

*Delivered Electronically*

April 12, 2023

Representatives of the House Committee on Environment and Energy,

Below is a summary of the department's proposed trapping regulations per the six requirements listed in [Act 159](#). Source materials from the department's Act 159 working group and Fish and Wildlife Board process are available at the links provided.

***(1) trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal.***

*Section 3.1 (p. 4-5) of the department's [January 17, 2023, legislative report](#) (legislative report) includes provisions to: allow for the mobility of trapped animals; require adjustable pan tension on foothold traps to allow species selectivity; limit harm to trapped animals with jaw padding/offsets/lamination; and limit the size of foothold traps set on land to reduce nontarget captures.*

***(2) criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely.***

*Vermont's mandatory trapper education program addresses trap maintenance, adjustment, and placement including appropriate pan tension for target species, limiting entanglement, and the positioning of traps to minimize nontarget captures. The [September 27, 2022, Act 159 working group meeting minutes \(p. 2-5\)](#) further detail the department's trapper education program.*

***(3) trapping techniques, including the appropriate size and type of trap for target animals, use of lures or other attractants, trap safety, and methods to avoid nontarget animals.***

*Section 3.2 (p. 5-7) of the legislative report requires meat-based baits to be covered when traps are set to reduce the risk of attracting birds of prey. Section 3.3 (p. 7) prohibits body-gripping traps baited with meat on land unless recessed 12 inches within an enclosure with any entry no larger than 60 inches<sup>2</sup> to reduce risk to domestic dogs and nontarget terrestrial mammals. The provisions for foothold traps in section 3.1 also reduce the risk to nontarget species.*

***(4) requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class four roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.***



Section 3.4 (p 7-10) of the legislative report implements a 25 ft. setback for foothold traps and 50 ft. setback for body-gripping traps from: 1) all public highways state-wide, including class four roads, except within department Wildlife Management Areas; and 2) trails on state owned lands, except on department Wildlife Management Areas. Exceptions are made for traps in the water, in a culvert, in an enclosure as described above, or 5 ft. off the ground. Setbacks are not required on private lands because existing statute gives private landowners and municipalities the power to permit or deny trapping on their properties.

**(5) criteria for when and how live-captured animals should be released or dispatched.**

The [April 5, 2023, Vermont Fish and Wildlife Board meeting minutes \(p. 4\)](#) detail an amendment made to the proposed regulations in the legislative report, requiring that trappers immediately dispatch a live trapped animal with a gun, muzzle loader, bow and arrow, or a crossbow, and state that this provision will be reviewed when recommendations for dispatch are issued by Association of Fish and Wildlife Agencies (AFWA). The department's initial recommendation described in section 3.5 (p. 10) of the legislative report stated that humane dispatch would be addressed at the time AFWA guidance became available.

**(6) revisions to trapper education materials and instructions that incorporate the recommendations or requirements set forth in subdivision (1)-(5) of this subsection.**

The [27 September, 2022, Act 159 working group meeting minutes \(p. 2-5\)](#) detail the department's trapper education program. The program covers legal trapping requirements in Vermont and will be updated when Act 159 comes into effect.

In addition, I must restate my concern over the prevalence of misinformation about regulated trapping and its role in the department's conservation efforts. Two egregiously misleading comments were made in response to the department's testimony on April 7, 2023, [from 24:55-26:33 in the committee's 2:15 pm session](#). I summarize and address them briefly below and urge you to invite further testimony from department wildlife biologists if clarification is required.

**(1) Misleading:** *the department does not use data gathered from trapping to inform conservation efforts, evidenced by the absence of protective polices enacted for otters and the expansion of the otter trapping season despite high PCB and mercury levels in otters.*

**Accurate:** *The most effective conservation response to environmental toxins in wildlife at the scale it occurs in Vermont is land conservation—and in the case of otters, watershed conservation. The department actively pursues both. Further, there is no data to suggest that PCB and mercury levels are impacting individual otters or populations. The otter population has been relatively stable for the last 30 years even with trapping on the landscape.*

*(2) **Misleading:** there are multiple alternatives to gathering DNA, physical condition, environmental toxin, and disease data from furbearers other than regulated trapping, including scat and fur DNA sampling.*

***Accurate:** methods like scat and fur DNA sampling would be prohibitively expensive for Vermont to implement at a meaningful scale for our furbearer research and monitoring. We already use these techniques when appropriate and feasible. There are no methods for collecting environmental toxin levels or disease data other than from carcasses. We do not have the staff or funding to replace the community science model of data collection that the trapping community makes possible during Vermont's regulated trapping season.*

Department staff are available to provide additional testimony on any of the points above. As we move ahead, I look forward to keeping you informed of any updates made to our Act 159 trapping regulations through the Fish and Wildlife Board's public comment process.

Sincerely,



Christopher Herrick  
Commissioner, Vermont Fish and Wildlife Department  
Agency of Natural Resources