

TO: House Natural Resources Fish and Wildlife Committee

FROM: Louis Porter, Commissioner, Vermont Fish and Wildlife

First, let me apologize. I did not realize that you were working from a new draft and not the as-introduced draft and I may have therefore caused some confusion. My notes below relate (now) to H.411 version 1.2.

<https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.411/Drafts,%20Amendments,%20and%20Legal%20Documents/H.411~Michael%20O'Grady~%20Draft%201.2,%204-20-2021~4-21-2021.pdf>

Version 1.2 is, in my view, a far better draft than the as introduced version and answers several of my concerns and questions brought up in testimony. A couple of points remain, and one more that I realized could be an issue only after my testimony.

- 1) On page 2, line 12-13, the bill acknowledges that if an animal were to die on land where the hunter does not have legal access, they should not be required to retrieve it. That is a sensible provision, but I am concerned that there will be cases in which land has some posted signs on it, or other signage that indicates the landowner does not want people on the property, but where that land is not legally posted. Therefore, the bill will likely put hunters in the position of either violating the wanton waste law or going on property where it is clear they are not welcome (although they are not legally prohibited) setting up conflicts between landowners and hunters. I would suggest some clarifying language that says lack of legal access, or something that could reasonably be construed to deny access, would qualify for the exemption.
- 2) On page 2, line 14, I would suggest explicitly including defense of property and persons language similar to the language that was included in H411 as introduced under section 4921 (d)(2) on page 3.
- 3) On page 2, line 16-17, I would suggest adding that federal or municipal employees in the course of their employment be added to the exemption. I expect the number of such cases which do not fall into the other exemptions would likely be small, but there may be such instances.
- 4) On page 3 line 1, the draft prohibits dumping or abandoning the carcass or parts of the covered wild animal. As discussed in committee, I would recommend removing “or parts of” unless the committee is willing to delete or redraft subsection (2). That would allow field dressing or boning out of animals on site, which is a recommended practice to maintain quality of the meat and avoid the same waste this bill seeks to prevent.
- 5) On Page 3, line 4-6 I am concerned that as currently written this could prohibit leaving carcasses with the meat removed, or entrails from field dressing or boning out animals when hunting legally on unposted land without explicit permission to do so. If this clause remains in place it might be helpful to include the following language after the word ‘practices’ on line 6: “including requirements or practices under this part or rules adopted under this part.” The change noted above in item 3 might address this, but I

am sure that you do not want to prohibit these activities on private unposted land, nor to require separate and specific permission to leave the remains or carcass with the meat removed behind when hunting on private unposted land.

Those are the specific items related to draft 1.2. I also noted to the Committee that some specific direction or indication of what would be expected from those hunting coyotes and crows would be helpful in terms of what using or proper disposal of these animals would mean. That is less of a concern with draft 1.2 as it would only apply to crows, as there is no hunting season on coyotes.

The committee was also interested in the history of the crow season and the crow population in Vermont. In 1980, the USFWS protected crows, ravens, jays, and magpies under 50 CFR, Sec. 20.133. They established a hunting season framework for states of no more than 124 days, which must fall outside of their nesting season. With this new federal framework, on May 22, 1980, the Vermont Fish and Game Board established Vermont's first crow hunting season, running March 14 - April 30; and August 14 - October 29 each year.

More recently, the Department proposed on December 17, 2014 to the Vermont Fish & Wildlife Board to change the dates of the crow hunting season to move it out of the nesting season. From Vermont's Breeding Bird Atlas, the Department's recommended season dates would avoid the majority of the nesting dates and peak nesting period.

The Board approved the new hunting season dates based on Department recommendation for the crow hunting season to be Friday - Monday inclusive, January 15 – April 11 and August 19 – December 19, 2016 (124 days in 2016)

As for crow populations, based on breeding bird surveys, we estimate that the number of crows in Vermont has increased slightly since the 1980s. Breeding bird survey trends show crow populations continued to expand their range from 1982 through 2007 in Vermont. In many other states south of Vermont crow numbers began to decline after 2000 from what is believed the influence of the West Nile virus. Vermont's population appears to have remained stable with the current hunting pressure and impacts of West Nile virus.

Last, I believe I gave some you some incorrect information. I believe I said that Maine's wanton waste rule was one of a few states that included coyotes in its coverage. In fact, Maine explicitly exempts coyotes from coverage.

Thank you for considering these notes.