

January 12, 2017

Memo to: Governor Phil Scott
Lieutenant Governor David Zuckerman
Senate Majority Leader Timothy Ashe
House Majority Leader Mitzi Johnson
House Fish and Wildlife Committee Chair Deen and Committee Members (1.17.17)
Senate NR Committee Chair Bray
Agency of Natural Resources Secretary Moore

From: Walter M. Medwid

Re: Proposed change in Vermont's Governance Structure

I am writing to ask you to examine and change what I believe is a fundamental flaw in Vermont's governance. Vermont's Fish and Wildlife Board (FWB) has significant authority over important public resources and policies, yet serious issues in its structure compromise public involvement, accountability, transparency and core democratic values. The key issues are outlined below:

1. Public policy and regulatory powers

The FWB establishes public policy and regulations on the state's "game animals," i.e., those species that are trapped, hunted and fished. This includes deer, moose, otter, beaver, crows, bobcat, etc. Non-game species fall under the oversight of the Department of Fish and Wildlife (DFW) professionals. DFW personnel serve as advisors to the FWB.

By establishing various regulations around wildlife, which by statute is a public resource that must be managed to serve the public, the FWB establishes public policy.

2. Unelected, unaccountable

By statute, the FWB is composed of one member per county. Members are appointed by the governor for a 6 year term. The DFW typically cultivates candidates, although they may also come from a recommendation of an elected official or others. Members come from the sporting community exclusively. Thus, public resources that are meant to be managed in a way that serves the public exclude representation by members of the public at large. The FWB is unaccountable to the governor, the legislature or the public.

3. The CV's and affiliations are secret

The credentials of the members and their affiliations are not available to the public. Members' credentials in wildlife or fisheries biology, ecology, management or other areas impacting their

work as board members are unknown. Science is key to wildlife management decisions, yet the science credentials of board members are unknown. Neither the previous governor nor the DFW have provided the CVs and affiliations of the individual members, making it impossible to determine if conflicts of interests exist. For example, it is known that some members are trappers who sell pelts at the same time that they make public trapping policy with the potential to affect their incomes. It appears further that members who may have potential conflicts (financial or affiliations-wise) have not abstained in recent trapping votes. Why this island culture; why the culture of secrecy?

4. A unique Vermont body of governance?

Vermont drivers don't develop transportation policy and regulations. Patients of the Department of Mental Health don't define mental health procedures. Private citizens don't determine police procedures for the Department of Public Safety. Why then do hunters and trappers with no science background (as far as publicly available information suggests) make wildlife policy on behalf of all citizens and experts in that field?

5. Added costs to taxpayers at a critical budgetary time

Rather than relying on DFW professionals to determine regulations and policies for game species, Vermont carves out a segment of our wildlife species to be regulated by a narrowly focused group of lay citizens. At a fall meeting of the FWB last year (the board meets monthly), well over a dozen staff members of the DFW were present to respond to a trapper's petition to expand trapping seasons. A biologist spent hours preparing for his presentation to the board, with the board afterwards asking for additional research. Why do we add a costly layer of governance at DFW that, to my knowledge, is not conventional practice elsewhere in the realm of governance? Further, by disengaging broader constituencies from real participation in decision-making, aren't we just making it far more challenging to find the funding solutions DFW so desperately needs?

6. Blue ribbon panel recommendations

The professional association (www.fishwildlife.org) that serves as the voice of North America's state fish and wildlife agencies has published a Blue Ribbon Panel report with two recommendations -- one on funding and another that reads, "...convene a working group to examine the impact of societal changes on the relevancy of fish and wildlife conservation and make recommendations on how programs and agencies can evolve to engage and serve broader constituencies (underlining mine)." Vermont's governance construct in the FWB actively seeks to thwart the engagement and service of broader constituencies with the tacit approval of the current leadership of DFW.

So while I have laid out some of the issues around the FWB and its joined-at-the-hip relationship with the leadership of the DFW, I have not offered a solution. There is, in fact, a solution that can address most of the current issues tainting this aspect of Vermont's governance. If the legislature would amend current statutes to make the FWB advisory rather than policy/regulatory-making, a giant step forward can be taken to address this situation -- a situation that is seeding increasing distrust of DFW and FWB and their wildlife policies. An advisory FWB gives the DFW input that they might need for management decisions; it puts management decisions in the hands of credentialed professionals vs. lay citizens; it removes the secrecy and potential conflicts of interests; it opens the process to a more public, transparent forum; it removes an anomaly in Vermont's governance; it reduces taxpayer costs, and it sets the stage for the DFW to evolve in ways that engage broader constituencies, per the Blue Ribbon Panel's recommendation. And note that legislation is in process in New Hampshire to redefine the functioning of their board in precisely that way.

I would be pleased to discuss this further. To give a sense of my background, I possess undergraduate and graduate degrees in biology, and have spent my professional career in the field of conservation.

Thank you for your consideration. I look forward to your comments about how Vermont can move forward in this one arena.

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