October 9, 2026

To: Legislative Committee on Administrative Rules
Subject: Bear Management 26-P025

Dear Members of the Legislative Committee on Administrative Rules:

Protect Our Wildlife (POW) represents more than 4,000 Vermont members across the state, as well as more than 54,000 social media followers. We are Vermont's largest, grassroots wildlife protection nonprofit organization with a diverse membership ranging from hunters to birdwatchers, all united by a shared commitment to providing wildlife with stronger protections.

POW is writing to express concerns with aspects of the Bear Management Rule approved by the Fish & Wildlife Board (Board) and submitted to LCAR for review. It is POW's position that the Fish & Wildlife Department (Department) did not fulfill its statutory duty with respect to the establishment of the bear hunting season, with the Department arbitrarily changing its recommendation without an updated scientific basis for doing so. Substantial public comment on this and other issues relating to bear hunting were dismissed without a substantive basis.

Extension of the bear hunting season into December is not supported by "investigation and research."

The Department's statutory mandate is stated in 10 V.S.A. § 4082(a):

> *The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species. The rules shall be supported by investigation and research conducted by the Department on behalf of the Board.*

In February, the Department presented its recommendations for changes to the bear rule 10 App. V.S.A. § 7(4.1)(b) based on review of bear population data and its management objectives and recommended a seven-day extension of the bear season to the end of deer rifle (or "regular") season in November. In April, a hunter and former Fish & Wildlife Board chair, petitioned to extend the season through the last day of regulated deer season which is in mid-December. **Subsequently, in May, without presenting any new scientific evidence or biological justification, the Department abandoned its February recommendation.** The only justification was: a "[s]eason extension may provide additional hunter opportunity." Public records were requested for information on how the Department made its decision to change its February recommendation from a one-week extension to a one-month extension. The

Department missed their extended deadline of October 7th to provide this vital public information, and upon the requestor's follow-up, the Department released the records on the 8th. Based on our review, there was **no supporting data for this arbitrary change**.

The rationale for the season extension appeared to be an accommodation to the petitioner and former Board chair, not based on a new scientific analysis.

The arbitrary decision is reinforced by comments made at the June Board meeting. Before the vote on the rule, the same hunter and former Board chair told both the Board and the Department that in February he had been "promised" a season extension. The Department has been asked who made that promise. It has not responded. If true, this raises a serious question the Department has yet to answer: Was its May recommendation shaped by a private assurance made before the public process even began and not supported by investigation and research? The Department has gone on record stating that they have neither the social (public's wishes) nor the biological carrying capacity (capacity of the land) for bears. Fish and Wildlife agencies use these factors to formulate decision making on bear management.

Public comment

Through a public records request, POW received copies of all written public comments sent by email or submitted at the two public hearings. The records show overwhelming public opposition to the extension of the bear hunting season into December and issuing of a second bear tag.

- **Season extension to December:**
  - 552 oppose, 70 support
- **Second bear tag:**
  - 523 oppose, 89 support

There was no acknowledgement of the substantial comment against these two provisions.

With respect to the second bear tag, this issue is not even included in the Department's Responsiveness Summary provided to the Board or to LCAR, nor was it discussed at the hearing when the Board voted to approve the rule.

It should be noted that the Department has failed to fully tabulate all public comments as they have done for other rules to indicate how many supported the rule as is, how many felt the rule did not go far enough, and how many suggested other specific changes.

The Department's decision is at odds with overwhelming public opposition to extending the bear hunting season into December. And while the Department saw fit to dismiss these comments, it did respond to the one comment by a former Board chair in the form of a petition to extend the hunting season - against the initial recommendation of its own staff biologists. As such, it appears that the perspectives provided by the hunting community are given significantly greater weight in the Department's decision-making process. This contradicts Vermont's public trust doctrine that "the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont and shall not be reduced to private ownership." 10 V.S.A. § 4081. Wildlife management decisions should be transparent, evidence based, fully justified and reflect the will of the people.

Public concerns regarding bear hounding were not addressed

The Department's responsiveness summary notes several substantive suggestions and concerns raised by the public about bear hounding, including:

- The definition for control of dogs and pack sizes should be made consistent with the more recent coyote rules from 2024.
- Bear hounding raises issues similar to coyote hounding with respect to harassment of residents and their property, and recreational public land users.
- The need for specific penalties for hunters with dogs who repeatedly violate property rights and lose control of their dogs that then go on private, posted land.
- Hunting with hounds is antiquated, cruel and inhumane to both dogs and bears.

In responding, the Department feels it is sufficient to state that the current hounding season has not been extended, despite the fact that the public are unhappy with the current status of hounding. Additionally, the Department conflates the use of dogs for hunting with the use of dogs to deter bears from human food sources, particularly corn crops. Landowners using dogs in a targeted manner to address specific bear conflicts would still be an option available to landowners regardless of any changes made to bear hounding.

The Department's response included a statement that "Changes to the definition of control of dogs were not considered during this rulemaking effort." In doing so, the Department chose not to address public comments on this issue. It again begs the question – what is the purpose of public comment? If the Department and Board will not address concerns regarding bear hounding when the bear rule is open for revision, what recourse is available for citizens to have their concerns on this issue addressed besides the legislature? Should wildlife policy continue to be made by the legislature since it is clear that advocates are being stonewalled via the rulemaking process?

The purpose of public comment is diminished and devalued by the failure of the Department to acknowledge substantial and substantive public opinion, the lack of justification for the Department's decisions to take contrary positions, and the failure of the Department to craft a rule that reflects the predominant public opinion. It makes decision making on the rule appear arbitrary, calls the legitimacy of the rule into question and engenders cynicism in the public process, making it less likely for citizens to engage in the future on this and other issues.

With respect and appreciation,



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