

# Testimony Before House Natural Resources Committee

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## 1. Introduction

Good afternoon, Chairwoman Sheldon, and members of the Committee and thank you for this opportunity to speak with you. I am Rob Mullen from West Bolton, Vermont. I grew up in West Bolton and neighboring Jericho, earned a Bachelor of Science in biology from UVM and for the last 27 years have worked as a wildlife artist and wilderness canoeist, running over 20 art expeditions since 2001, mostly in northern Canada and Arctic Alaska. This past September and October, I added 'thru-hiker' and Vermont landscape artist to my resume with an end-to-end painting trip on the Long Trail. I am the Trail Steward for the Bolton Town Forest and serve on the Bolton Conservation Commission, and on the Board of the Vermont Wildlife Coalition, VWC. VWC is an all-volunteer 501(c)4 organization.

Since the first meetings exploring the idea of forming VWC, the core tenet was for a balanced approach to issues of wildlife governance; somewhere between PETA and the Safari Club. I was not one of the original founders of VWC, but the idea of a moderate voice in wildlife issues appealed to me. There seemed to be more than enough extremists; those who seemed to want few limits on killing or ways of killing wildlife and those who wanted to ban much of it. Missing were the hunters I grew up with here, skilled with a rifle and able trackers with knowledge and respect for their prey. My maternal grandfather was a Proctor Marble Company executive by day. In the field, he knew what a deer would do before the deer did.

There is evidence that we are making progress toward that balanced goal; since our nominal inception in 2016, we have taken incoming from both sides. When VWC opposed the Fish & Wildlife Board's 2017 extension of the otter trapping season, supported the 2018 ban on coyote killing contests, and the ill-fated 2019 wanton waste law and H-581 and H-582, we were opposed by hunting and trapping lobbyists and the Fish and Wildlife Department (FWD) and labeled "antis."

When VWC has applauded the FWD for its habitat and non-game conservation work (as recently as this week), published a position statement supporting most hunting in Vermont, and gave the department generally high marks for the 2020 10-year Big Game Management Plan, we were criticized and even called a couple of uncomplimentary names by some wildlife advocates.

VWC supports most hunting unequivocally, to the point that regarding deer, and to a lesser degree, turkey, VWC is "pro-hunting" as public policy (see VWC hunting statement attached). However, in VWC's estimation, some hunting practices are potentially harmful ecologically and/or undermine support of hunting among the non-hunting public (a growing percentage of the state). They do not represent the bulk of hunting in Vermont but VWC opposes or questions them and that seems to be a trigger for some to attack with distortions and false narratives.

## **2. False narratives in governance.**

We've all just witnessed the near catastrophic results of false narratives on the national stage. The stakes and rhetorical temperature are lower here. However, the corrosive effects are similar, and there are plenty of them flying around debates about how to treat wildlife and directed at all parties. Many are patently false, and none are particularly useful, but VWC's concern is wildlife governance, and therefore, a focus here will be on two inconsistent narratives that seem to hold some sway within the FWD and especially, the FW Board.

### **“Pay to Play” (and ‘Hunters pay for the FWD’)**

In 1966, Vermont had about 422,000 residents (U.S. Census). The Fish & Wildlife Department sold 100,210 in-state hunting licenses (US FWS). That was almost 25% of the entire population (it was my first deer season at age 10). The fees from those licenses, largely funded the FWD. Today, hunting lobbyists, and to a lesser extent, FWD personnel, will claim that hunters still fund the department and in discussions and debates, the implicit message is that they deserve a bigger voice in wildlife governance because of their funding. There are two gaping holes in that claim:

1. It is not true.
2. It would not matter if it were.

50 years ago, hunters did largely finance the FWD. However, today, not only has the percentage of the population that hunts dropped precipitously (the bump in 2020, does not undo the decline and will quite likely only be a bump), but the responsibilities that the FWD has been tasked with, have grown enormously. Consequently, the need for FWD funding has expanded while traditional funding shrank, so now the money comes from everyone. However, all of this is moot regarding who gets a say in wildlife governance. The guiding statute that established the FWD clearly states that wildlife is a public trust and that the FWD shall safeguard it for all Vermonters. Not just a particular interest group.

### **“The Slippery Slope”**

Slippery slopes do exist of course. However, in our wildlife debates, they are usually more scare tactics and excuses to do nothing. The typical pattern assumes that all change (that one doesn't like) is accompanied by a cascading (positive feedback loop) avalanche of ever worsening change until some disastrous end result is reached. An example heard at the FWB hearing on a group of Vermont Law School students' petition for a five-month coyote hunting season (denied unanimously by the FWB) was that if a season and bag limits are allowed for coyotes, the 'next step' from the "antis" would be banning coyote hunting and then all hunting. This 'argument' ignores the fact that the hunting of most species in Vermont (and beyond) is governed by seasons and bag limits with no bans in sight. More generally, such arguments typically fail to consider the effect of 'negative feedback loops' on change; the tendency for systems to damp out perturbations. With coyotes treated as other big game, there is every reason to expect that public concern would decline and pressure for further change would dissipate.

The damaging effect of the slippery slope narrative is that it creates an environment in which no change is tolerated. The Vermont Law School students' petition was not the only case of the FWB defending problematic hunting practices; there have been petitions on crows, moose, foxes, and otters, and all were denied. Even hunters are fair game (so to speak) if they dare break with the conformist mentality. Recently, a petition was submitted to the FWB by a hunting group to ban the use of live action trail cameras to preserve the ethics of fair-chase and hunting's image. It was withdrawn after the hunters who submitted the petition were pressured on social media that included communications from the chair of the Fish and Wildlife Board.

### 3. Science-based Wildlife Policy.

The FWD generally does a superb job and has a highly educated, knowledgeable, and professional staff. Their work on big game, non-game species, habitat, and conservation are generally exemplary. The FWB, somewhat less so. With the FWB having the final say on rules and regulations, the combined track record of the FWB and FWD on game species is spotty.

- With a \$23 license, a trapper can kill unlimited numbers of the 14 species that can be legally trapped (most are predators and that is other issue of suspect science). There are no requirements to report how many of a species are killed except for otters, fishers, and bobcats (New Hampshire does not even allow the trapping or hunting of bobcats). This laissez-faire attitude includes non-target “by-catch” (which includes family pets). Such a disregard for data and oversight is arguably not rigorously scientific or good governance.
- River otters are currently listed in Vermont as a species of “Greatest Conservation Need.” Until last year, this was what the FWD website otter page said about the otter trapping season (there is no hunting season):

“... the young are born in late **March** to May.” ... “In Vermont, it is protected from over hunting with the season only lasting about four months, from the end of October **through the middle of February. This time of year is chosen to protect against mothers or newborns being harvested.**”  
(Bold and highlight added)

Despite this, in 2017, the Fish and Wildlife Board (with the FWD’s acquiescence) granted a trapper’s petition for an extension of the otter trapping season to the end of March so that it would match the beaver trapping season that had been extended through March a few years prior (talk about a slippery slope). This was so that trappers would not have to reset the triggers wider on the trap frame (a few seconds work) to reduce the chance of trapping otters in March when beavers were still in season and otters were not. Now the webpage simply notes that:

“... the young are born in late **March** to May.” ... “In Vermont, it is protected from over hunting with the season only lasting about five months, from the end of October **through the end of March. This time of year is chosen to protect against mothers or newborns being harvested.**”  
(Bold and highlight added)

Such internally inconsistent reasoning is not science; it does not even make sense. Otters have not spontaneously started having pups a month and a half later in the year. If anything, with warming winters, they might be expected to start birthing earlier over time. This was a gift to an interest group; an interest group well represented on the FWB.

- Beavers are a keystone species throughout their range. Their work mitigates against drought and flooding and increases biodiversity. They are essential to healthy ecosystems in regions where they have a historic presence. Yet for that same \$23 license, recreational trappers can kill an unlimited number of beavers anywhere, regardless of any local ecological benefit or a particular beaver colony’s ability to sustain trapping deaths. Whether such a scattershot approach has any beneficial effect on locales with human/beaver conflicts is debatable and likely unknowable in any fashion backed with data and evidence.
- The bear hound training season starts in June while cubs are still nursing. This is only a month or two after they have come out of hibernation and is a critical and vulnerable time when food

sources are only just starting to become more plentiful. Allowing sows to be chased and separated from their very young cubs so early in the year is politics, not science.

- Red and gray fox, bobcats, and opossums (another species subjected to open season) are hunted and trapped in unlimited numbers with seemingly little or no consideration of the role they play in controlling rodent and tick populations. The only factor mitigating this abdication of management is that there are relatively few people who hunt and trap these species. That is happenstance, not science.

#### **4. Vermont's wildlife governance has a glaring structural flaw.**

By statute, wildlife in Vermont is a public trust – a natural asset for all Vermonters and not to be managed as a private resource. Today, the Vermont Fish and Wildlife Board membership is exclusively comprised of a narrow special interest group of hunters, anglers, and trappers who have final authority to make all rules on seasons and method of take for all game species.

Granted, they are the most directly affected by these rules and knowledgeable of their likely practical effects in the field and therefore should have a role in their promulgation. However, to varying degrees, all Vermonters are affected by these rules and regulations. For an opaquely selected group without any consistent qualifications or expertise to be given sole authority to make their own rules for their own use of a public resource is uniquely poor and undemocratic governance. The practical knowledge and conscientiousness of any individual members notwithstanding, it is inherently prone to conflict of interest (e.g., taxidermists or guides) and abuse and almost designed to promote resentment and distrust among most of the population. It is probably fortunate for the current FWB that their structure, function, or very existence is not well known to the public.

The selection process for FWB members is fitting for such a tight-knit club. While nominally appointed by the Governor, candidates are proposed to the Governor in an opaque manner with little about them available to the public ahead of time. Highly qualified applicants, who naively apply outside of the murky procedure, do not even receive an acknowledgment of their application, much less notice that they have not been chosen. It almost seems that there must be a secret handshake involved.

#### **5. We ignore issues of ethics at our peril.**

I am sure we have all seen the pictures and I am not going to provide more. While they are a minority of hunters, a disturbingly large number (their social media posts of their ‘exploits’ can garner hundreds of “likes”) are highly visible, proudly sadistic, and utterly contemptuous if not hateful toward the animals that fall victim to them. Their well-publicized antics degrade the image of hunters and hunting to the increasing percentage of the state population who do not hunt, and yet the FWB and by unfortunate extension, the FWD, are seen as tolerant of, if not complicit in these practices because they do little to stop them and inexplicably fight efforts of others to do so. There is no scientific rationale for such indiscriminate and wasteful killing. Therefore, allowing it needlessly jeopardizes public support for this important tradition and essential wildlife management tool and undermines hope of increasing participation in hunting among new and young Vermont residents.

Of equal importance is the emerging debate around the ethics of using new technologies such as GPS systems, radio collars, drones, “smart” rifles and live action trail cams to identify prey. As noted above, the FWB won’t even allow that discussion.

## 6. Without reform we will undermine support for hunters and hunting

Most Vermonters want science-based stewardship of this precious public trust. The Vermont Wildlife Coalition asked UVM's Center for Rural Studies to poll Vermonters on these critical questions. We would be more than glad to share this polling data with this Committee. But the results of that polling are crystal clear: Most Vermonters are opposed to any unreasonable and unnecessary waste of, or cruelty toward, wildlife. Vermont's demographics are changing and the culture is changing with them. It is a pattern common to much of the country and addressed by the Association of Fish and Wildlife Agencies that has acknowledged the need to adapt to the wider interest in wildlife. If we do not account for these sentiments of the wider public then a minority of hunters and the inaction of government, will result in all hunters eventually becoming the so-called "antis" – anti-science, anti-wildlife, and anti-public interest, and Vermont's hunting tradition will be diminished and its critical role as a wildlife management tool, threatened.

## 7. In closing

The Fish and Wildlife Board should be made more like other Boards and should function as an advisory body, no longer the body writing and adopting their own rules.

1. The process for selecting members to serve on the Board should be made open and transparent.
2. There should be a requirement that Board members better reflect Vermonters who regularly engage with wildlife. There is diversity even within the angling and hunting community that is missing from the Board currently. Having a hunting or trapping license should not be required.
3. There should be a mandatory training requirement for new Board members (as there is for school board members), which includes: co-existence, reducing human-wildlife conflict, and the impacts of climate change on wildlife.

With the enormous challenges that are now facing wildlife and wildlife habitat, the decisions shaping our future must be driven by rigorous science with broad public support. We need people who have dedicated their lives to acquiring essential skills and knowledge in all relevant scientific fields working with other state agencies and with input from the public to design a hopeful path forward. Bob Dylan's advice was "Don't stand in the doorway, and don't block the hall; For he who gets hurt will be he who has stalled." In the case of Vermont's wildlife governance, he who gets hurt will be a lot more than he who has stalled. It will be our wildlife and all who cherish it.

**"Ice Breaker"** River Otter  
7" x 12" acrylic - Mullen

