

Department of Fish and Wildlife1 National Life Dr., Davis 2
Montpelier, VT 05620-3702www.vtfishandwildlife.com[phone] 802-828-1454
[fax] 802-828-1250*Agency of Natural Resources*

February 23, 2024

Senate Committee on Natural Resources and Energy

Testimony regarding Senate Bill S. 258, the Vermont Agency of Natural Resources, Vermont Department of Fish and Wildlife offers the following testimony:

This bill is unnecessary and overly burdensome on the Department. The purpose of the bill to shift rulemaking authority to the Department is appreciated and the efficiencies of that, in and of itself, make sense. However, the role of the Fish and Wildlife Board has always been narrowly constrained to developing regulations that govern hunting, fishing and trapping. The current structure and function of the board is well suited for this purpose. It allows appointed volunteers with a background in those activities to have input into the rules related to these activities. The Board's decisions must be based on the research and recommendations of department experts and must "maintain the best health, population, and utilization levels of the regulated species." Given the focus of the board on hunting, fishing and trapping regulations, this structure works well. Board members are responsible for ensuring that the rules are consistent with the concept that wildlife is a public trust resource. Board members also bring diverse backgrounds that go well beyond hunting, fishing and trapping that make them suited to balancing the needs and interests of the public that cares about fish and wildlife.

The bill proposes to give advisory authority to a newly constituted board of 15 members, one from each county, and one additional person. Five members would be appointed by the Commissioner, 5 by the Speaker of the House of Representatives, and 5 by the Legislative Committee on Committees, thus giving the majority of appointments to Legislative committee members, most of whom having little or no understanding of the department, its mission, responsibilities, and functions. Having multiple levels of the legislature influencing the majority composition of the board risks unpredictable, unbalanced, and unproductive outcomes that will last for years given the terms of appointments. The bill lacks any specificity regarding the actual make-up of the board with respect to how many will be non-consumptive users and how many will be consumptive. Given this ambiguity one could see a board made up of a majority of people who do not hunt or fish; and have no understanding of these activities and the role that they play in scientific wildlife management. Surely this is not the intent of the bill.

It also gives the board advisory authority over "policy" matters of the department, not just rulemaking. Nor is rulemaking confined to hunting, fishing and trapping. In effect, this gives the board advisory authority over all facets of the department, from law enforcement, to outreach and education, to participation in Act 250 and other regulatory processes, the recovery of endangered species, fish stocking, habitat management, land acquisition, and regionwide coordination on landscape conservation efforts, in addition to hunting, fishing and trapping activities. Under this



scenario, the department would be required to work with the board on all matters pertaining to fish and wildlife conservation. While transparency and public involvement is a core tenet of good government and how the department functions, this would grind fish and wildlife conservation work to a halt. The Department already engages in public processes for threatened and endangered species permitting, land management planning, and wildlife action plans in addition to engaging the public in any rulemaking processes. This overly burdensome and unnecessary level of oversight would require an enormous and inordinate amount of staff time from attorneys, scientists, the business office, outreach staff and more. The benefits do not outweigh the costs!

Further, the bill requires the department to develop a “nongame management plan” by September 1, 2025. First, this fails to recognize the Vermont Wildlife Action plan, a comprehensive, partner driven blueprint for the conservation of Species of Greatest Conservation Need. This plan has been in place since 2005 and is updated, in accordance with federal requirements, every 10 years. Vermont’s Wildlife Action plan is considered one of the most progressive, comprehensive plans in the United States, according to the U.S. Fish and Wildlife Service. It is a great deal of effort to update the plan every 10 years, with support from myriad partners and experts. Developing a new, additional plan, as contemplated by S. 258, will not only be redundant and unnecessary, but represents a significant unfunded mandate. If this is to move forward, the bill must include funding and staff support to accomplish it.

The department is a progressive, highly functional state fish and wildlife organization that is envied by many other states. We are the most active state fish and wildlife agency east of Mississippi River in land acquisition, according to the U.S. Fish and Wildlife Service. We have one of the most comprehensive public land planning processes of any state natural resources agency in the country. We work with myriad partners including The Nature Conservancy, Vermont Natural Resources Council, Trust for Public Land, Vermont Land Trust, National Wild Turkey Federation, Audubon Vermont, Center for Large Landscape Conservation, The Conservation Fund, Ducks Unlimited, Trout Unlimited, Backcountry Hunters and Anglers, Vermont Federation of Sporting Clubs, Vermont Traditions Coalition, Regional Planning Commissions, Municipal Conservation Commissions, Vermont Agency of Transportation, Vermont Department of Forests, Parks and Recreation, Vermont Department of Environmental Conservation, Northeast Wilderness Trust, Ruffed Grouse Society, University of Vermont, Middlebury College, U.S.D.A. Natural Resources Conservation Service, U.S. Forest Service, U. S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Great Lakes Fisheries Commission. We participate and support countless committees and working groups that afford others a voice in our work and a voice for the department in the work of others including the Vermont Forest Roundtable, the Endangered Species Committee, the Species Advisory Groups, U.S.D.A. Natural Resources Conservation Service Steering Committee and subcommittees, the Atlantic Flyway Council, the northeast deer technical committee, northeast furbearer technical committee, northeast black bear technical committee, northeast habitat technical committee, the Staying Connected Initiative, the Vermont Forest Ecosystem Monitoring Cooperative, the regional state wildlife grants committee, among many others. The point is, there are many opportunities for organizations and interests to have a voice in fish and wildlife conservation through the department.

The department hosts numerous public input forums for all regulatory efforts. For instance, each year the department hosts public input meetings on deer hunting regulations, moose hunting regulations, waterfowl hunting regulations, and state land management plans. We have hosted Wildlife Congresses over the years where all organizations and interests associated with fish and wildlife conservation are invited to be part of high-level discussions about the future of fish and wildlife conservation.



Public engagement has always been a cornerstone of the department's conservation efforts. Bill S. 258 presumes that this is not the case. It was developed without a clear and deep understanding of how the department functions and seems more a reaction to the recent rulemaking regarding trapping best management practices and hunting coyotes with dogs. Setting aside personal views and opinions of those activities, drafting legislation that would fundamentally change, and impact, an effective state fish and wildlife agency based on reactions to those recent series of regulatory events seems shortsighted and ill conceived.

Make no mistake, if this legislation is passed it will create enormous AND unfunded administrative burdens to the department that will come at the cost of continuing to implement effective fish and wildlife conservation. It's no mistake that Vermont supports the healthy habitats, landscape and wildlife that it does today. The department has successfully conserved and managed Vermont's wildlife and habitats for decades. Its why fisher are abundant and healthy (we reintroduced them and have managed them successfully since). Its why common loons are once again a common sight and sound on lakes and ponds. Its why intact wetlands continue to grow along Otter Creek from its headwaters to Lake Champlain. It's why new Americans can enjoy a meal of fresh panfish. The list of benefits and achievements is endless.

At a minimum this bill adds costs to the already burdened F&W budget. It adds a board member which increases overall per diem costs. Aside from that, the workload necessitates more personnel to meet the demands laid out in 258. When one considers the new training, the additional rulemaking requirements there needs to be an allocation to hire at least 2 staff including an attorney.

So, what's the problem? S. 258 should not move forward. Instead, we recommend working with the Senate Natural Resources Committee and other partners to consider how the department can go even further with its inclusivity in guiding how we effectively conserve and manage wildlife in Vermont and beyond. To do otherwise will jeopardize wildlife conservation in Vermont for many years to come and be counter to what we believe is the underlying interests of the committee.

