



March 12, 2019

To: Members of the House Natural Resources, Fish & Wildlife

Re: Testimony in support of bill H.357, *An act relating to prohibiting the wanton waste of wildlife*

Chairwoman Sheldon, Distinguished members of the House Natural Resources Committee:

My name is Brenna Galdenzi, President and Co-Founder of Protect Our Wildlife. We are an all-volunteer, grassroots, nonprofit that represents over 2,500 members and supporters throughout Vermont.

Thank you for the invitation to provide testimony on the wanton waste bill. The handouts associated with my testimony are in order of my testimony in your packets.

As a preliminary matter, we understand that on more than one occasion certain members of the Fish & Wildlife Department (Department) have incorrectly stated to members of the legislature and others that we want to end hunting in Vermont. I have gone on record in previous committee hearings refuting that misstatement. We do not want that statement to detract from the important work we perform. We are proud to represent the many POW supporters who are hunters and anglers.

The Fish and Wildlife Department's Opposition to H.357

We had hoped that the Department would support this legislation, especially in light of their support for a similar effort in 2009. We

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looked forward to the opportunity to collaborate with the Department and various stakeholders on an area of shared interest. Unfortunately, the bill has been met with opposition from the Commissioner. In response to that opposition, it is important to understand that:

- The wanton waste bill does not seek to ban or even limit hunting or trapping practices - **it seeks to apply consequences to those who engage in wasteful killing.** This bill is not anti-hunting or anti-trapping; I think it can be argued that this bill will elevate those activities by addressing some of the undesirable actions that tarnish the practices as a whole.
- It was never the bill's intent to require a landowner to use the carcass of a rabid animal, as suggested in the Commissioner's testimony. We recommend an exemption for those killing wildlife in defense of property as conducted under title 10 VSA §4828, to be added to the bill to exempt persons killing wildlife in defense of property (ie: raccoons killing chickens etc.) from the requirement in H.357 that they must "use" the animal or be in violation of the law
- The Commissioner argued that H.357 would be too hard to enforce, but this law would be enforceable to the same extent as other valid laws that now exist. For example, the Department's law enforcement division must enforce an existing wanton waste law that applies to waterfowl, and the same can be done for other wildlife. Just because a law may be difficult to enforce, it does not mean that it's not worthy - think about the ban on texting and driving or Vermont's 75-year ban on snares. Neither are easy to enforce, both are still good laws. And as I know you appreciate, laws aren't just about consequences for wrongdoers; the other important purpose is deterrence. There are a lot of laws on the books including in the criminal code that are difficult to enforce, but it's widely understood that laws have a deterrent effect, too.

While on the topic of clarification that is needed, the word "use" needs to be defined to offer more clarity. We recommend Alaska's law that states, **"to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human use the edible meat or fur of the animal or fowl."** That was the intent of the original draft that HSUS provided to the bill sponsor. Without such a definition of "use", the law can be easily circumvented by, for example, the removal of a single feather from a crow with the assertion that it will be used in any trumped up way.

Fish & Wildlife's Prior Support of a Wanton Waste Ban

I'd like to highlight prior efforts to enact a wanton waste ban by Department members. Kim Royar, a senior staff member at the Department, as well as a retired warden, were some of the lead folks who lent support to the 2009 wanton waste ban. Royar was mentioned in a 2009 article¹ in the Times Argus as follows:

Kim Royer, a biologist with the Vermont Fish & Wildlife Department, told about 30 people in attendance that the {wanton waste} rule was needed, particularly as a "public perception" matter.... Under the proposal, anyone who kills or wounds an animal while hunting, fishing or trapping must make an effort to retrieve that animal so that it may be utilized. A survey filled out by about a third of Vermont game wardens revealed that "hunters and anglers are not consistent in their efforts to retrieve" fish and wildlife, Royer said. "We estimate that we may have as many as 60 to 100 wanton waste events each year – many of which are very apparent to the public," she said.

More recently, a retired warden showed his support for a wanton waste ban and submitted this letter (see handout) last April. The retired warden states:

"I believe it is way beyond the time that the Vermont Fish and Wildlife department needs to implement a "Wanton Waste" law. I am aware that critics may say they are just coyotes! During my career as a state game warden I have seen bears, deer and wild turkeys that were harvested, hung and left to rot. I have also witnessed numerous spring shot muskrats, pelts intact, discarded by the side of the road. As far as fish go, I have seen most species caught and left on the ice as well as fish that were caught and left on the banks of various bodies of water or discarded in highway pull offs and department owned access areas."

¹ https://www.timesargus.com/features/weekend_magazine/sportsmen-knock-f-w-proposal/article_a98243bb-a413-5c83-b80e-0dac136d661a.html

There are likely other wardens who'd support a ban on wanton waste, but they are advised to not share opinions on Department policy, so we have to wait for people like the retired wardens noted above to speak out. One example of stifling of dissenting opinions is documented in your handouts. Wardens who oppose the open season on coyotes were told to keep that opinion to themselves in an effort to help the Commissioner maintain the status quo.

Secondary Impacts of Wanton Waste

Another area of concern for us, and our state's volunteer wildlife rehabilitators, is that intact, lead-riddled carcasses that are left to rot in the fields are poisoning bald eagles and other wildlife. There's been a lot written about the topic, since lead ammunition is a favorite for hunters. National Geographic writes, "**Lead poisoning tends to take several days or weeks. Some eagles ingest the lead-filled remains of several animals before succumbing.**"² Representative Forguites made a comment about the carcasses providing food for other wildlife and when the Commissioner responded, he failed to address this very real concern of leading wildlife biologists and conservationists.

Other States Have Wanton Waste Laws

Alaska is one of our country's most hunting-centric states and they strongly support their wanton waste law. Last week I spoke with a biologist with a 40-year history in Alaska's wildlife management who was appointed to the AK Board of Game three different times by two governors. He told me that AK hunters take their wanton waste law seriously and their wardens have guidelines that assist them with enforcement. A host of other rural states, including Montana, Colorado, and Oregon also have wanton waste laws. Colorado actually has a "Willful Destruction of Wildlife" felony wanton waste statute. The willful destruction of wildlife is where the officers may charge you with taking only the trophy portions of an animal with no intention of using the meat or carcass. If the Department has concerns regarding enforcement, then they have a whole pool of resources to pull from nationwide. There is no reason why Vermont cannot do this.

² <https://news.nationalgeographic.com/2017/12/eagle-death-lead-poisoning-ammunition-bullets-spdl/>

Which Animals Do We “Value” and Which Do We Not

During the Commissioner’s testimony he advised the Committee that his Department would be possibly looking into ways to address the wasteful killing of some of Vermont’s **valued** species like deer. The Department should not be able to determine which wildlife has *value*, and is therefore worthy of better protections and which do not. POW believes that all wildlife has intrinsic value - whether the animal is a crow, coyote, or Vermont’s iconic moose; all beings have a fierce desire to live and should be respected.

I would like to draw attention to Vermont statute 10 V.S.A. 4081 that requires the following (*emphasis added*):

“The protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this state are in the interest of the public welfare. The state, through the commissioner of fish and wildlife, shall safeguard the fish, wildlife, and fur-bearing animals of the state for the people of the state, and the state shall fulfill this duty with a constant and continual vigilance.”

How is the Department upholding this responsibility if they’re condoning killing foxes, deer, and other wildlife simply for fun with no intent to consume the meat or use the fur?

You may hear from the Department that there are only a few bad apples out there, but the research that my colleagues and I frequently perform paints a very different picture (see handout.) Fish & Wildlife has on more than one occasion coached hunters and trappers on what **not** to post on social media. Rather than coaching them on how to project a positive image on Facebook, why not focus on the bad behavior itself? Take for instance the exchange in your handouts between the Fish & Wildlife Board Chairman and a VT man who admits that he kills crows for fun and posts photos of piles of dead crows. Instead of the Board Chair condemning the wasteful activity, he tried (unsuccessfully) to coach the man on what to say to project a respectful image to “anti” hunters.

Crows are one of the most intelligent species, thought to have the reasoning abilities of a seven-year old human child, yet they’re killed

in crow shooting contests and used a target practice – a perfect example of wanton waste.

In Closing

In a 2017 UVM survey conducted by the Center for Rural Studies³, they asked if Vermont wildlife policies should prohibit the "wanton waste" of wildlife, except when the animals are causing damage to property or agricultural products. The result of the survey indicates that **70.5% of Vermonters who responded, supported policies that prohibit the intentional and wasteful destruction of Vermont's wildlife.** Those results don't surprise me; what *does* surprise me is that Fish & Wildlife has chosen to no longer support this long overdue, common sense regulation. I hope the Committee will move this bill forward. I am happy to answer any questions you might have.

Respectfully,



Brenna Galdenzi
President & Co-founder

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https://docs.wixstatic.com/ugd/5073cd_89123d908b2f4ac3b19858a69e1c44b1.pdf

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