



October 2, 2023

Legislative Committee on Administrative Rules
Re: 10 V.S.A. Appendix § 44, Furbearing Species

Dear Chair Squirrell and Esteemed Committee Members,

Thank you for giving me the opportunity to submit written testimony in response to the proposed rules put forth by the Vermont Fish & Wildlife Department regarding trapping and hunting of coyotes with hounds.

My name is Bob Galvin, and I am the Vermont State Director for the nonprofits Animal Wellness Action (AWA) and Center for a Humane Economy (CHE). I have a M.S. in Biology and several years of experience conducting wildlife research in the field. I have attended every Fish and Wildlife Board meeting since February of this year and participated in all three public comment meetings related to Acts 159 and 165 this summer. I write today as a concerned Vermonter and on behalf of AWA and CHE's Vermont members.

Before I go into the specific concerns I have about the deficiencies of Fish & Wildlife's proposed rules before you, I would like to share an experience I had at the Rutland public comment meeting on June 20 that was emblematic of how the Department ran these meetings without giving wildlife advocates the basic respect we deserve as engaged, concerned citizens participating in the rulemaking process.

At that meeting, after a presentation by the Department, the attendees split into small groups supervised by a Department employee, who were tasked with writing down our feedback about the proposed rule changes. After being explicitly told that the purpose of the small groups was to write down our feedback on the rules, a trapping proponent started spreading untruths about me at the table to several other folks sitting there. The Department employee at our table did nothing to moderate this. I was one of a handful of wildlife advocates in a room full of people who supported trapping and coyote hounding, and it felt humiliating and alienating to feel like I didn't have the support of the Department employee at my table. This incident was one of several situations that wildlife advocates experienced over more than a year that made them feel like the Department is not genuinely interested in hearing the perspective we are bringing to the table.

This lack of inclusivity not only undermines the integrity of the regulations set forth but also diminishes public trust in our institutions. When the public feels that their voices are unheard or, worse, being intentionally ignored, we are doing a disservice to the democratic principles we hold dear.

Act 159 – An Act Relating to Best Management Practices for Trapping

I would now like to address a few of the rules put forth by the Department that are contrary to the legislative mandate required by Act 159. For simplicity, I will list the legislative mandate and then how the Department’s rules are contrary to the intent of the Legislature. I’ve tried to be brief, so if you have any questions or would like additional information about any points I raised, I would happily follow up with you.

***MANDATE:** Trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal.*

By recommending that some body-crushing kill traps be allowed on land, the rules do not minimize injury to a captured animal. Here is a quote from a [presentation](#) by the American Federation of Wildlife Agencies about body-crushing kill traps: “In the U.S. BMP trap research program, the animal welfare performance standard for killing traps set on land is that the trap must cause irreversible loss of consciousness in 70 percent of the sample animals within 300 seconds.” That means that for 30 percent of trapped animals, they are spending over 5 minutes in horrible agony in a body-crushing kill trap. For the “lucky” 70 percent, they can still spend seconds or minutes struggling before they are killed in that trap. Thirty percent of animals suffering for several minutes is not a meaningful attempt to minimize injury to a captured animal.

***MANDATE:** Trapping techniques, including the appropriate size and type of a trap for target animals, use of lures or other attractants, trap safety, and methods to avoid nontarget animals.*

Baiting of traps is another area where the rules surrounding bait are incongruous from what wildlife advocates recommended at the working group meetings and do not meaningfully address the mandate’s intent. Fish and Wildlife recommends that only meat-based bait be covered in an effort to mitigate the capture of protected species like owls and eagles. However, other types of bait, such as feathers, bones, and other animal matter, will still attract a raptor to a trap. As someone who has studied bird behavior as a major component of my master’s degree, birds of prey are attracted to all kinds of visual attractants, and by not addressing non-meat based baits, the rules do not go far enough in protecting nontarget animals.

***MANDATE:** Requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.*

The rules fail to meet the intent of this mandate by narrowly defining the terms “legal trail”, “public trail”, and “public highway” and then only requiring trapping setbacks on these artificially narrow definitions. Look at the definitions of these three terms again – are they easy for the average person to understand and meaningfully comprehend? By arbitrarily restricting the

definitions of these three terms, the rules do not meaningfully address many public locations where persons may be reasonably expected to recreate.

Many Vermonters love to walk outdoors with their dogs, and there is currently no state-wide leash law that prevents people from doing so. The 50-foot setback proposed in these rules is not a far enough distance to meaningfully reduce the number of dogs who are caught in traps. Especially when it is hard for the average person to know exactly where and when traps are placed, people who walk their dogs on trails will still be in danger with a 50-foot setback.

MANDATE: Criteria for when and how live, captured animals should be released or dispatched.

The rules put forth by the Department fail this mandate by including a loophole that the proposed rules may be amended when they receive recommendations from the Association of Fish and Wildlife Agencies (AFWA). AFWA currently allows bludgeoning and other inhumane methods. The loophole could allow dispatch methods that are less humane than gunshot, bow and arrow, muzzleloader or crossbow to be permitted down the line, and Vermonters want to ensure that animals caught in traps are killed quickly and humanely.

One final concern about Act 159 is the proposed rules attempt to change the definition of trapping when trapping was already clearly defined in Act 159. Act 159 defined trapping as “trapping means to take or attempt to take furbearing animals with traps, including the dispatching of lawfully trapped furbearing animals.” However, in Section 3.20, the rules seek to change the definition of trapping to “to hunt, take or attempt to take fur-bearing animals with traps including the dispatching of such lawfully trapped fur-bearing animals.” It is quite significant to legislatively define trapping to mean hunting, and by attempting to create their own definition of trapping, the Department proposed a rule beyond the agency’s authority in this case. I’ve attended every Fish & Wildlife Board meeting on this issue and this significant change was never discussed.

Act 165 – An Act Relating to Hunting Coyotes With Dogs

MANDATE: A definition of control to minimize the risk that dogs pursuing coyote: (A) enter onto land that is posted against hunting (B) enter onto land where pursuit of coyote with dogs is not authorized; (C) harass or harm people or domestic animals; and (D) cause other unintentional damages to people or property.

The rules relating to the control of hounds are contrary to the legislature’s intent. Having a shock collar and GPS device is simply not enough to minimize the risk that hounds enter land that is posted against hunting, for instance. In fact, in 2022, the president of the Vermont Bearhounds Association said the following in a 2022 Rutland Herald article - keep in mind that this goes for coyote hounds as well: “Dogs can’t read; dogs are trained to follow a scent. Where they go from there is totally up to the bear.” Or the coyote. A hound can be miles away from their owner in pursuit of a coyote, and one cannot tell from a GPS device if a parcel of land is posted against



hunting or the hunting of coyote with hounds is not authorized. By including a definition of control that does not answer these and many other questions, the rules do not meet the mandate to develop a “reasonable and effective” means of controlling hounds. Wildlife advocates had recommended that the hounds be in visual and verbal command at working group meetings, and that is both more reasonable and more effective than the definition of control currently recommended by the Department.

In closing, it has become increasingly clear to me as I have become more involved in this process that what Fish and Wildlife is choosing to endorse and what the public wants on the issues of trapping and coyote hounding are significantly different. Wildlife advocates have tried very hard to work with Fish & Wildlife, and what we are left with is little to no meaningful change, despite the mandates required in Acts 159 and 165.

Sincerely yours,

Bob Galvin

Vermont State Director