been removed at this time, but seriously? Have you nothing better to do?

My heart is broken... I hope my beautiful babies make it over the rainbow bridge and find a peaceful place to lay. This was definitely not the place for them.

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Protect Our Wildlife Warns Trapping Season Begins

Paid Ad

Trapping season begins Oct. 28. Baited leghold and body crushing kill traps are set on public lands (and private land with permission) without warning. Last season at least twelve dogs were trapped in VT, two died. Countless animals suffer each year.

[Learn How to Keep Pets Safe Here](#)

[Email Author](#)

[Reply to Forum](#)

10/25/23:

## Cream/White Colored Cat

Desiree Vo • Porterwood Dr, Williston

### Lost and Found

I was driving on porterwood drive today and Potted a cat with a spring trap on its paw in someone's driveway. It got spooked when I opened my car door and ran under the porch/trailer. I knocked on the owners door and she said it wasn't her cat but did help me look for it . We were unable to find it but we did find the actual trap had come off while the cat was fleeing. There was no blood or fur on the trap. The cat was cream/white in color and clearly taken care of. It looked like it had an airtag on as a collar. I hope the cat is okay. If this sounds like your cat please track the airtag if possible

[Email Author](#)

[Reply to Forum](#)

11/02/23:

## Trapping on Pete's Greens/Formerly Legare's Farm

Owen Skinner • VT Rte 14, East Calais

Seeking Assistance

We live on this property and one of our two outdoor cats recently got stuck in a small animal trap near the more hidden carrot field closer to the water. We are at the vet right now to fix his broken leg. Trappers and hunters that frequent this area, would you kindly email me?

We would like to know where the traps are located (maybe you can walk with us to show us/better yet, close them to avoid further injury) so we can limit the areas that our cats explore/protect our own feet on our afternoon walks.

Thanks,  
Owen

[skinnerm934@gmail.com](mailto:skinnerm934@gmail.com)

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Initial Call Information - [Fish + Wildlife Complaint] 10/31/22 19:10 : [REDACTED], Underhill, VT

Incident Number: 22FW006028  
Call Time: 2022-10-31 19:10:45 -0400  
Call Type: Fish + Wildlife Complaint  
Primary Ofc.: 937: Schmid, Jeremy  
Owner.: Disp 42061: Dubuque, Benjamin

Call Type: Fish + Wildlife Complaint  
Call Priority: Just Occurred  
Call Origin: Phone  
Date & Time of Call: 10/31/2022 19:10  
Location of Call: [REDACTED] Underhill, VT, 05489

Area: 0415 - UNDERHILL  
Team: [REDACTED]  
Incident Number: 22FW006028  
Roll Call:   
Cancelled By: [REDACTED]  
Complainant: [REDACTED]  
Owner: Disp 42061: Dubuque, Benjamin  
Incident Codes: F&W  
Common Call Type: F&W

Drugs Involved: No Drug/Alcohol Involved  
Opiate blocker:   
Mental Health:   
DOMV:   
Cargo theft:   
Alarm Number: [REDACTED]  
Incident flags: TDA - Trapped Domestic Animal

Witness List

Person Type: Owner  
Name: [REDACTED]  
DOB: [REDACTED]  
Primary Phone: [REDACTED]  
Address: [REDACTED], Underhill, VT, 05489

Person Type: Complainant  
Name: [REDACTED]  
DOB: [REDACTED]  
Primary Phone: [REDACTED]  
Address: [REDACTED] Underhill, VT, 05489

Responding Officers

Officer name: 937: Schmid, Jeremy  
Primary:   
Dispatched: 11/02/22 08:45:36  
Enroute: 11/02/22 09:47:34  
OnScene: 11/02/22 09:47:34  
Cleared: 11/02/22 11:39:54  
Secondary Loc.: [REDACTED]

**Dispatch Narratives**

----- 937: Schmid, Jeremy - 11/02/22 08:46 -----

961 attempted to make contact with homeowner but no one was home, I will try to make contact during shift today.

----- Disp 35831: Eldred, Erika - 11/01/22 12:48 -----

961 ADV HE HAS SPOKEN TO THE ACO ABOUT THIS, AND MAY BE FOLLOWING UP - WILL ADV DISPATCH WHEN/IF WE CAN ASSGN IT TO HIM

----- Disp 35831: Eldred, Erika - 11/01/22 12:46 -----

945 TIED UP WITH A CASE / CHK WITH 961

----- Disp 35831: Eldred, Erika - 11/01/22 11:58 -----

LEFT VM FOR 936 TO SEE IF SHE AND 945 WOULD TAKE THIS.

----- Disp 42061: Dubuque, Benjamin - 10/31/22 19:12 -----

937 is off on 11/1 // 937 wants any warden on duty tomorrow to be notified and reach out to complainant

----- Disp 42061: Dubuque, Benjamin - 10/31/22 19:10 -----

937 advised

----- Disp 42061: Dubuque, Benjamin - 10/31/22 19:09 -----

257 req. 937 be advised of this case

----- Disp 42061: Dubuque, Benjamin - 10/31/22 18:34 -----

██████████ / ██████████ / aco underhill / ██████████ / got a call about an hour ago about a dog missing / hanging in a tree in a bear trap / were able to get it down but the owner doesn't know the neighbors / ██████████ / ██████████ / ██████████ ██████████

<b>MRI#</b>	<b>NCIC NIC#</b>	<b>Narrative</b>	<input type="checkbox"/> <b>Cancelled</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	





### Incident Detail - : 937: Schmid, Jeremy

**Incident Number:** 22FW006028  
**Call Time:** 2022-10-31 19:10:45 -0400  
**Call Type:** Fish + Wildlife Complaint  
**Primary Ofc.:** 937: Schmid, Jeremy  
**Owner.:** Disp 42061: Dubuque, Benjamin

**Occurred From**  **Occurred To**  **Invest./Primary Officer**

Schmid, Jeremy

**Attachment**  **Description**  **Uploaded at**  **Employee name**

**Confidential**

- TRO/FRO Exists**
- Alcohol Involved**
- 911 Call Exists**
- Medical Release**
- Audio Recordings**
- DCF Notified**
- Crisis Svc Involved**
- Swabbings**
- SIU Contacted**
- SVU Contact**
- Video Recordings**
- Photos Taken**
- Prints Lifted**
- Diagrams**
- Clothing Evidence**
- K9**
- Miranda Warning**
- Other Evidence**
- Crime Scene Processed**
- Lpr Used**

**Evid. Search Conducted**  **Physical Evidence**  **Media/Press Summary**  **Secondary Call Type**

<i>Violation</i>			<i>Offense Cat</i>	<i>Offense SubCat</i>	<i>NIBRS Vio Type</i>	<i>Counts</i>	<i>#Premises</i>
<i>Comm/Att</i>	<i>IBR Scene/Loc Typ</i>	<i>IBR Crim Act Typ</i>	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<i>Point Of Entry</i>	<i>Force/No Force</i>	<i>Point of Exit</i>	<i>IBR Gang Affil</i>	<i>IBR Agg.Aslt/Hom.</i>	<i>IBR Weapon Typ</i>	<i>NIBRS Override</i>	<i>Significant Event</i>

*Narrative Type*  
Officer Report

*Officer*  
937: Schmid, J

*Narrative Template*

*Confidential*

### Narrative

Dog killed in a legally set trap, no F&W violation.

Jeremy Schmid  
State Game Warden  
11.3.22

*Offense Suspect*  
V. was LEO

*Offense Victim*  
V was LEO Assignment

*IBR Victim-Offender*

*Other ORI*

*Bias/Motivation (anti)*  
*LEOKA Narrative*