



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

May 6, 2019

Commissioner Louis Porter
Department of Fish and Wildlife

Mike Covey
Vermont Traditions Coalition

Barry Londeree
Vermont Humane Society

Dear Commissioner Porter, Mr. Covey, and Mr. Londeree

I am writing on behalf of the Committee on Natural Resources, Fish and Wildlife (Committee) to summarize the efforts you and Rep. Carol Ode have made outside of the Committee to address the issue of wanton waste and retrieval of wildlife and to seek your assistance in moving forward with proposed language. I first want to thank all three of you for your sincere and professional efforts in addressing the question of wanton waste and retrieval of wildlife under State law. Continued participation and input from you and your organizations will be integral to the Committee as it pursues the issue of wanton waste and wildlife retrieval during the remainder of the biennium.

Summary of Review of Wanton Waste and Retrieval of Wildlife

The issue of wanton and waste and retrieval of wildlife was presented to the Committee in H.357, an act relating to prohibiting the wanton waste of wildlife. During testimony on H.357, it became clear that there were substantial issues of disagreement between the various parties that likely would not quickly resolved by the Committee. As a result, I asked Rep. Carol Ode to form a working group with your organizations in an effort to approach consensus on language addressing wanton and waste and retrieval of wildlife.

Rep. Ode reported that this working group on wanton waste met several times and that you each worked cooperatively and courteously to discuss the issue and potential language. To this end, at the last meeting of the working group, Barry Londeree proposed the following language:

A person shall not intentionally kill a game or small game species and intentionally, knowingly, or recklessly fail to retrieve and dispose of a game or small game species. Any game or small game taken must be immediately made

part of the daily or seasonal bag limit, if applicable. It shall not be considered lawful disposal for any person to place, leave, dump, or abandon a game or small game carcass or parts of a carcass along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant.

In addition to the requirements above, a person shall not intentionally take a game or small game species during regulated open season and intentionally, knowingly, or recklessly fail to salvage for human use the edible portions of the carcass or usable portions of the fur or hide of the animal.

Mr. Londeree explained that his intent was to address the concern that H.357 would create a “de facto” closed season on coyotes by retaining the utilization requirement in H.357 for game and furbearers subject to a regulated season (which would not include coyotes) while applying a “retrieve and dispose” requirement to a broader group of species, including coyotes. Commissioner Porter and Mr. Covey expressed their appreciation to Mr. Londeree for making the proposal, but expressed concerns and proposed changes to Mr. Londeree’s language.

Commissioner Porter noted that law enforcement officers and State employees are often asked to move or dispose of dead animals on highways and other places and that the accepted practice is to move the carcass out of the right of way but leave it on the adjacent land. Mr. Covey noted that the recommended method of retrieval of some game species involves harvesting the edible or usable meat or fur in the field and disposing of the carcass at harvest site. Prohibiting a hunter from leaving a carcass in the field would conflict with generally accepted hunting principles.

Mr. Covey noted that regardless of accepted hunting principles for disposal of a carcass, a hunter should not leave a carcass on private land without permission of the land owner or owner’s agent. Mr. Covey also noted that the language addressing disposal in a waterway could be problematic. Disposal of a carcass in a water is already prohibited under State water law.

Commissioner Porter then proposed that Mr. Londeree’s proposed language be amended to apply to fish or game with a bag or creel limit instead of to game or small game species. Mr. Londeree considered the proposal, but was concerned that it may be too narrow for the purposes of disposal. Mr. Londeree requested more time to consider the proposal.

Commissioner Porter and Mr. Covey also noted that they would need to consult with staff or person’s within their organizations. Commissioner Porter expected he would receive input from his technical and warden staff. Mr. Covey noted that he would need to consult with his board of directors. Mr. Londeree also noted that he would need to consult with other parties.

The working group then discussed how the need for consultation with staff, their associations, and other interested parties coupled with the relatively short amount of time

left in the 2019 legislative session would make it difficult to move H.357 or another bill addressing wanton waste or wildlife retrieval. Thus, it was proposed that this letter be written and sent to the members of the working group to ask for official input or positions from the relevant staff, boards, or interested parties.

Request for Input on Proposed Language

To further the discussion on the appropriate State law addressing wanton waste and retrieval of wildlife, the Committee asks that you circulate the language attached below to your staff, members, board, or other interested parties. Please collect any input that you believe is relevant to the discussion of wanton waste and retrieval of wildlife. Please also propose any changes to the language. Most specifically, please ask for comments on whether the language below should apply to game or small game, fish or game with a bag or creel limit, or some other alternative.

The Committee will schedule meetings early in 2020 to receive input from you, your organizations, and other interested parties. It is likely that the Committee will attempt to act on a wanton waste or retrieval of wildlife bill next year. Hopefully, the input and comments you receive from your organizations and interested parties will help build a consensus that will allow the Committee to quickly move a bill.

In closing, thank you for your participation in the working group this year and for your commitment to further work on the issue of wanton waste and wildlife retrieval. Your assistance has been greatly appreciated by the Committee. If you need additional information or if you have questions, please contact me or Rep. Ode.

Sincerely

Rep. Amy Sheldon
Chair, Committee on Natural Resources,
Fish and Wildlife

Draft, Proposed Language for Comment on Wanton Waste and Wildlife Retrieval

(a)(1) A person shall not intentionally kill a ~~{Alternative 1: game or small game species; Alternative 2: fish or game with a daily or seasonal bag or creel limit}~~ and intentionally, knowingly, or recklessly fail to retrieve and dispose of a ~~{Alternative 1: game or small game species-or Alternative 2: fish or game with a daily or seasonal bag or creel limit}~~. Any ~~{Alternative 1: game or small game species-or Alternative 2: fish or game with a daily or seasonal bag or creel limit}~~ taken must be immediately made part of the daily or seasonal bag limit, if applicable.

(2) It shall not be considered lawful disposal for any person to place, leave, dump, or abandon a ~~{Alternative 1: game or small game species-or Alternative 2: fish or game with a daily or seasonal bag or creel limit}~~ or parts of a carcass along or upon a public right-of-way or highway or on public or private property, without the permission of the owner or the owner's agent. This subdivision (a)(2) shall not apply to a law enforcement officer or State employee acting within the course of his or her employment or duties or to the disposal according to generally accepted hunting principles on public land where hunting is allowed.

(b) In addition to the requirements above, a person shall not intentionally take a [Alternative 1: game or small game species or Alternative 2: fish or game with a daily or seasonal bag or creel limit] during regulated open season and intentionally, knowingly, or recklessly fail to salvage for human use the edible portions of the carcass or usable portions of the fur or hide of the animal.