

Vermont Federation of Sportsman's Clubs
Senate Natural Resources & Energy
Testimony on S.258

Chris Bradley – 2/20/2024

Every year, I buy a Vermont combination hunting & fishing license to help support the F&W Department. In years past I used to hunt and fish regularly, but for the past many years I have not found the “free time” to do those activities.

In the interests of full disclosure: I have never trapped (unless you count rats and mice), nor have I ever hunted either bear or coyote with dogs. I have, however, hunted both rabbit and bird with dogs – but again – I have not done so for many, many years.

I share these things only because I believe I currently would meet the definition of a nonconsumptive user, even as I sit here representing a consumptive perspective.

In v.1 of this bill, on page 13 lines 19-21, “nonconsumptive use of wildlife” is defined as meaning “*watching, photographing, listening to wildlife and similar activities without engaging in hunting, fishing, trapping or any other form of extraction.*”

This begs the question: How many wildlife watchers, photographers and audiophiles have contacted this committee, either verbally or otherwise, to complain that they are not getting the exposure to wildlife they desire – setting aside those that wish that trapping and hounding would be banned?

This is critically important to this discussion, as it is the VTFSC’s understanding that all of Vermont’s game species are abundant and flourishing; that this situation is a direct result of the science-based expertise the Department of Fish & Wildlife provides to the F&W Board in an advisory manner, with the Board then considering that advice, in addition to conducting public hearings on that advice, in the making of Fish & Wildlife rules.

The first truth is that it is a rare event when the Board does not accept the advice of the Department, and we are aware of only a few examples where this occurred, with the Board using their experience to tweak what was suggested after considering public comment, and we believe that the Department understood and accepted their proffered logic.

The second truth is the fact that while hunters, fisherman and trappers (i.e. consumptive users) all have a vested interest in insuring that our game species remain abundant and flourishing; this is also in the best interests of nonconsumptive users.

So what is the problem? Why do we need such a drastic change in the Board and why is there any question as to who has final authority?

One major problem here is that this committee, and the broader community of Senators and Representatives, very seldom hear from hunters, fishers or trappers thanking you for allowing them to continue constitutionally protected activities they have done for generations. You only hear from them when their way of life is threatened with bills that ban or suggest instituting radical changes when none appear warranted.

This committee and the broader community of legislators do hear, often, from groups who demand that trapping must be banned; that hounding must be banned; that the Department of F&W does not follow science; that the Board is heavily biased towards whatever issue they are against that the Department and Board support.

All of which is not surprising given that the stated mission of several of these organizations is to accept nothing short of a complete and total ban on this or that.

The communities I represent often have their activities labeled as “recreational” to demean the activity that these groups do not agree with.

We ask: Isn't every form of hunting or fishing, except for survival, “recreational?”

Is hunting deer “recreational”? Is fishing “recreational?” How is one outdoor activity that involves the harvesting of nature “bad” while another is, okay?

In a similar fashion to groups that despise trapping, there is overlap with other groups who hold that using dogs to hunt coyote does not constitute “fair chase”; they liken it to “dog fighting”; they raise concerns about “control”; but in the end they want nothing less than a total ban on the use of dogs to hunt at least coyote (for now).

Considering our opponents arguments on the use of dogs in hunting, it appears to us that every hunting sport that utilizes dogs, including hunting rabbit and bird, will undoubtedly be attacked at some point.

Today you will be hearing from 4 groups who want to have S.258 passed, and while I disagree with their stances, I do commend them for their persistence as they have been successful in being vocal.

Of all those 4 groups – only 1 is playing by the “rules” - and that is the Vermont Wildlife Coalition as they are the only group to be registered with the Secretary of State as both a business entity and as a lobbying organization.

The Animal Wellness Action group is not registered with the state as a business entity but is registered as a lobbying organization. Protect our Wildlife is a registered business entity but is not a registered lobbying organization. Project Coyote has neither of these credentials.

It is one thing for private individuals to seek to give testimony on a bill, but persistent and vocal lobbying by groups who are not a registered business entity and / or a registered lobbying organization is not playing by the rules. Yet: They are given the same privileges as those that are.

To be a lobbying organization, it should naturally follow that the organization is both registered as a business entity AND as a lobbying entity. In point of fact: Per Federal law organizations which are 501(c)(3) organizations, such as what POW is, are supposed to be severely restricted in what they can do lobbying-wise. They may educate – but all of us know that they have gone way beyond that – to the point where I seriously doubt that anyone here says that POW doesn’t “lobby”. I believe that point will be made clear with the following speaker.

While you may consider this off topic: We feel this is critically important, because not only do groups like the Federation and the Traditions Coalition have to pay for the “privilege” to lobby you folks, we have to report the money we spent on lobbying; as well as report any and all money we spend on advertising. These are things that a group like POW does regularly without any encumbrance or consequences. If by chance the VTFSC misses one of the numerous filing deadlines, we get fined \$75 a day (ask me how I know with a September filing requirement).

The primary reason(s) given for drafting S.258 was to broaden the membership of the F&W Board to include more non-hunters in its makeup.

As written, the Federation believes this bill is needless, and if this is ever enacted: The result can only result in conflict over what exactly is in the best interest of Vermont’s wildlife and game species.

We offer the following objections:

1. The bill changes the current board membership from one representative from each of Vermont’s counties, appointed by the governor with the advice and consent of the Senate, to 12 members (4 chosen by the committee on committees, 4 chosen by the Speaker and 4 chosen by the Commissioner of F&W Department.)

This is a radical change, and will result in removing dedicated individuals from around the state who have worked exceptionally hard to protect all of Vermont’s wildlife for many years. Currently, the Governor appoints these individuals based on their reputation, knowledge, and experience in Vermont outdoors, and yes, these historically have been “consumptive” users.

Under S.258, that board will be replaced by a politically driven board.

There is no justifiable reason for this kind of radical change, and it can only serve to set up the Board and Department for conflict, indecision, and ultimate failure.

2. The board moves from developing and implementing rules and regulations to an advisory board to the Department of F&W.

We are unaware of any serious or even general complaints from the general public regarding the operation of wildlife management by the current board structure. The major exception is a few groups, only one of which is properly registered to be heard from as a group, with their complete and total opposition to several activities, including trapping and at least two out of several hunting activities involving dogs.

3. Page 4, lines 1-4

“Upon appointment, each Board member shall receive training from the Department on wildlife biology, coexistence with wildlife, ethics, the reduction of conflict between humans and wildlife, and the impacts of climate change on fish and wildlife.”

The training specified here surely cannot exist as described. This therefore is tasking the F&W Department to create a new and quite expansive training program. Given the austere F&W budget, where does the money for this training come from?

4. Page 4 & 5, lines 5-20 & 1-2

“After a public hearing and an opportunity for the public to submit written comments, the Board shall consider whether a proposed rule is designed to maintain the best health, population, viewing opportunities, and utilization levels of a regulated species and of other necessary or desirable species that are ecologically related to the regulated species and whether the rules are adequately supported by investigation and research conducted by the Department.”

So, in addition to the expansive training just discussed, we now need to train for proper investigative and research techniques?

5. Page 5 & 6, lines 19-21 & 1-2

Currently the Department’s responsibility is ***“The protection, propagation control, management, and conservation of fish, wildlife and fur bearing animals in the state are in the interest of public welfare.”***

This language has been re-written as follows: ***“It is in the public welfare to protect, manage, and conserve the fish and wildlife of the State and the habitats in which they reside.”***

We cannot think of any legitimate reason to change that sentence, I.E. specifically removing ***“fur bearing animals”***, unless this is a tacit nod to accommodate groups who wish to eventually end trapping.

On this topic, we note that, out of the blue, there was opposition to wording that would have stated that trapping was a form of hunting.

In the considered opinion of the Federation, which has existed in Vermont as an organization since 1875, and it was in fact the organization that spurred the creation of the Fish & Wildlife Department: Trapping most assuredly ****IS**** a form of hunting, and the fact that LCAR would actually make this a nit to pick seems directly related to the persistence of certain groups, who vocally objected to that characterization.

6. Page 6, line 16

What is the reason for this change of wording? A healthy deer is no longer ***“a primary goal”*** and is replaced by ***“one of the most important goals”***?

We honestly see no need for this change, and the author of this change clearly had something in mind as this wording suggests that there are other considerations that are equally important. Could one of these considerations be a view that hunting deer is recreational? Could it suggest that the way the deer are harvested can be open to consideration, I.E. rifle vs pistol vs bow vs crossbow vs muzzleloader?

Certainly: There are good people out there that do not understand or condone hunting deer, despite the need of the primary goal being a healthy herd.

7. Page 13, lines 1-3

“The terms of the members of the Fish & Wildlife Board as of the effective

date of this act shall terminate 90 days after the effective date of this act.”

We are aware that an existing F&W Board members can re-apply for consideration of an appointment to this “new and improved” board.

At this point: What might a Board member be thinking?

- a. The legislature just ousted me for doing the job I was appointed to do based on my reputation and knowledge; and
- b. Despite my reputation and knowledge, being in that job subjected me to all sorts of attacks, just for doing the job I was appointed to do, and doing what I thought best

We tend to doubt that many will step forward, and we will lose a great deal of expertise – needlessly. That this bill exists and is moving is an affront to many.

Regarding Sections 8 and 9 that relate primarily to Hunting Coyote, we are severely disappointed to see such a reaction to the rules that the Board promulgated regarding coyote hounding.

S.281, an act relating to hunting coyote with dogs, passed this committee unanimously. It then passed the Senate and House.

Working groups were established on the topics of Trapping and Coyote hounding, with all groups represented, and I was pleased to participate in both and other than not accepting outright bans, concessions were made, and everyone knew going in that no one would be “happy” with the result.

Using the marching orders provide by the Legislature: What was eventually implemented was based on what the legislature directed; what the Department of Fish & Wildlife thought best to implement that directive so as to regulate a previously unregulated activity (hunting coyote with hounds), with the Board considering those suggestions and then promulgating the rules it thought best.

Beyond the question of whether trapping is or is not a form of hunting as noted previously, the issue of “control” was raised and that the rules promulgated did not meet legislative intent. Despite information being provided that with today’s

technology, the required type of control CAN be realized, electronic control of dogs is called into question.

The proof of electronic control can be seen in the effectiveness of electronic dog fences. You have undoubtedly seen yards with little flags around the periphery of the yard; those flags are visual indicators of an electronic dog fence, which works in conjunction with a special dog collar. When the dog approach the electronic fence, the collar can be configured to issue a tone (with volume increasing as the dog gets closer to the fence), it can issue a vibration of increasing intensity, it can issue a shock of increasing intensity, or a combination of these.

Electronic dog fences work automatically without human monitoring, but with today's technology the hounder is directly monitoring his animals. Not only can the hounder remotely control his animals, but the hound's collars themselves can help control by alerting to the proximity of registered posted property.

Past observations of what constituted "control" over hounds is outdated in light of today's technology – with that technology being absolutely applicable to control over hunting dogs. It can work, with training being key.

After 2 years of work groups, a whole bunch of dedicated work by the incredible people in the F&W Department as well as the F&W Board, on top of the public hearings where no voice was silenced; not even 2 months into the implementation of the new rules to regulate coyote hunting with hounds: this bill wants to do a full stop without even having any opportunity to see the effectiveness.

What was delivered was the result of a process that has been previously completely trusted; with a record that more than earned that trust; with the result being that all game species are abundant and flourishing.

What was delivered, however, did not appease the opponents: Legitimate or not.

As can be seen from the agenda for this week: This bill is to be started in this Committee today and moved out within 4 days, which is unprecedented for a bill that makes changes of this magnitude.

The Federation opposes this entire bill, and we request a true Public Hearing.