

Hello Representatives,

I am writing you regarding the current language in H. 411. While we appreciate the improvements made thus far, the bill still has glaring issues that need to be addressed. I am disappointed to see that when we are so close to a reasonable bill there seems to be no interest in making the final, simple changes it needs to be functional rather than harmful. H.411 as you currently consider it remains untenable due to the flaws that have inexplicably been retained in this iteration. (With nine drafts at last count, hopefully everyone is on the same version.)

The ongoing elephant in the room remains the inclusion of crows in such a manner as to essentially reduce crow hunting to only being conducted in a retaliatory manner AFTER farmers have faced a loss. This de facto end to most recreational crow hunting is a non-starter, or at least it should be. Crows taken while hunting recreationally are often not used, this does not mean their taking is not useful. We can all agree and understand that when recreational hunting is truncated or ended, crow populations will increase. **This concern should be addressed by removing crows as a covered species.** Crows are ubiquitous, prolific, and adaptive. Unnecessarily **including them is overly prescriptive, unnecessary, and ultimately harmful for the following reasons:**

- 1) Crows are specifically excluded from the Federal wanton waste laws for migratory birds.
- 2) Farmers faced with higher crow populations will face greater losses, and they will be solely responsible for not only absorbing the added losses of destroyed crops, but for investing time and resources in lethal mitigation efforts. For those of you who may not be familiar with what that looks like, crows pick the plant when the shoots are about one inch tall, and eat the young plant and seed. A flock of crows large enough can clear acres of a field, and this loss impacts the farmer on the same scale as bear damage later in the growing season. An acre of loss is an acre of loss no matter the culprit.
- 3) **This unwarranted policy is ecologically unsound.** Crows are a significant nest predator of other bird species. This committee has heard recently that bird populations have decreased by 20-25% since 1970. **Whether or not one respects hunting or our wildlife management professionals, including crows in this legislation chooses them over other species.** This is legislation that chooses winners and losers in the woods of Vermont by valuing a predatory species that is prolific above the myriad other bird species that will be adversely impacted by growth in the crow population. As noted in this Audubon article, “nest predation from crows has prompted the populations of some sensitive species to reach perilously low levels.”
<https://ca.audubon.org/news/things-you-may-or-may-not-know-about-crows>

We would still strongly urge the committee to add the word “damaged” in the definition of “unfit for consumption or use”.

(3) “Unfit for consumption or use” means a part of the covered wild animal or the covered wild animal itself is **damaged**, decayed, rotting, diseased, or infected.

This is not a difficult change, and improves the bill.

Finally, we still have grave concerns about the overly prescriptive nature of page 3, Section 5. Will accepted practices change with the whim of a new commissioner? Is that the goal of this committee? One could not possibly account for every potential field condition, and as such, this is clearly overly prescriptive. These concerns can be addressed by either removing all language after the word “animal”, or adding the word “or” after it as highlighted below:

- (5) when following generally accepted hunting or trapping practices for
- 12 retrieval of a covered wild animal **OR** when a practice is:
- 13 (A) set forth under this part or rules adopted under this part; or
- 14 (B) approved as a best practice by the Commissioner of Fish and 15 Wildlife.

Mr. O’Grady could make these changes in a matter of minutes, and then we could support the bill and move forward together. By passing this bill in the current format, members of this committee expose themselves to the risk of furthering the perception held by many that some of you are more interested in reducing hunting access than in passing valuable legislation. It becomes all the more egregious when it is poor ecological policy as well, which this is. **We must ask better of our legislative bodies than the legislation of opinion over fact; and to that end, I urge this committee, each of you, to either resolve these issues or vote against moving this bill.**

My Best Regards,

Mike

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