

Report to the Legislature

Vermont Fish and Wildlife Department Response to Act 159 An Act relating to Best Management Practices for Trapping

January 17, 2023

1.0 Furbearer Management and Trapping in Vermont

The Vermont Fish and Wildlife Department's (Department) mission is the conservation of species, habitats, and natural communities for both their intrinsic value and for future generations. Department staff are mission-driven and work tirelessly to protect and manage habitat including large forest blocks, connecting corridors, and significant natural communities for the benefit of all wildlife, and to implement the varied rules and regulations of the state that are designed to safeguard the long-term health and sustainability of these species. As a direct result of this work, many of Vermont's wildlife populations, including nearly the full suite of furbearer species, are more widespread and abundant today than at any point in living memory. The advancement of **regulated** trapping, which is the focus of this report, has played a critical role in this success story. It is the hope and intent of the Department that the recommendations detailed herein will contribute to the continued modernization and evolution of trapping practices in the state and thereby ensure continued public support for this critical wildlife management tool.

On a national scale, since fish and wildlife agencies have been responsible for managing and conserving wildlife, regulated trapping has not put any furbearer species at risk. Regulated trapping has provided the opportunity for Department scientists and their academic partners to monitor the status of populations, assess genetic structure, reintroduce extirpated species (i.e., American marten, fisher, and beaver), and collect critical data on burgeoning disease and toxin exposure issues such as rabies and anticoagulant rodenticides. In addition, since the beginning of the trapping Best Management Practices (BMPs) research effort (see White et al., 2021), Department staff have worked to educate trappers about BMPs and transition them to these more humane and selective trapping systems. In an Association of Fish and Wildlife Agencies (AFWA) nationwide survey, Vermont trappers were shown to possess a high understanding and knowledge of BMP practices and equipment. In this 2015 survey, 76% of Vermont trappers felt they knew a great deal or a moderate amount about BMPs – only 4% knew nothing. In the Northeast, 71% of trappers already use trapping systems that have passed the BMP process.

In preparation for the development of a comprehensive furbearer management plan, the Department contracted with the same professional survey firm (Responsive Management, 2022) to poll Vermonters to better assess and understand their attitudes towards the Department, furbearer management, and regulated trapping. **A majority of Vermonters are satisfied with the Department and view the Department as credible.** Sixty-three percent (63%) are very or somewhat satisfied, with more being satisfied (38%); 5% are somewhat or very dissatisfied, 5% are neutral; and 26% did not know. In addition, **a majority of Vermonters support regulated**

trapping. Overall, 60% of residents strongly or moderately support regulated trapping; 29% strongly or moderately disapproved of it; 10% didn't know; and 6% were neutral (Responsive Management, 2022). This is significant because trapping in Vermont is highly regulated with up to 42 laws currently on the books that control the taking of furbearers.

Finally, regulated trapping is an accepted and necessary wildlife management tool supported by The Wildlife Society—a national organization representing fish and wildlife professionals across the country (Attachment 1), the American Veterinary Medical Association (Attachment 2), and the American Association of Wildlife Veterinarians (Attachment 3).

2.0 Act 159 and the Department's Approach to the Development of Regulations for Trapping Best Management Practices

As a public agency involved in a public process, the Department's role is to first ensure that wildlife populations and the habitats they depend on will not be put at risk as a result of new regulations. Secondly, the Department attempts to address issues with science-based data. Thirdly, the Department is obligated to seek compromise between the many interest groups that value wildlife while safeguarding wildlife populations for future generations. The package proposed below places significant new restrictions on trapping that take into account the positions of both trapping and animal welfare stakeholders and make meaningful advances towards addressing the concerns of the legislature.

Act 159 (Attachment 4) charged the Department of Fish and Wildlife to:

“...recommend best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs. The BMPs shall be based on investigation and research conducted by scientists and experts at the Department of Fish and Wildlife and shall use the “Best Management Practices for Trapping in the United States” issued by the Association of Fish and Wildlife Agencies as the minimum standards for BMP development.”

The Act included the following criteria:

- Propose trapping devices that are designed to minimize injury to a captured animal.
- Establish criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely.
- Recommend trapping techniques, including:
 - appropriate size and type of a trap for target animals,
 - use of lures or other attractants,
 - trap safety, and
 - methods to avoid non-target animals.
- Recommend requirements for the location of traps, at a safe distance, from public trails, class 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.

- Develop criteria for when and how live, captured animals should be released or dispatched.
- Revisions to trapper education materials.
- A recommendation from the Commissioner of Fish and Wildlife for funding the replacement of currently authorized trapping devices with trapping devices that are compliant with the recommended BMPs.

2.0 Best Management Practices Stakeholder Working Group

The Department is committed to a fair and transparent process. The Department established a working group to incorporate feedback from a diversity of interests and organizations. Attachment 5 outlines in more detail the working group process and deliberations. The following organizations were represented on the working group:

Humane Society of the United States	<i>Joanne Bourbeau</i>
Sportsmen’s Federation	<i>Chris Bradley (Scott Chapman, alternate)</i>
Association of Fish and Wildlife Agencies	<i>Tom Decker</i>
Protect Our Wildlife	<i>Brenna Galdenzi</i>
Vermont Wildlife Coalition	<i>Rob Mullen (David Kelly, alternate)</i>
Vermont Fish and Wildlife Board	<i>Michael Kolsun</i>
Vermont Fish and Wildlife Board	<i>Martin Van Buren</i>
Vermont Trappers Association	<i>Kevin Lawrence</i>
Vermont Trappers Association	<i>Bruce Martin</i>
Vermont Legislature	<i>Representative Amy Sheldon</i>
Vermont Legislature	<i>Senator Christopher Bray</i>
Vermont State Game Warden	<i>Major Sean Fowler</i>
Vermont State Game Warden	<i>Michael Scott (Randy Hazard, alternate)</i>

Between August and September 2022, the working group members met four times for approximately three hours per meeting. The goal of the group was to provide input on rules that would regulate the use of trapping systems in accordance with the BMP criteria as outlined by the Association of Fish and Wildlife Agencies (AFWA). As dictated by Act 159, the group also considered a variety of regulatory change proposals that went beyond the scope of AFWA’s Best Management Practices research such as trail setbacks, restrictions on trap placement, use of baits, etc. Collectively, as presented below, the resulting package of proposed regulation changes exceeds the recommendations outlined in AFWA’s BMPs and marks significant advancement toward addressing animal welfare, trap selectivity and safety in accordance with the intent of Act 159.

The working group used the Act 159 criteria to identify specific issues that members agreed deserved further discussion and potential development or regulations. There was unanimous agreement to explore and attempt to develop recommendations related to the following five topics:

1. BMP strategies to improve animal welfare and selectivity
2. Baits and lures
3. Technical items related to body-gripping traps
4. Trail setbacks
5. Methods of dispatch

3.0 Recommended Regulations

The various interest groups participating in this process presented proposals related to the five topics listed above, and the Department considered each with an eye towards developing recommendations that addressed specific issues or concerns raised in discussion with the working group. In addition, Department staff worked to ensure that the proposals were science based, practical, and enforceable. A full version of the proposals from the participating interest groups can be found in Attachments 7A, 7B and 8.

3.1 BMP strategies to improve animal welfare and selectivity

Department Objective: To improve trapping and trapping systems for animal welfare, selectivity, and safety in accordance with the findings of the Association of Fish and Wildlife Agencies' (AFWA) scientific research effort into the Best Management Practices (BMPs) for trapping.

Department Proposal: The Department recommends that the Board adopt the following five measures to improve animal welfare and selectivity for foothold traps set on land:

- All base plates must feature a center chain mount with swivel, with free moving chains that allow mobility for animals caught.
- Any foothold trap triggered by downward pressure must be adjustable for pan tension.
- Traps must be anchored with a maximum of 18" chain length. Extra swivels and/or shock springs can be added to the chaining system.
- Foothold traps must be padded or offset, laminated, or have jaws with a minimum thickness of 5/16ths.
- No foothold traps shall be set on land with a spread of more than 6¼ inches.

Justification

The results of the BMP research indicate that certain mechanical attributes, reflected in the above recommendations, lower injury risk and increase selectivity of trapping systems (White et al., 2021). Enacting the proposed recommendations **is an effective and enforceable solution to improving both selectivity and animal welfare** as it should reduce the risk of injury and minimize non-target captures.

In addition, the BMP research found that the risk to domestic animals was very low (White et al., 2021). This finding is consistent with results from two Department-led surveys of Vermont veterinarians in the last 25 years: once in 1998 and again in 2018. Both surveys were completed in partnership with the Vermont Veterinary Medical Association. The table below shows that the

number of domestic animals that needed medical care as a result of trapping has been consistent and low.

Table 1: Results from a 1998 and 2018 survey of Vermont veterinarians regarding animals treated for trap-related injuries

Year	1998	2018
Number of Surveys sent	250	362
Number of Small Animal vets	~200	~252
Number of Responses	42	54
Average number of treated domestic animals/year	6 per year (1 year survey period)	6 per year average (total 30 over 5 years)
Average Number of Trap Nights (1 trap x 1 night)	308,355	320,695
Number of harvested animals	13,187	12,798

Domestic pet captures as documented through our law enforcement CAD system (mandatory reporting since 2018) closely align with the results of the veterinarian surveys. Over a 5-year period between 2017 and 2021 there were 36 reports of domestic animal captures (26 dogs and 10 cats, 1 case omitted). At least 29 of those cases were on private property, either on the trapper’s own property or where the trapper had permission to trap. Two occurred on public land. None of the dogs were leashed and nine were free roaming with no owner contact.

Despite the relative infrequency of such occurrences, Department staff are committed to minimizing the number of unintended domestic pet captures through regulation, education, and outreach efforts. The Department’s proposed regulations will reduce the numbers even further, and the Department is committed to work through all means, such as trapper education classes, to continue advancing this interest. In addition, Act 159 dictates that the Department report to the legislature on an annual basis the number of non-target captures. This will offer another piece of data to help track the benefits of the regulation changes.

3.2 Baits and Lures

Department Objective: To minimize the capture of non-target animals (any furbearer taken out of season or any non-furbearing animal), primarily avian species.

Research

The Department reviewed regulations in other jurisdictions in the northeast (including Canadian provinces) regarding baits and lures. Below is a chart that shows the results:

Table 2: Covered Bait Regulations from other Northeastern or Eastern States

State	Yes/No	Regulations	Definition of Bait
Connecticut	Yes	When trapping coyotes, no visible bait, pan tension at 2 lbs., and traps anchored.	
Delaware	Yes	It is unlawful to set traps within 10' of exposed meat used as bait.	Animal fur or feathers excluded
Maine	Yes	Traps may not be set within 50' of bait that is visible from above.	Animal matter (feathers, bone)
Maryland	No		
Massachusetts	No	Only box and cage traps legal.	
New Hampshire	Yes	It is unlawful to place a trap within 50' of exposed bait.	Body of an animal, fish parts, feathers, urine
New Jersey	Yes	Natural baits (fish, bird, mammal carcasses, etc.) used with cable restraints must be covered/ concealed except when placed >30' from a trap.	
New York	Yes	Any carcass placed in conjunction with a foothold trap shall be completely covered so as not to be visible from above.	Parts, meats, organs, viscera, fish, feathers, hair, bone excluded
Pennsylvania	Yes	Unlawful to bait a trap with meat or animal products if bait is visible from the air.	
Rhode Island	No		
Virginia	Yes	Unlawful to set traps/snares within 50' of an animal carcass/parts unless covered.	Body of animal, meat, parts, fish, features, fur, bones excluded
New Brunswick	No	No legal restrictions but recommendations for avoiding birds: place bait at least 15 meters from trap and cover.	
Nova Scotia	Yes	It is unlawful to set a snare for coyote, fox, or bobcat within 50 meters of a bait unless covered.	
Ontario	No		
Prince Edward Island	Yes	Unlawful to set a snare for coyote or red fox within 50 meters of a bait unless covered.	
Quebec	No		

Department Recommendation

Department Proposal: Meat-based bait used in conjunction with trapping shall be covered at the time the trap is set. Coverings shall include, but are not limited to, brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

Justification

The recommendation will align the Department's regulations regarding covered bait with that of other states and provinces in the region. As stated above, the Department's mission is the conservation of wildlife populations. The risk to bird species (the focus of this regulation) as a result of non-target capture in traps is likely very minimal compared to other avian mortality factors such as domestic cats, cars, building glass, uncleaned bird feeders, pesticides, habitat loss, etc. The recommendation above, however, seeks to address concerns regarding the loss of individual animals.

3.3 Body-gripping Traps

Department Objective: To minimize the potential for the capture of domestic pets and other non-target animals in body-gripping traps set on land.

Research

The Department reviewed regulations from other Northeastern states to inform our recommendation below (Attachment 9) to further reduce the risk of capturing domestic pets and other non-target animals in body-gripping traps.

Department Recommendation

Department Proposal: No meat-based baited, body-gripping traps shall be set on the ground. However, baited body-gripping traps with a jaw spread up to and including 60 in² (up to and including size 220 traps) can be used on land if the trap is placed at least 5' above the ground or placed within an enclosure with openings no greater than 60 in² and with a trap trigger that is recessed at least 12" from all openings. NOTE: Body-gripping traps of any size set in the water are legal regardless of whether they are baited or not.

Justification

The goal for this recommendation is to minimize the risk to domestic pets and other non-target animals, but especially free-ranging dogs. Raising baited body-gripping traps at least 5' off the ground unless in a dog-proof enclosure, should further reduce the already low risk to dogs.

3.4 Trail Offsets

Objective: To address the expressed concern for the potential capture of domestic pets and children in traps set on public lands. It is important to note that there are no known cases of a person being caught in such traps.

Research

The Department researched Vermont laws pertaining to trails and trapping access. A comprehensive synopsis of the current laws in this respect was presented to the working group on August 23, 2022 and can be viewed in the working group meeting recording available on the Department of Fish and Wildlife website.

The Department further reviewed trail/road off-set regulations from other states to help inform our recommendations. In summary, of the 48 states that allow recreational trapping:

- 18 (38%) have no state-level setbacks,
- 2 (4%) have general setbacks with no minimal distances,
- 8 (17%) have setbacks that only address public roads, highways, and road rights of way,
- 20 (42%) have specific setbacks that include minimum distances, and 5 (10%) have trail setbacks between 10' and 100'.

A more detailed, state-by-state accounting of these regulations is provided in the table below:

Table 3: Trail Offset Regulations by State

State	Trail offsets regulations
Alabama*	None
Arizona	50' of trail maintained for public use by government agency
Arkansas*	None
Delaware	None
Idaho	10' of the edge of any maintained public trail (allow sets under bridge and within culvert)
Illinois	Cannot hunt, trap, etc. along, upon, or across from a public trail
Maine*	None
Maryland*	None
Mississippi*	None
Missouri	Can't set within paths made or used by people or domestic animals. Killing traps may not be set along public roadways
Nebraska*	None
New Mexico	No trap set within 50' of public trail on state or federal lands or 300' of any trail head
New York	No land set within 75' of public road or trail
Oregon*	None
Pennsylvania	Any body-gripping trap greater than 60 in ² cannot be within 3' of any federal, state, or county road right of way
Texas*	None
Wisconsin	Body-gripping traps on land shall not be within 100' of public trails except WMAs (culverts, drainage ditches excluded)

State	Trail offsets regulations
Alaska, Colorado, Florida, Indiana, Louisiana, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia	No requirement for setbacks on trails, roads, buildings, etc.

**May require setbacks from residences, parks or roads, etc.*

Department Recommendation

Department Proposal:

- No foothold traps can be set on or within 25’ of the traveled portion of a trail on state-owned public land, as designated by the managing agency or department, unless set in a culvert, in the water, or at least 5’ above the ground. This setback requirement shall not apply to trails located in Wildlife Management Areas.
- No body-gripping traps can be set on or within 50’ of the traveled portion of a trail on state-owned public land, as designated by the managing agency or department, unless set in a culvert, in the water, at least 5’ above the ground, or in a dog-proof set (described above). This setback requirement shall not apply to trails located in Wildlife Management Areas.
- No foothold traps can be set on or within 25’ of the traveled portion of a public highway as described in 10 V.S.A. § 4705 (f) and as depicted on the Vermont Agency of Transportation highway maps unless set in a culvert, in the water, or at least 5’ above the ground. This setback requirement shall not apply to public highways located in Wildlife Management Areas.
- No body-gripping trap can be set on or within 50’ of the traveled portion of a public highway as described in 10 V.S.A. § 4705 (f) and as depicted on the Vermont Agency of Transportation highways maps unless set in the water, at least 5’ above the ground, or in a dog-proof set (described above). This setback requirement shall not apply to public highways located in Wildlife Management Areas.
- The Department agrees to develop brochures for trail kiosks and a video link that will address the release of dogs from a foothold or body-gripping trap.
- The Department also recommends that trapper education courses would be updated to cover these requirements.
- NOTE: as described in the bullet points above, foothold and body-gripping traps set in culverts or in the water are exempt from trail and public highway setback requirements.

Justification

According to 10 V.S.A. § 4707 and 6307 (a), trappers who intend to trap on private and municipally owned lands must have permission from the owner/town prior to setting their traps

on these lands. The owner/town can dictate where the traps are placed and can revoke permission to trap at any time.

Survey data suggests that domestic pets are rarely caught in body-gripping traps, and there have been no known cases in Vermont of a person being caught in such traps. Furthermore, if the proposal to prohibit meat-based baited body-gripping traps and specific placement criteria on land as detailed above is adopted, the risk to pets will be further reduced.

The Department is proposing a trail off-set distance for foothold traps of 25' for the following reasons:

- (1) Twenty-five feet is consistent with the regulation that requires hunters to be at least 25' from the road before shooting (10 V.S.A. § 4705) and,
- (2) A fully extended expandable dog leash measures approximately 18' in length. Therefore, if the above recommendations are adopted, risks to dogs on leashes should be almost eliminated.

3.5 Method of Dispatch

The Association of Fish and Wildlife Agencies (AFWA) recognizes the position that is currently represented by the American Veterinary Medical Association and is beginning work on guidelines that will be disseminated to state agencies that shift humane dispatch recommendations away from the use of drugs towards tools/practices that may be more available to biologists and wardens. A clear timeline for completing this work is not yet available. Based on this information the group unanimously agreed to postpone any discussion of humane dispatch as long as the Department agreed to revisit the issue when the recommendations become available" (see BMP Working Group Meeting Minutes, September 8, 2022, on the department website).

3.6 Reimbursement of replacement BMP sanctioned trapping systems

Act 159 section 5 (b) asks the Department to develop a budget for funding the replacement of currently authorized trapping systems with those that meet the BMP criteria. Below is an estimate:

The costs of trap replacement for 400 trappers would be approximately \$200,000 dollars. The cost for developing the exclusionary devices as per these recommendations for ~400 trappers would be approximately another \$192,000 (Maine, pers. com). The total cost to provide reimbursement for replacement of current systems with BMP-sanctioned trapping systems for roughly 400 trappers is estimated at between \$300,000 and \$400,000.

4.0 Conclusion

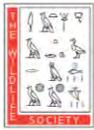
The Department worked to conduct a fair, transparent, and inclusive process to develop the above proposal. The Department invested significant staff time over the last six months to work with a diverse group of stakeholders in order to improve trapping systems for animal welfare and

selectivity. Although views were sometimes disparate, there were points of alignment, and the Department attempted to capitalize on those points and incorporate them into its recommendations. We appreciate the effort from all involved that went into the development of these recommendations, including four working group meetings through the summer and fall and a public information meeting at the end of November.

It is the Department's belief that the above proposal is well-supported by the available science and represents a substantial step forward in modernizing trapping systems and the requirements of Act 159.

5.0 References

- Association of Fish and Wildlife Agencies, 2020. Science Brief. Animal Selectivity. <https://www.fishwildlife.org/application/files/3716/0762/4321/Science-Brief-Animal-Selectivity-FINAL.pdf>
- Responsive Management, 2022. Vermont residents' attitudes towards furbearer management. Vermont Fish and Wildlife Department. Montpelier VT, U.S.A. <https://vtfishandwildlife.com/vt-residents-furbearer-survey>
- Responsive Management. 2015. Trap use, furbearers trapped, and trapper characteristics in the United States in 2015. Association of Fish and Wildlife Agencies, Washington, D.C., USA. http://www.fishwildlife.org/files/FINAL_AFWA_Trap_Use_Report_2015_ed_2016.pdf.
- White, H.B., Batcheller, G.R., Boggess, E.K., Brown, C.L., Butfiloski, J.W., Decker, T.A., Erb, J.D., Fall, M.W., Hamilton, D.A., Hiller, T.L., Hubert, G.F., Jr., Lovallo, M.J., Olson, J.F. and Roberts, N.M. 2021. 2021. Best Management Practices for Trapping Furbearers in the United States. Wild. Mon., 207: 3-59. <https://wildlife.onlinelibrary.wiley.com/doi/full/10.1002/wmon.1057>



Final Position Statement

Traps, Trapping, and Furbearer Management

Internationally accepted principles of natural resources conservation stipulate that resource management activities must maintain essential ecological processes, preserve genetic diversity, and ensure continued existence of species and ecosystems. Government-regulated trapping in North America is consistent with all three criteria and is a versatile, safe, effective, and ecologically sound method of harvesting and managing furbearers.

Trapping is part of our cultural heritage that provides income, recreation, and an outdoor lifestyle for many citizens through use of a renewable natural resource. Both trapping and hunting provide opportunities for fostering stewardship values and connecting to the out-of-doors. Trapping is often vital to the subsistence or self-sufficiency of peoples in remote regions who have few other economic alternatives. It is also a primary tool of most wildlife damage management programs and an important technique in wildlife research. Regulated trapping is an important way for biologists to collect information about wildlife, including information about wildlife diseases such as rabies that can also affect people. Threatened and endangered species also benefit from regulated trapping. For example, foxes, coyotes, and nutria are trapped in certain locations in order to protect sea turtles, black-footed ferrets, whooping cranes and other rare species from predation or damage to their habitats.

Despite the values of trapping, portions of the public oppose it, or at least perceive problems with some aspects of it. Some object only to certain trapping methods, particularly foothold traps on land, but others have moral objections to killing animals. Much opposition to trapping is associated with urban-oriented cultures, particularly those dominated by tertiary (service-oriented) employment. Those who approve of, practice, or benefit from trapping are primarily from rural cultures or areas where primary (land-based) employment predominates. This dichotomy of lifestyles and values, combined with a general lack of objective information about trapping, creates barriers to understanding and resolving controversial issues associated with trapping.

The policy of The Wildlife Society in regard to trapping is to:

1. Support the use of regulated trapping for sustained harvest of some species of furbearers as an effective method of managing or studying furbearers.
2. Recognize the economic and recreational benefits of trapping.
3. Recognize that regulated trapping is an important component of the lifestyle of many people, including subsistence users and others, who desire to live close to the land, derive as much of their sustenance from the land as possible, and take personal responsibility for their uses of animals.
4. Recognize that regulated trapping is a safe, efficient, and practical means of capturing individual animals without impairing the survival of furbearer populations or damaging the environment.

5. Recognize that animals can be injured by some traps and trapping systems and that ethical trapping requires using traps that kill animals quickly or capture and restrain animals in systems that reduce or eliminate injuries. This can be accomplished through: (a) regulatory and educational programs, (b) research that evaluates and improves trap performance, and (c) implementing acceptable and effective improvements in trapping technology, further reducing injury to captured animals while maintaining acceptable trapping efficiency and safety to users.
6. Promote development of improved traps, trapping systems, and additional methods of taking furbearing animals. Support the development of Best Management Practices (BMPs) for trapping in the United States, under the auspices of the Association of Fish and Wildlife Agencies, and encourage state wildlife agencies to promote the use of BMPs in state furbearer management and trapper outreach programs. Support the sustainable use of furbearer resources in carefully regulated management programs.
7. Promote trapper education programs that cover appropriate trapping techniques, proper fur handling, and furbearer management.
8. Recognize that significant opposition to trapping exists, in North America and abroad. Advocate research on furbearers, trappers, trapping methods, and attitudes of publics toward trapping to advance understanding and facilitate resolution of controversial issues and problems associated with furbearer management.
9. Promote programs that inform the public, including trappers, about values and benefits of properly regulated, sustained use of renewable natural resources, including furbearers.
10. Encourage appropriate government regulation of trapping and rigorous enforcement of trapping laws by responsible agencies to assure that optimum furbearer populations are perpetuated and that trapping and furbearer management programs are compatible with or enhance the management of other species, including threatened and endangered wildlife.
11. Encourage international efforts, especially beyond North America, to improve the conservation and management of furbearer species, including the use and adoption of BMPs for capturing wildlife, and the training of trappers and professional biologists on state of the art developments in furbearer management.



Trapping and steel-jawed leghold traps

UNDER REVIEW

COMMENT ON THIS POLICY

The AVMA opposes the use of conventional (non-padded, non-offset) steel jawed foothold traps (also called leghold traps).

When the capture of wildlife must occur (e.g. for management or research purposes), humane traps and techniques should be employed that minimize injury, stress, pain, and suffering to wildlife while also seeking to avoid capture of non-target animals. The AVMA recommends that trappers should be trained to use traps and techniques correctly and traps should be checked at least once every 24 hours.

The AVMA encourages active research on improvement of capture devices and trapping methods for wildlife, taking into regard the provision of good welfare. Anyone using traps should refer to the Association of Fish and Wildlife Agencies Policy for Best Management Practices for Trapping in the United States*.

*Association of Fish and Wildlife Agencies' Best Management Practices in the U.S. http://fishwildlife.org/?section=best_management_practices accessed March 25, 2017

ATTACHMENT 3

American Association of Wildlife Veterinarians Position Statement Regarding the Use of Foot-Hold Traps for Wildlife December 2007

The capture and handling of wildlife is necessary for wildlife conservation, research, disease surveillance, and management, as well as to protect property and human and domestic animal health. Foot-hold traps (also known as leg-hold traps) are important tools for achieving these objectives and, when used properly, are humane, safe and practical. Nevertheless, significant opposition to the use of foot-hold traps exists due to both real and perceived risks. Research into methods designed to reduce injury and otherwise improve trapping methods, and public education and outreach, are necessary to resolve this conflict. The following statements present the American Association of Wildlife Veterinarians position on the use of foot-hold traps for wildlife.

- 1) The American Association of Wildlife Veterinarians supports the use of foot-hold traps to:
 - a) Conduct research necessary for identifying the conservation needs of, and threats to, wildlife populations.
 - b) Conduct disease surveillance necessary to identify the spread or introduction of infectious agents and to identify disease threats to wildlife, domestic animals, and humans.
 - c) To conduct disease control, eradication and prevention as well as monitor and evaluate such programs.
 - d) Implement wildlife management actions to prevent overpopulation of some species and subsequent environmental degradation or damage to property; prevent interspecific competition; and translocate, restore, or reintroduce species.
 - e) Commercially and recreationally collect game by licensed trappers under the strict regulation of state fish and wildlife agencies that establish rules, zones, and quotas to manage local populations of game animals.

- 2) The American Association of Wildlife Veterinarians supports understanding of the animal welfare issues involved in the use of foot-hold traps; specifically, to:
 - a) Recognize that free-ranging wildlife is valued for its contribution to functional ecosystems, for its commercial and recreational value, and for its intrinsic value.
 - b) Recognize that the welfare interests of wildlife, the environment, domestic animals, and humans may conflict under some circumstances.
 - c) Recognize that opposition to the use of foot-hold traps exists and that a solution to this issue requires well-designed and sensitive research, public education, and outreach programs.
 - d) Recognize that animals can be injured by some traps and trapping systems and that animal welfare is enhanced by using traps that kill quickly and humanely, or capture animals in systems that reduce or eliminate injuries.
 - e) Support the use of foot-hold traps and techniques that are selective and humane, reduce injury and stress, and are safe for use.

- 3) The American Association of Wildlife Veterinarians supports the improvement of trap safety for wildlife, recognizing that:
 - a) Regulatory and educational programs are necessary for the controlled and proper use of foot-hold traps.
 - b) The maintenance and continued development of Best Management Practices (under the auspices of the Association of Fish and Wildlife Agencies) for use of foot-hold traps should be supported.
 - c) Research identifying or improving trapping methods that reduce animal injury, minimize non-target capture, and maintain user safety should be implemented.

These statements of our position replace any previous statements or letters on this subject, and remain in effect until otherwise amended, rescinded or retired.

No. 159. An act relating to best management practices for trapping.

(S.201)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. DEPARTMENT OF FISH AND WILDLIFE; BEST MANAGEMENT
PRACTICES FOR TRAPPING

(a) On or before January 15, 2023, the Commissioner of Fish and Wildlife shall submit to the Senate Committee on Natural Resources and Energy, the House Committee on Natural Resources, Fish, and Wildlife, and the Fish and Wildlife Board recommended best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs. The BMPs shall be based on investigation and research conducted by scientists and experts at the Department of Fish and Wildlife and shall use the “Best Management Practices for Trapping in the United States” issued by the Association of Fish and Wildlife Agencies as the minimum standards for BMP development. The BMPs shall include recommended:

(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;

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

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

(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 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate;

(5) criteria for when and how live, captured animals should be released or dispatched; and

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

(b) The report required under subsection (a) of this section shall include a recommendation from the Commissioner of Fish and Wildlife for funding the replacement of currently authorized trapping devices with trapping devices that are compliant with the recommended BMPs. The Commissioner’s recommendation shall include alternatives financed with public funding, private funding, or some combination of public and private funding.

(c) In developing the BMPs required under subsection (a) of this section, the Commissioner shall provide an opportunity for public review and comment and shall hold at least one public hearing regarding the proposed BMPs.

(d) As used in this section, “trapping” means to take or attempt to take furbearing animals with traps, including the dispatching of lawfully trapped furbearing animals.

Sec. 2. 10 V.S.A. § 4861 is amended to read:

§ 4861. FUR-BEARING ANIMALS; TAKING; POSSESSION

(a) Fur-bearing animals shall not be taken except in accordance with the provisions of this part; and of rules of the Board. The fur or skins of fur-bearing animals may be possessed at any time unless otherwise provided by this part, rules of the Board, or orders of the Commissioner.

(b) On or before January 1, 2024, the Fish and Wildlife Board shall revise the rules regulating the trapping of fur-bearing animals in the State. The revised rules shall be at least as stringent as best management practices for trapping recommended by the Department of Fish and Wildlife to the General Assembly.

(c) On or before January 1, 2024 and annually thereafter, the Commissioner of Fish and Wildlife shall submit in writing to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy information regarding the species and number of nontarget animals killed or injured by trapping in the preceding calendar year.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

No. 159
2022

Page 4 of 4

Date Governor signed bill: June 1, 2022

ATTACHMENT 5

Working Group Process Summary December 22, 2022

After the passage of Act 159 in May 2022, the Department of Fish and Wildlife committed to addressing the legislative directives through a fair and transparent process. Although not required by the legislature, we opted to create a working group that included representatives from diverse organizations to ensure that all sides of the issue were represented. We attempted to find consensus around science-based recommendations that considered the interests of all parties. Although consensus was sometimes challenging given the wide array of views, we tried to focus on the stated concerns as articulated by working group members and propose recommendations that would specifically address those concerns in the context of the criteria put forward in Act 159. In some cases, significant concessions were made by some members of the working group. The following organizations/individuals were represented:

Humane Society of the US	Joanne Bourbeau
Sportsmen's Federation	Chris Bradley (Scott Chapman—alt)
Association of Fish and Wildlife Agencies	Tom Decker
Protect Out Wildlife	Brenna Galdenzi
VT Wildlife Coalition	Rob Mullen (David Kelly—alt)
VT Fish and Wildlife Board	Michael Kolsun
VT Fish and Wildlife Board	Martin Van Buren
Vermont Trappers Association	Kevin Lawrence
Vermont Trappers Association	Bruce Martin
Vermont Legislature	Representative Amy Sheldon
Vermont Legislature	Senator Christopher Bray
VT State Game Warden	Sean Fowler
VT State Game Warden	Michael Scott (Randy Hazard—alt)

Between August and September, the working group (WG) members met four times for approximately three hours per meeting. The goal of the WG was to provide input on rules that the Fish & Wildlife board would enact to regulate the use of foothold trapping systems in accordance with the science-based Best Management Practices (BMPs) criteria as outlined by the Association of Fish and Wildlife Agencies (AFWA). In addition, the group considered other proposals that were related to BMPs or other trapping system improvements associated with animal welfare, selectivity, and safety as defined by Act 159.

The goals of the working group were to:

- (1) Get informed consent or consensus from participants on both the process and the outcomes.
- (2) Maintain an equitable, fair, respectful, and transparent process.
- (3) Secure agreement on final recommended language related to BMP rules and foothold trapping systems that improve animal welfare and selectivity.
- (4) Ensure that the recommended rules are clear, applicable, practical, and enforceable.

Working Group Meeting Summaries

Working Group Meeting One (August 4, 2022)

The working group agreed to attempt to achieve consensus on the final recommendations according to the following definition:

Consensus is the highest level of agreement that can be reached without dividing the participants into factions. Rather than inferring a unanimous or enthusiastic endorsement, consensus means that all members of the WG can fully support, agree to, or reluctantly accept an individual recommendation.

The group also agreed to a list of the following ground rules:

- Participate fully, with humility and good intent
- Accept the statutory charge of the WG and focus on the group's goals.
- Listen respectfully.
- Appreciate that group members have different experiences and cultural backgrounds.
- Be careful about assumptions and generalizations based only on your experience and background.
- Be open to hearing and learning from others and be open to changing your perspectives.
- Stick to one conversation and include all members.
- Understand that your word choice and tone may impact others.
- Differentiate between opinion, which everyone has, and informed knowledge, which comes from sustained experience, study, and practice.
- We are all bound to make mistakes—be willing to accept and admit them.
- Understand that there are different approaches to solving problems.
- Refrain from broadcasting the comments of individuals in public communications, such as email and social media.
- Begin from a place of forgiveness.

Bryant White (AFWA policy program manager and BMP research coordinator for 20 years) and Dr. Dan Grove (wildlife veterinarian) presented an overview of the 22-year trapping BMP research effort followed by approximately 30 minutes of questions and answers. The meeting minutes and recordings including presentations are available on the department's website at:

<https://vtfishandwildlife.com/trapping-bmps-and-coyote-hunting-regulations-updates>

The group used the Act 159 criteria to identify specific issues that members agreed deserved further discussion and potential development of regulations. There was unanimous agreement to limit discussion to the five topics listed below and explore and attempt to develop recommendations based on these:

- BMP's strategies to improve animal welfare and selectivity.

- Baits and lures.
- Technical items related to body gripping traps.
- Trail setbacks.
- Methods of dispatch.

Working Group Meeting Two (August 23, 2022)

VTA Petition: There was unanimous consensus to move the VTA petition forward although some members did not feel that it would adequately address animal welfare and selectivity.

Trail Offsets: The discussion transitioned to trail offsets. Catherine Gjessing, General Counsel, gave a presentation related to the regulations around trapping on private and municipal land and on the various legal definitions of trails as well as a summary of trail offset requirements in other states.

After discussion, the group appeared to reach the following consensus as reflected in the minutes below:

Royar restated: “can we discuss the potential for setbacks on state owned public lands excluding WMAs?” The group agreed and she suggested that we all consider some reasonable suggestions we could bring to the table. Representative Sheldon reiterated the question: “does anyone disagree with the topic of looking at trails on state owned public lands excluding WMAs?” No one voiced disagreement. (BMP Meeting Minutes, Sept 27, 2022)

However, some members withdrew their support in the days and weeks following the meeting and expressed an interest in expanding setbacks beyond what had originally been agreed to.

Working Group Meeting Three (September 8, 2022)

Non-target captures: In response to a request from the working group, staff (Kim Royar and Chris Saunders) presented information on non-target captures (furbearers taken out of season or non-furbearers taken in traps). Figures 1 and 2 below shows the data collected via the mandatory trapper mail survey and pelt tagging records in response to the following question:

Did you catch and release any out-of-season furbearers while targeting other in-season furbearers? Yes No If yes, please list the species and numbers caught here.

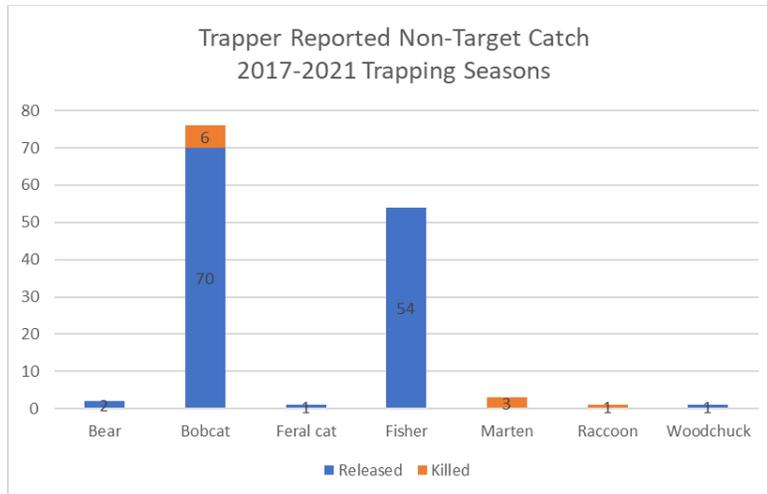
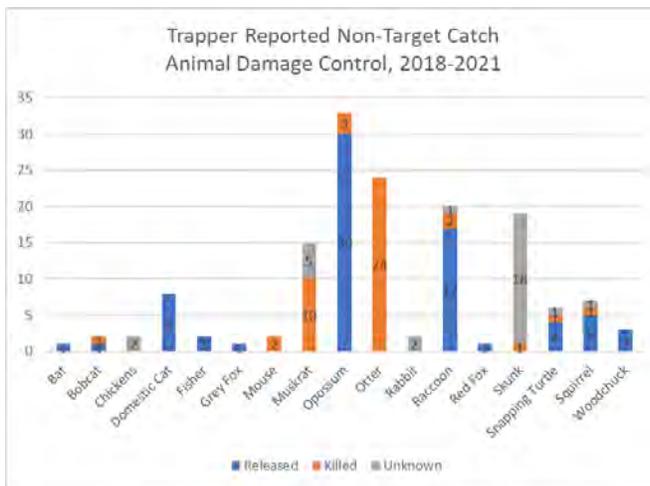


Figure 1: Non-Target captures taken during the regulated trapping season of furbearers either released alive or killed as reported by the mandatory annual trapper mail survey.



ADC Take, 2018-2021	
Species	Number Caught
Beaver	1858
Bobcat	4
Coyote	67
Fisher	10
Grey Fox	5
Mink	12
Muskrat	83
Opossum	250
Otter	16
Raccoon	1072
Red Fox	31
Skunk	1673
Weasel	19

Figure 2: Non-Target captures (released alive or killed) outside the regulated trapping season by those trapping in defense of property as reported by the annual mandatory trapper mail survey.

Figure 2 compares the number of non-target captures taken by those trapping in defense of property. The column to the right shows the actual number of animals taken in defense of property as reported on the annual, mandatory trapper mail survey. For example, it appears there were 1,072 raccoons targeted and taken while doing damage and 20 taken as non-targets (out of season and incidental to some other 'nuisance' animals such as opossum or skunk). These data are collected through the mandatory trapper mail survey specific to those trapping out of season for animal damage reasons.

Chris Saunders compiled the number of domestic animal captures between 2017 and 2021 as documented in the law enforcement CAD system (reporting required by law beginning in 2018):

36 reports over 5 years (average 7/year):

- 26 dogs (72%); one likely feral
- 10 cats, (six feral and one purposeful)
- 1 case omitted

23 (64%) occurred during a regulated trapping season by a licensed trapper.

29 (at least) were on private land where the trapper had permission from the landowner or on the trapper's own property. Three were violations.

2 occurred on public land (GMNF, ROW).

None of the dogs were leashed; 9 (35%) dogs were roaming without their owners.

Over the five-year period, four of the 36 animals (two dogs and two cats) died as a result of their injuries. One dog and one cat were likely feral.

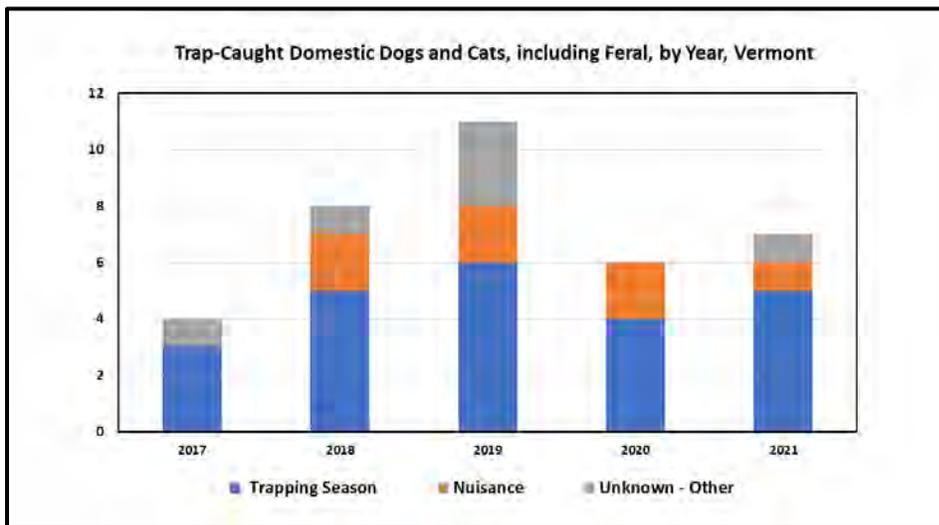


Figure 3: Number of dogs and cats captured by trappers between 2017 and 2021 as reported to the VFWD CAD system (required by law since 2018)

The Department also presented a summary of the reported injuries and fatalities during the period of time between 2017 and 2021:

- 3 occurred during trapping season
 - One involved a violation (body-gripping trap, exceeding 8 inches, less than 5 ft off the ground)
 - The second occurred on private property where the landowner had warned the dog owner that trapping was taking place and that the town had a leash law (body-gripping)

- The third involved an outdoor cat whose owner did not respond to repeated contact attempts (no trap type listed)
- 32 (89%) non-fatal, reported injuries
 - None/unharmful: 14
 - Minor: 7
 - Major: 1
 - Unknown/not listed: 10
- 4 fatal (2 dogs, 2 cats)
 - One cat was feral; one dog likely feral
- 14 were examined by a vet (5 unknown)

These figures are not out of line with the results of the AFWA BMP research results:

“No domestic dogs or cats were captured 99.95% of the time; the few that were captured were released unharmed”. “Because of how traps are designed and deployed, they do not pose a threat to people and threats to domestic pets are minimized.” (AFWA Science Brief, 2020)

Humane Dispatch: Dr. Walter Cottrell reported back on his discussions with members of AFWA and the American Veterinary Medical Association (AVMA).

“Dr. Cottrell stated that AFWA recognizes the position that is currently represented by the AVMA and is beginning to work on guidelines that will be disseminated to state agencies that shift [humane dispatch] recommendations away from the use of drugs towards tools/practices that may be more available to biologists wardens. This effort from AFWA is underway, although a clear timeline is not yet available. Based on this information the group unanimously agreed to postpone any discussion of humane dispatch as long as the Department agreed to revisit the issues when recommendations became available.” (BMP Meeting Minutes, September 8, 2022).

Interest Group Proposals: Finally, prior to the third meeting the Department had asked each interest group to come to the September 8 meeting with a proposed position for each of the five topics listed above and present those to the rest of the working group. POW, HSUS, VWC presented a collective proposal. The VTA was not able to present anything beyond their original petition due to the fact that they had not had an opportunity to meet with their Directors. They were asked to go back to their Directors and develop a position before the final meeting.

The POW/VWC/HSUS proposal was presented as follows:

- ***VTA petition:*** Does not oppose it but does not believe it is enforceable or beneficial to animal welfare.

- BMPs are the floor not the ceiling. They see serious deficiencies in the BMPs.
- **Trail setbacks:** Recommends 500' setbacks from public trails (they requested more discussion regarding the unanimous agreement at the previous meeting to restrict to state-owned lands excluding WMAs), class 4 town roads, public parks, playgrounds, and other areas where people might be expected to recreate.
- **Baits and lures:** prohibit the baiting of a trap if the bait is visible from the air.
- **Body gripping traps:** prohibit the use of body gripping traps on land and mandate that in water they be fully submerged. Prohibit the drowning of animals in submerged sets and require the reporting of incidental take.
- **Dispatch** by gunshot only

The VTA reiterated their belief that the BMPs would advance a high standard of animal welfare and they reviewed the items in the 2022 VTA petition to the Fish and Wildlife Board that they believed would address those concerns:

- All base plates must feature a center chain mount with swivel, with free moving chains that allow mobility for animals caught.
- All traps must be adjustable for pan tension
- Traps must be anchored with a minimum of 12" and maximum of 18" chain length.
- Foothold traps must be padded or offset, laminated, or have jaws with a minimum thickness of 5/16ths.
- No foothold trap shall be set on land with a spread of more than 6 ¼ inches.

The VTA agreed to meet with their Directors before the next meeting to discuss the five agreed upon topics and return to the next meeting with a position on each.

Working Group Survey: In the interim between the third and fourth meetings the Department sent the working group members a survey to collect feedback on the process and suggestions for additional content. Only 4 members responded.

Working Group Meeting four (September 24, 2022)

Trapper Education: Nicole Meier (Hunter/Trapper Education Program Coordinator) gave a 30-minute presentation on the Department's current Trapper Education Program curriculum.

VTA Position: After meeting with their Directors, the VTA presented its regulatory suggestions:

- **Trail setbacks:** No trap set within 10 feet of a trail except under bridges and waterways.
- **Baits and lures:** Meat based baits should be covered at the time the trap is set.
- **Body gripping traps:** no meat-based baited body gripping traps shall be set on the ground.
- **Cable restraints:** legalize cable restraints as a BMP recommended trapping system. Use would require certification by the DFW.
- Increase the number of game wardens
- Trapper education curriculum include any new regulations.

Meeting moderators encouraged the group to document areas of alignment between the two proposals but had limited success. The Department promised to develop recommendations to the Commissioner that considered the feedback they received from interest group members.

Parking Lot: Several items remained in the parking lot and need to be addressed by the Department and/or the legislature.

- Should the final recommendations include those trapping in defense of property as well as landowners? It would require a statutory change so any proposal should include recommended language to ensure that the change is enforceable (if agreed upon).
- Increase size of warden force.
- Include any changes to the regulation in Trapper Education curriculum.
- Develop a budget for funding trap replacement as dictated by the Legislature.

Timeline:

- Draft regulations were posted to the department's website on Monday, November 21st.
- An initial Public Information Meeting was held Tuesday, November 29th with approximately 50-60 public participants to create an opportunity for wider feedback on draft regulations
- Draft recommendations to Commissioner-- December
- Report to Legislature--- by January 15
- Proposal to DFW Board-- February/March
- Regulations in place by January 2023 as per Act 159.

Bryant White Resume

Bryant is currently the Program Manager for Trapping Policy and Human-Wildlife Conflicts for the Association of Fish and Wildlife Agencies, an organization that represents all 50 states and brings them together with federal wildlife agencies, and non-governmental organizations to enhance fish and wildlife conservation across the country.

Bryant earned B.S. and M.S. degrees in wildlife and fisheries science at Tennessee Technological University, a B.A. at the University of Memphis, and an M.Div. degree at Harding University.

For the past 20 years, Bryant has coordinated research related to the development of Best Management Practices for the conservation of furbearing animals through research, liaisons with national and international organizations (including the EU, Russia, and Canada) and education. Bryant has authored multiple popular and peer reviewed publications on wildlife capture techniques, furbearer conservation, species restoration, and the sustainable use of wildlife. He is the lead author of the 2021 prestigious publication in Wildlife Monographs which outlines the extensive research that has been done in the past 24 years to improve trapping systems.

Nathan Roberts Resume

Nathan Roberts earned his B.S. and M.S. degrees from the University of Missouri and his Ph.D. from Cornell University where his dissertation focused on furbearer management in the northeast. He has worked for several state and federal agencies including as the Bear, Wolf, and Furbearer Research Scientist at Wisconsin DNR, as a regional biometrician for National Wildlife Refuge System in the Alaska region, as a research assistant at Cornell University, and as a Wildlife Biologist for the US Department of Agriculture.

He has published over 2-dozen scientific articles including the BMP publication in the Wildlife Monograph. Dr. Roberts is currently a professor at the College of the Ozarks and teaches Conservation and Wildlife Management. He has been commissioned to the IUCN (International Union for the Conservation of Nature) and has worked for many years as a member of the US Furbearer Conservation Technical Working Group.

I want to thank both Bryant and Nathan for their willingness to present tonight and offer their vast knowledge and experience related to Best Management Practices.

POW/HSUS/VWC Recommendation/Discussion Points

(1) The VTA petition

- o No objections but do not believe that the changes would necessarily improve animal welfare.
- o **AFWA's BMP recommendations, according to S-159** are the floor, not the ceiling. In our view they suffer from numerous deficiencies:
 - o Allow for serious injuries, including death, to up to 30% of trapped animals.
 - o Fail to consider behavioral or physiological responses, compounding effect of multiple lesser injuries, long-term impact to escaped animals, etc.
 - o **Don't do enough to protect unintended victims**
 - o **Unenforceable (i.e. warden can't check for pan tension without triggering trap)**
- o **Snares/cable restraints should not be on the table for discussion since they're not currently allowed in statute.**

(2) Trail setbacks on state owned public lands excluding WMAs

- o **POW's petition on setback requirements recommended:** Setback requirements for traps on public land
- o Should also include federal lands.
- o **Didn't** agree to exclude WMAs.
- o Legislative mandate is much broader – **"all public locations"**
- o Trapping equipment does not fund Pittman Robertson or help pay for WMA costs.
- o Bird dog hunters and other hunters who fund WMAs via an excise tax might appreciate trap setbacks, especially with overlap in trapping and certain bird seasons (i.e. partridge)
- o Recommend a 500 foot or more setback rule for public trails, class 4 roads, playgrounds, parks and other public locations where persons may reasonably be expected to recreate as a minimum standard for consistency.

(3) Use of baits and lures

- o Prohibiting baiting a trap with meat or other animal-derived products if the bait is visible from the air (on both public and private lands) can reduce the incidental takes of bald eagles and other raptors.
- o All baits should be covered or buried and set away from trap by 50 feet.
- o Other states like Maine have bait restrictions to mitigate trapping and killing hawks and other protected species.
- o Biden restored rolled back to the Migratory Bird Treaty Act in 2021, which makes incidental take of birds illegal and USFWS may be providing guidance to state F&W agencies on best practices under the restored MBTA regulations.

(4) Use of body gripping traps (i.e. size, setback, underwater, dryland, etc.)

Body gripping kill traps prohibited on land.

- o Body gripping kill traps should be fully submerged underwater to reduce the lethal catch of dogs entering or exiting water and prevent target trapped animal from resurfacing.
- o Hunters and hikers **wouldn't** have to avoid these riparian areas, and trappers avoid the emotional and legal conflict of killing a hunting or companion dog – often with the owner struggling to rescue their pet without the proper equipment.
- o No logical justification to allow body gripping on dryland or partially submerged. Their non-**selectivity and "non-releasability"** (of both targets and non-targets) make them a liability that is eliminated by mandating full submersion underwater.
- o Not taking away trapping opportunities—can still trap fisher, bobcat, raccoons etc. with leghold traps; can still use conibears underwater for beaver, muskrat, river otters, etc.
- o No more incidental kills of bobcats during fisher season.

- o Prohibit the drowning of animals in submersion sets, including cage traps and leghold traps that are attached with a one-way sliding lock to a cable anchored in deep water; the AVMA does not consider drowning a form of euthanasia.
- o Reporting of incidental takes is limited since not all reporting is required, especially prior to 2018, but we do have VT-specific examples of non-targeted animals being trapped in body gripping kills traps. Here are just two.



Coyote caught in body gripping "kill" trap set for fisher in Killington, VT. Traveled over a mile with the trap attached to her head before dying.

Source: VT FWD Warden Records



Cat caught in body gripping "kill" trap in Fairfax, VT. Cat had to have leg amputated by BEVS in Burlington.

POW/HSUS/VWC Recommendations/Discussion Points
(#5, Dispatch Method)

5) Methods of killing trapped animals

- Gunshot TO THE HEAD should be the only allowable method for killing animals in leghold and cage traps set on land. (per AVMA recommendations on wildlife euthanasia)
- “The best method is to shoot the animal in the head with a .22-caliber firearm. Aim **between the eyes and up a little.**” - (AFWA research protocol) https://www.hunter-ed.com/nationaltrapper/studyGuide/Humane-Killing-Methods/221099_87949/
- No justification for any other form of cruel dispatch (i.e. bludgeoning, choking, drowning, etc.) that are considered inhumane by the AVMA.

ATTACHMENT 8

Vermont Trappers Association Recommendations

Setbacks:

- Following discussions from the Working Group Meeting held on August 23rd, The Vermont Trappers Association (VTA) recommends that no trap shall be set within ten (10) feet of the travel portion of a trail on State Land, excluding WMAs; and excluding traps set in waterways and under bridges and culverts.
- BMP scientific data from over 1,000,000 trap nights as well as Vermont Fish and Wildlife data from over 30,000 annual trap nights does not show any risk to public health near playgrounds, parks, etc. Also, regulated trapping for furbearers on land in Vermont occurs from the end of October to December 31st which is not a high use time for these locations. In addition, trappers need permission to trap on private and municipal lands.

Use of Bait:

- The VTA recommends that meat-based bait used in conjunction with trapping shall be covered at the time the trap is set. Coverings shall include but are not limited to brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

Use of body gripping traps:

- No meat-based, baited, body gripping traps shall be set on the ground.

Cable Restraint Recommendation:

- As cable restraints are an approved BMP device, the VTA recommends that they be allowed for use in the State of Vermont.
- Cable restraints are cable devices that are designed for capturing furbearers in a manner that holds them unharmed and alive until the trapper returns to the set.
- As animals in cable restraints are alive, they may be released unharmed into the wild or harvested.
- It is recommended that trappers shall obtain certification through the Fish and Wildlife Department prior to being allowed to set a cable restraint device.

Additional topics/discussion points:

- The VTA recommends that more Game Wardens would be helpful for enforcement purposes.
- Trapper Education shall include the new regulation as passed by the Fish and Wildlife Department.

ATTACHMENT 9

Body-Gripping Trap Regulations from Other States December 2022

State	Regulations
Connecticut	<ul style="list-style-type: none"> a. May only be used below the surface of the water in a pond, lake, stream, spring hole, or tidal water. Except, smooth wire traps having an opening of 4¾" or less may extend above the surface of the water provided a portion of the trap frame remains in contact with the water. b. Opening greater than 6½" is prohibited, except that conibears and similar smooth wire traps with an opening of up to 10" may be set for beaver in waters frequented by beaver.
Delaware	It is unlawful to use killer or conibear traps with a jaw spread in excess of 5".
Maine	<ul style="list-style-type: none"> a. Killer-type trap with jaw spread >8" unlawful except during beaver season and if completely underwater. b. Killer-type traps with jaw spread <8" do not need an exclusion device if completely underwater. c. Killer-type traps with jaw spread of ≤ 5" do not need an exclusion device if set using specified criteria.
Maryland	<ul style="list-style-type: none"> a. Body-gripping traps with a diameter of greater than 8" can be set when partially or totally submerged in water. b. Body-gripping traps with a diameter of 8" or less can be set above ground in bogs, flooded non-tidal wetlands, freshwater marshes, tidal wetlands, wooded swamps, in areas where water covers the surface of the soil or in areas where the soil is waterlogged to the surface. In all other areas, these traps may be set when partially or totally submerged in water.
Massachusetts	It is unlawful to use body-gripping traps.
New Hampshire	Body-gripping traps with inside jaw spread ≥ 6½" shall only be set: <ul style="list-style-type: none"> a. 5' or more above ground or surface of the snow. b. In water trapping for beaver or otter.
New York	<ul style="list-style-type: none"> a. Body-gripping traps set on land may not be within 100' of a public trail except on Wildlife Management Areas. b. Body-gripping traps measuring <5½" may be set in any manner with or without the use of bait. c. An enclosure made of natural materials may be built to specifications. d. After December 10 in the Northern Zone, body-gripping traps set on land may not be set with bait or lure.

State	Regulations
	<p>e. Exposed body-gripping traps measuring 5½ to 6", set without the use of bait, must be set so that no part of the trap is 8" or more above the ground.</p> <p>f. Body-gripping traps measuring 5½" to 6", set without the use of bait, must be set so that no part of the trap is 8" or more above the ground.</p> <p>g. Body-gripping traps 5½" to 7½" set with the use of bait, lure, or other attractants may only be used as follows:</p> <ul style="list-style-type: none"> • Four or more feet off the ground if not enclosed. • Enclosed in a container with a smaller horizontal set: <ul style="list-style-type: none"> ○ Opening height 6" or less ○ 8" minimum spring notches ○ Trap recessed minimum of 4" • In a container with a larger horizontal set: <ul style="list-style-type: none"> ○ Trap recessed 18" ○ Opening height and width 10" or less • In a container mounted with a vertical set: <ul style="list-style-type: none"> ○ Only one entrance, facing the ground ○ Container set so entrance is no more than 6" from ground ○ Trap recessed minimum of 4 inches
Pennsylvania	<p>a. It is unlawful to set body-gripping traps outside a watercourse, waterway, marsh, pond or dam.</p> <p>b. Furtakers are permitted to trap furbearers using body-gripping traps set in artificial cubbies when all of the following are met:</p> <ol style="list-style-type: none"> 1) The artificial cubby is placed within an established watercourse, waterway, marsh, pond or dam. 2) The entrance to the artificial cubby does not exclude 50 square inches. 3) Traps no larger than 6½" x 6½" can be used. 4) The triggering mechanism of the trap is recessed within the artificial cubby at least 7" from the entrance. 5) The artificial cubby is anchored in a manner that it cannot be moved or rolled. <p><i>Note: Requirements 2 through 5 shall not apply to body-gripping traps that are 5½" or less and set in artificial cubbies to target mink or muskrat.</i></p>
Rhode Island	<p>Private land: Body-grip (a.k.a. smooth wire or "conibear") type traps up to 6½" jaw spread (i.e., "110, 120, 160" or equivalent) are permitted on land or in water on private land. Body-grip type traps greater than 6½" but not exceeding 8" jaw spread ("220") may only be set if completely submerged in water or set no less than 6' above the surface of the</p>

State	Regulations
	<p>ground. Body-grip traps greater than 8" but not exceeding 10" jaw spread ("330") may only be set completely submerged in water.</p> <p>State land: Body-grip traps up to 6½" jaw spread are only permitted in water sets (i.e., all or a portion of the trap in water) or if placed 6' above the ground. Body-grip traps with a jaw spread greater than 6½" but not exceeding 10" ("220-330") may only be set if completely submerged in water.</p>
Virginia	<p>a. The use of body-gripping traps with a jaw spread in excess of 7½" is prohibited except when such traps are at least half submerged by water.</p> <p>b. It is unlawful to set above the ground any body-gripping trap with a jaw spread in excess of 5" when using any bait, lure or scent. However, baited body-gripping traps with a jaw spread greater than 5" and up to 7½" may be used within an enclosure with openings no greater than 60 sq. inches and the trap trigger recessed at least 12" from all openings. Traps must be staked to prevent enclosures from turning over and may only be used on private lands with written permission of the landowner.</p>

Responsiveness Summary

Development of Best Management Practices for Furbearer Trapping

Public Hearing – November 29, 2022

Public Comments – Fall 2022 through January 12, 2023

1.0. Public Comments

Below are the questions asked at the November 29, 2022, public hearing in White River Junction, Vermont. After presentations by the Association of Fish and Wildlife Agencies (AFWA) and the Vermont Fish and Wildlife Department (Department), attendees were arranged in breakout groups and asked to provide feedback. The Department's response follows at the bottom of each question.

1.1. As per Act 159, the overall objective of this endeavor has been to modernize trapping practices to improve animal welfare and selectivity. This legislation charged the Department with implementing Best Management Practices for trapping based on the decades long scientific research effort conducted by the Association of Fish and Wildlife Agencies. Given that context, are there any suggestions that you want the Department to consider when preparing recommendations to the Fish and Wildlife Board?

Most Common Responses/Suggestions:

- Communication/dissemination of information is extremely important
 - *For the public:*
 1. Emphasize over and over that this is a scientific study
 2. Emphasize 24 years and \$40 million spent on this exhaustive, unbiased study that will continue in the future
 3. Professionally crafted messages about trapping in general and the changes being proposed
 4. Follow Maine's example of sending out emails about hunting/trapping/fishing seasons
 5. Emphasize benefits of trapping to the public, selectivity of traps
 6. Dispel fabrications of risks to people and pets
 7. Information at trail kiosks about activities taking place on public land
 - *For the legislators:*
 1. Dispel misinformation being passed on to legislators by other groups
 2. Give them confidence they don't have to look over VFWD/FW Board shoulders
 3. Send them a letter outlining the history and stats of BMPs
 - *For trappers:*
 1. Provide resources on how to move forward using BMP traps
 2. Changes should be well communicated in trapper ed courses
 3. Emphasize trap maintenance more
- Allow for trappers to adapt to use of new devices

- Program to buy new traps/buy back non-BMP traps
- *More clarification/differentiation for land traps vs. water traps i.e., how to make these practical for water sets
- *Anchor chains may still be too short at 18"
- *Consider use of drags; they are BMP compliant

Other Responses/Suggestions:

- Keep the regs simple so we don't lose more trappers
- *Include new devices that are approved in the future
- Regulation changes will work against the movement to eliminate trapping
- Suggest a counterview to BMPs be backed with science as well if possible.
- Suggest a 5 yr. sunset on proposals/legislation
- Continue with research
- Communicate the effect of trapping on management
- *Shock-spring should be included in BMP for foothold
- *Will still side swivel, more swivels
- Adjustable pan tension, foothold spread $\leq 6 \frac{1}{4}$ inches OK
- Allow cable restraints; they are BMP compliant
- Use of non-compliant traps strictly with drowning lines
- The legislature should not be involved in regulating trapping
- Concern about larger groups of constituents having a say over a small number of trappers
- Good job!
- VFWD inadequate in defending the rights of sportsmen
- Vermont will be first to implement BMPs – a positive step
- There is no way trapping is not a blood sport; use accurate, not emotive language
- Selectivity of traps is almost a myth
- VTA suggested incorporating BMPs into regulations
- Not a trapper but will support regulation changes

Questions from Summary:

- How is trapping useful for wildlife management as it is claimed to be?
- Why are we here? Why Act 159? Current practices aren't consistent already? Where's the study that suggests we need to do this?
- Do we need a 24hr check for all traps, i.e., 5' off the ground (impact is price of gas)?
- How many trappers use BMP traps now?
- Will cable restraints be brought up and why?

*See Department response to technical questions below.

Department Response:

The Department agrees that communication and dissemination of science-based information is critical to managing and conserving wildlife. The link below connects the public to information about furbearer management including but not limited to:

- Furbearers as important members of the ecosystem
- Furbearer life histories
- The role of trapping as a furbearer management tool
- Annual furbearer harvests
- Annual newsletters that are sent to every licensed trapper that outline new and past research, habitat concerns, and management and conservation strategies associated with the furbearer program.
- Information about Best Management Practices and links to the Journal of Wildlife Management BMP monograph (White et al., 2021), the AFWA website, science briefs, and other related materials.

In addition, the Department sponsors trapper education programs, two youth camps, and media stories (Vermont Public and WCAX) as well as multiple in person presentations per year in an attempt to provide the public with science-based information related to the conservation and management of furbearers.

It is the intent of the Department to continue to stay abreast of the BMP research effort and incorporate additional trap modifications as they become available. In addition, the Department will incorporate any regulation changes into our existing trapper education program.

The legalization of cable restraints was mentioned in some of the responses. The Vermont Trappers Association proposed the legalization of cable restraints however, this would require a change in statute. Cable restraints were tested according to BMP protocols and were shown to score high for animal welfare and selectivity,

1.2. What are your comments on the Department's recommendation to improve animal welfare and trap selectivity through the implementation of Best Management Practices for trapping?

Most Common Responses/Suggestions:

- Good idea, will work if implemented
- Based on sound science from professionals so best place to start, most defensible way to promote a modernization of trapping technology in Vermont, best for the animals
- No issue as long as it does not diminish trappers' rights and need to keep revisiting them; manageable
- Need time window to make the transition to BMP traps
- Concerns about cost to implement, time to modify traps—buy-back or trade-in programs perhaps?
- More education needed about reducing take of non-targets
- *Longer chain or drag helps with recovery of animal if anchor fails

*See Department response to technical questions below.

Other Responses/Suggestions:

- Reflects trappers' willingness to adapt
- Bullet #4 of proposal needs clarification – one of three or all three (padded or offset, laminated, or have jaws...)?
- Legislature must be informed
- BMPs are a positive for general reasons – animal welfare, politics, modernization, etc.

- These go beyond BMPs based on what trappers understand of them, need to pushback on this
- An attempt to satisfy anti-hunting/trapping interests
- A step in the right direction to assure the public of the safety and care that trappers take
- Needs to be coupled with public education
- Clarify private property issue
- Let FW Board make the rules
- Not needed
- Concern about unleashed dogs, restraining free-range dogs that are with hikers
- Education for trappers, like LEAP for loggers, could work well
- Doesn't make sense for water traps that will inevitably drown the animal; doesn't mention water traps
- Concern about BMPs becoming a regulatory tool since they weren't originally intended to be that
- Great that VFWD is so pro-active in keeping trapping a live resource

Questions from summary:

- *Why no in-line chain spring on chain?
- What are trappers doing today and how different are these BMPs?
- Do these apply to nuisance trapping?
- *What about BMPs for smaller animals (i.e., 1 ½) that are not offset or laminated?
- *Are dogless traps compliant vis a vis adjustable pan tension?
- *What specifically defines a pan trap with pan tension adjustment ability?

See Department response to technical questions below.

Department Response:

In general, there was support for this proposal among the attendees of the November 29, 2022 public hearing. A few participants had concerns regarding the cost of transitioning to BMP approved traps and the time it would take to ensure that it could be done before the rules went into effect. According to AFWA surveys, a high percentage of Vermont trappers are already aware of BMP's (76%). This awareness may extrapolate to a quicker acceptance and adoption of BMP trapping systems.

However, the Department will work with the legislature and the Fish and Wildlife Board in an attempt to ensure that there is ample time and funding to transition trappers to BMP trapping systems as quickly as possible. Note that these BMP recommendations only apply to foothold traps on land.

1.3. What are your comments on the Department's recommendation to minimize the capture of non-target animals through the requirement to conceal all meat-based baits used in conjunction with trapping?

Most Common Responses/Suggestions:

- Sound and reasonable; agree with recommendation
- Covering/concealing does not always prevent non-target animals; bait still smells

- Birds have no sense of smell so minimally effective
- Do not think this will help
- Trappers do this anyway
- Define “conceal”
- Has not been an issue for trappers who have trapped many years

Other Responses/Suggestions:

- Don’t want non-target animals to sit on top of the set; birds will perch on the trap, especially a leaning pole set
- Suggest awareness notices, signage indicating active trapping
- Most trappers target animals, don’t catch non-target
- Too much warden discretion
- 5’ height still seems to be available to birds so question if necessary
- Surprised by not allowing meat bait on the ground

Questions from Summary:

- Are bird non-targets an issue? Are there data to show how often this happens?
- How enforceable is this in reality?
- Birds only?
- To what degree is it a violation? If part of bait is barely visible is this a violation?
- Does mesh or a cage trap count as cover?
- Does meat include fish?

Department Response:

Although we have yet to work out the detailed language with the Vermont Fish and Wildlife Board, we reviewed laws from other northeastern states and provinces and adopted a version of what already exists in nearby states. It is likely that conceal will mean ‘covered’ but a wire, wood, or plastic covering or cage would be acceptable as well as brush, branches, soil, or snow. Meat-based bait would include fish however, feathers and fur would likely be allowed.

The Department has committed to developing notices regarding the trapping season that could be mounted on kiosks, trail heads, and other locations where trapping may be going on.

1.4. What are your comments on the Department’s recommendations to minimize the potential capture of domestic pets through restrictions on the baiting and use of body-gripping traps on land?

Most Common Responses/Suggestions:

- Sound and reasonable; support them; they are good; should be effective in reducing captures
- Domestic pets should not be off leash
- Emphasize the responsibilities of the pet owner and enforce/strengthen leash laws

- Signage to let people know there is trapping in the area
- *12" recess may be excessive and make it more difficult for trap to work effectively
- Recessed body-gripping trap trigger, options on boxes and cages are good
- Strong consensus that 5' off the ground is OK for unenclosed traps

Other Responses/Suggestions:

- Education needed
- Disagree somewhat; a cubby w/body-grip set deep inside has little chance of getting a non-target catch
- Clear distinction between feral vs. domestic
- Minimal issues with legally set traps in the past
- Target feral cats: they should be killed – they kill more birds and rabbits than other wildlife
- Domestic animals don't get caught unless they are let go on someone else's land

Questions from Summary:

- What culpability do pet owners have when pets are caught in traps, if all regs are followed and a dog interferes with a trap? Will a warden ticket owner?
- Would these be implemented on private land? They shouldn't be since taxes are paid to own the land
- Was this a problem? Are we fixing something that doesn't need fixing?

Department Response:

While a common response regarding the Department's proposal to minimize the potential capture of domestic pets was to support it, there were suggestions and questions focused on the responsibilities of pet owners to keep pets under control, the strengthening and enforcement of current leash laws, and the accountability of a pet owner whose pet is caught in a legally set trap. Several suggested educating the public about trapping in general is needed and that perhaps signage indicating trapping is taking place nearby would be helpful for pet owners.

The Department has proposed to prohibit meat-based baited body-gripping traps on both public and private land unless within a specified enclosure. This, coupled with designated hiking trail or walking trail offsets on state-owned public land (excluding Wildlife Management Areas) as well as on public highways as defined in Title 10 V.S.A. § 4705 (f), will significantly reduce the risk to pets, including those that are free roaming.

In Vermont, laws regarding keeping domestic pets under control are set and enforced by municipalities; therefore, the Department does not have the authority to strengthen or change them. Incidents of domestic pets being caught in legally set traps must be addressed on a case-by-case basis by the investigating officer in consult with the County District Attorney.

The Department agrees to develop brochures for trail kiosks and a video link that will address the release of dogs from a foothold or body-gripping trap and will recommend that this be added to trapper education courses. ["The Role of Regulated Trapping and the Management of Furbearers in Vermont"](#) is available to the public at the Department's website and offers a comprehensive look at trapping and furbearers in the state.

1.5. What are your comments on the Department's recommendations to maximize human safety and minimize the potential capture of domestic pets through the implementation of trapping setbacks on roads and trails on state-owned lands?

Most Common Responses/Suggestions:

- Clarification of definitions and designations of trails, roads, etc. a must; including logging roads, Class 3 and Class 4, especially on private land
- Exclude under bridges and culverts; needs some flexibility here
- Trails should be well marked and mapped
- 25' reasonable but not next to roadsides, road right of way; make all setbacks 25' for consistency
- Public education – use AFWA presentation to raise public awareness, signage, messaging in brochure is important
- Very strong opinions that the highway setback on major roads infringes upon landowner rights

Other Responses/Suggestions:

- Good trappers do not trap on trails so a non-issue
- Pets need to be kept on a short leash
- OK, but not likely to protect cats
- Some would not want signs up as people might mess with traps, concerns for ADC work
- Never caught a person, no human safety issues with foothold traps
- Do not agree with this major change
- Don't want traps visible to the public
- Not free-range cats
- New devices also allow for safe release

Questions from Summary:

- Was there a problem with this to begin with? Who is driving this as pet conflicts are minimal? What are the statistics?
- Does anyone set traps next to a public trail?
- Does this apply to ADC work?
- Does this apply to private land with a road going through it?
- What are the setback statistics?
- Why the 50'? Why 25' for foothold and 50' for body-gripping?
- Why must my enjoyment be compromised?

Department Response:

This issue prompted the most discussion in the working group. There is very little data available that helps to inform a solution. Therefore, the Department proposal is a compromise that is based on consistency with other regulations (i.e. shooting from the road), the length of common retractable dog leashes, and enforceability. We

recognize that there is no real data driven justification for any distance, but we believe that the proposal addresses the requirements of Act 159.

1.6. Technical Suggestions:

Below is a compilation of the asterisked technical suggestions from the working group suggestions above and the Department's response.

From Focus Questions Summaries:

- Include new devices that are approved in the future
- More clarification/differentiation for land traps vs. water traps i.e., how to make these practical for water sets
- Anchor chains may still be too short at 18"
- Consider use of drags; they are BMP compliant
- Shock-spring should be included in BMP for foothold
- Will still side swivel, more swivels
- Longer chain or drag helps with recovery of animal if anchor fails
- Why no in-line chain spring on chain?
- What about BMPs for smaller animals (i.e., 1 ½) that are not offset or laminated?
- Are dogless traps compliant vis a vis adjustable pan tension?
- 12" recess may be excessive and make it more difficult for trap to work effectively

From Presentation Questions Summaries:

- Proposed regs do not address drags. Will this be allowed?
- Previous discussions included reimbursement to adapt with metal fabricators. These modifications will require approximately one hour per trap or a cost between \$60 and \$80 each. What will we do with our existing traps? Will the final recommendations include reimbursement to adapt the existing traps?
- Are dogless traps compliant re adjustable pan tension?
- Will new devices be automatically added as they are approved?

Department Response to Technical Recommendations:

There were numerous comments, suggestions, and questions regarding the technical aspects of modifying traps, clarification of types of traps that are BMP compliant, and the use of chains and drags. Some examples are the inclusion of a shock-spring (a.k.a. in-line spring) on the anchor chain of a foothold, whether dogless traps are BMP compliant, and the appropriateness of longer chains and/or drags to facilitate the recovery of an animal if the anchor fails. These technical aspects will be revisited by Department staff and evaluated for the potential to meet the objectives of each of the topics addressed and determined if they should be included in final recommendations to the Fish and Wildlife Board. In addition, there will be an opportunity for additional comments through the Board process.

2.0. EMAIL COMMENTS

The Department received a number of email, phone, and written comments concurrent with the announcement of the November 29 public hearing and development and release of our draft recommendations online. We summarize the common themes from these, below, and provide a record through January 12, 2023, attached. Public comment emails received on or after January 13, 2023, will be summarized as part of the upcoming Fish and Wildlife Board process.

2.1. Comments on the department's recommendations concerning BMP strategies to improve animal welfare and selectivity

- The recommendations are identical to a petition submitted by the Vermont Trapper's Association (VTA's) to the Fish and Wildlife Board in 2022
- Most Vermont trappers already employ BMP traps
- The recommendations will not improve animal welfare
- The recommendations are not enforceable
- Most Vermonters think we should not have leg hold traps
- Vermont is increasingly developed/13 pet captures in 2022 reflects a bigger conflict between trapping and other uses

Department Response: The Department's recommendation for this item aligns with the VTA's 2022 petition to the Vermont Fish and Wildlife Board because Department biologists' and game wardens' expert assessment is that the petition items are consistent with the objectives of Act 159. The Department does not consider this a case of bias, as some commenters were concerned, but rather a case of one stakeholder groups' petition to the Board aligning with the peer-reviewed scientific literature and staff field experience. Although many Vermont trappers are estimated to be knowledgeable about and use BMP traps, the mandate of Act 159 was to establish regulations requiring additional practices. This recommendation would lead to regulations that bring all Vermont trappers into compliance with these standards. Concerns that the recommendations above will not improve animal welfare are not consistent with our biologists' understanding of the peer-reviewed scientific literature, and concerns that they will not be enforceable are not supported by our Warden Service's professional assessment. Our most recent survey, conducted by the nationally respected survey firm Responsive Management, indicates that 60% of Vermonters support regulated trapping. The recommended regulations package in this report should make a significant advance towards minimizing the risk of domestic pet capture. These advances are further discussed in section 2.3 of this document.

2.2. Comments on the Department's recommendations concerning the use of baits and lures

- Other kinds of baits in addition to "meat-based" baits should be included
- Raptors may be attracted to sight-based baits and lures

Department Response: The recommendation will align the Department's regulations regarding covered bait with those of other states and provinces in the region. The Department's mission is the conservation of wildlife populations. The risk to bird populations—which is the focus of this specific regulation recommendation—as a result of non-target capture in traps is undoubtedly minimal compared to other avian mortality factors such as domestic cats, cars, building glass, uncleaned bird feeders, pesticides, habitat loss, disease, etc. The Department is, however, sensitive to concerns regarding the loss of individual animals and has therefore made the

recommendation that meat-based baits be covered for the purpose of further minimizing such occurrences. Act 159 also directs the Department to annually compile and report non-target capture data to the legislature. Should future analysis of these data reveal that these recommendations fail to achieve their objectives (i.e., do not effectively minimize non-target captures), the Department is committed to further addressing this issue as necessary to meet objectives including the possibility of additional restrictions on other types of baits and lures as several commentors have suggested. Until such time, however, the Department believes the covering of meat-based baits alone, as recommended in this rule package, has been demonstrated in neighboring jurisdictions to effectively address the issue. Furthermore, unlike the various trap modifications tested through the BMP research process, the use of baits has never been scientifically/systematically evaluated. Therefore, the effectiveness of such regulations are subject to much speculation based on the varied experiences of those jurisdictions which specifically regulate bait usage. The Department believes this issue deserves additional assessment and recommends that it be included in future BMP research efforts.

2.3. Comments on the Department's recommendations concerning technical items related to body gripping traps

- How common do issues like capture of domestic pets need to be for the department to see regulating to limit them as a priority
- The Department's recommendation will not protect dogs, cats, or non-target wildlife from being captured
- Bias, reporting compliance, and limited history of data collection mean there is not reliable data on the extent of non-target captures/domestic pet captures
- Change 12" cubby inset to 6" to preserve the viability of cubby trapping as a method.
- Traps made from organic materials/using traditional knowledge should be permitted, steel traps should all have offset jaws, shock springs, and swivels to minimize harm to trapped animals

Department Response: The Department cares about the safety of domestic pets and the health of wildlife populations and is committed to regulations that minimize risks to both to the greatest extent possible. It is important to note that the use of body gripping traps in accordance with current, modern regulations does not pose a threat to wildlife populations. This is evidenced by the bountiful populations we all enjoy today. These have flourished—and even recovered from past extirpation—throughout decades of use of these trapping systems. These recommendations are, therefore, specifically aimed at protecting individual non-target animals both wild and domestic from inadvertent capture in body-gripping traps.

The risk of body gripping traps to domestic pets is an understandable concern. Despite the infrequency of such occurrences, the injury or death of a beloved pet in a body gripping trap is a sad and traumatic experience. It is impossible to suggest any specific threshold of acceptability for such occurrences as commentors have asked given that, to those who have experienced such loss, even one incident is unacceptable. The Department fully recognizes that its obligation is to minimize the likelihood of non-target captures to the greatest extent possible and, in this respect, has had a long history of assessing the risks of existing and proposed rules weighed against the standard of reasonable risk assumed by pet owners. When taken together, the Department is confident that this package of rules—which represents the most significant advancement of regulations specifically designed to address this issue—will result in a measurable reduction in non-target captures and risk to pets. Requiring dog-proof sets for all meat-based body gripping traps set on the ground, for example, will greatly reduce the likelihood of capturing free roaming dogs. By combining this requirement with the proposed 50' trail and public highway setbacks, pet owners will realize an added level of reasonable assurance against this risk in a wide range of settings where they are likely to recreate. However, domestic pets are exposed to a wide

range of risks outdoors, of which traps are only a minor one. The department considers that it is ultimately the responsibility of pet owners to weigh the reasonable assurances of safety and reasonably assumed risks when making choices for their pets.

Concerns about the viability of a 12" recess, recommendations about trapping using traditional knowledge, and the technical animal welfare provisions of BMP traps are addressed in section 1.6 of this document.

2.4 Comments on the Department's recommendations concerning trail setbacks

- The department's recommendation does not meet the legislative mandate because it does not establish a setback on federal public lands/does not provide protection on private land
- A 25 ft. setback for foothold traps is not sufficient to protect pets or the public
- Clarity is needed on the types of roads and trails covered by the setback recommendation
- Setbacks should also apply to underwater sets because of human and domestic animal traffic near roadways

Department Response: The Department's proposed setbacks, specifically those pertaining to public highways, apply statewide wherever those highways exist including where they adjoin federal and private lands. Title 10 V.S.A. § 4705 (f) and the Vermont Agency of Transportation highway maps provide a high degree of clarity and, therefore, enforceability on what constitutes a public highway and where they occur. The 25' setback distance for foothold traps is consistent with existing setbacks required for hunters, and allows domestic pet owners who wish to recreate with leashed pets to select a leash length that provides a high degree of protection when staying on the traveled portion of a public highway or on designated trails on state-owned land excluding WMAs. There are no records in Vermont of a human being captured in an underwater set that our staff are aware of, and the recommendation to allow underwater sets closer to public highways and trails is important to mitigating wildlife damage to public infrastructure.

2.5 Comments on the Department's recommendations concerning methods of dispatch

- The Department was not willing to accept/does not appropriately acknowledge Stakeholder Working Group feedback in favor of establishing a gunshot-only standard of dispatch

Department Response: The Department has made an explicit commitment to take up the issue of regulating methods of dispatch when expert recommendations from AFWA become available, per the consensus of all members of the Stakeholder Working Group. At this time we continue to consider feedback from all stakeholder groups.

2.6. Comments on the Department's process for developing the above recommendations

- The Department's proposals do not meet the full charge of Act 159
- The Department's proposals give trappers most of what trapping representatives in the Stakeholder Working Group asked for and do not give animal welfare advocates enough of what they asked for
- The department's Stakeholder Working Group was biased in favor of trappers (e.g. 9 of 12 voting members were trapping proponents)
- What can the public do to change trapping laws in the state/when will public meeting notices be available
- Support the POW/HSUS/VWC positions on animal welfare, baits and lures, body gripping traps, setbacks

- Traps are not the only way to address nuisance wildlife/traps are not a biological necessity for management of wildlife/all trapping should be banned

Department Response: Act 159 did not require that the Department create a working group as part of the process to develop BMP regulations. However, to ensure that we heard from all interested parties we committed significant staff time to hold four working group meetings in August and September and as the Act directed, a public hearing on November 29, 2022. Throughout, Department staff strived to maintain a fair, respectful, and transparent process. The Department's recommendations address the five areas of Act 159 that were unanimously agreed to by working group members as priorities for regulation consistent with the mandate of Act 159. Concerns that the Department's recommendations favor some stakeholders over others are understandable given the contentious nature of the subject but, in our view, these assertions are inaccurate. In any process of compromise no party can expect their wishes to be completely met. The Department's recommendations collectively represent a middle ground that departs from the positions advocated for by both trapping and animal welfare stakeholders on the working group.

The voting membership of the working group was in fact composed of three representatives from trapping organizations; three representatives from animal welfare organizations; one representative of the Association of Fish and Wildlife Agencies (AFWA); two members of the Vermont Fish and Wildlife Board; and two members of the Vermont Warden Service. The AFWA representative, Fish and Wildlife Board members and Game Wardens understood their roles to be as public servants and resources on Department and Board procedures. Two members of the legislature were also invited to participate and attended some meetings. In the interest of fairness and transparency, detailed meeting minutes and video recordings of all four stakeholder working group meetings are available on the department's website.

The Department maintains a web page with the most current information on this process, where the public can learn how to submit comments, including in support of a specific stakeholder group's position or to share a concern or policy preference. The upcoming Board process to move forward from these recommendations will be open to the public and advertised on the Fish and Wildlife Board web page.

Attachment 1

From: [nora coyle](#)
To: [ANR - FW Public Comment](#)
Subject: trapping animals
Date: Saturday, October 29, 2022 8:58:45 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please stop this tortuous device that is so barbaric and inhumane. Please ban trapping all animals.

Sincerely,

Nora Coyle

Sent from [Mail](#) for Windows

Attachment 2

From: [ANR - FW Information](#)
To: [ANR - FW Public Comment](#)
Subject: FW: Pro Sportsman Comment
Date: Tuesday, November 8, 2022 8:52:00 AM

From: Matthew <tdrahnied@gmail.com>
Sent: Monday, November 7, 2022 11:31 PM
To: ANR - FW Information <ANR.FWInformation@vermont.gov>
Subject: Pro Sportsman Comment

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Commissioner Herrick,

My name is Matthew Deinhardt, I am a pro sportsman who lives in Louisiana. I provide recommendations and advice to numerous Wildlife Departments across the USA. The reason for my letter is to comment on the updated trapping and other rules I saw in the news. I want to say that I am firmly against using dogs for game except for bear, cougar or squirrel. The reason is these animals can take refuge in the tree and there is no getting blindsided for lack of a better term. The Vermont Bearhounds President is a good one to talk with about how they are able to pick and choose which game animal to take.

The 2nd matter is that I highly recommend Vermont adopt a wanton waste rule for ALL harvested animals within the state's boundaries. Animal waste is a very severe problem and the lack of a wanton waste rule puts Wildlife Departments and Commissioners in a tough spot when forced to defend a story where a hunter or trapper wasted the animal. As a trapper I can attest that I eat 99.9% of what I trap, and if I wont eat it, I dont target that species.

I wanted to comment on is the FWS partnership to assist in understanding the Best Management Practices in regards to furbearers. I want to make a point to exempt the natural and old ways of trapping such as natural material deadfalls, and natural material foot snares. These are traps that regardless of what anybody will say are *Mastery* level of skill and experience to build and set. This is how the native americans trapped animals prior to European contact and should always be left an option for those who wish to study, learn, test, demonstrate and master art of natural trapping. These style of traps have a much higher catch rate than any steel trap could, but they do take longer to setup and are not really portable.

For steel, or any other material trap, I want say a few things. I am a conservationist, trapper, hunter but I also love animals. It is a very emotional moment to take the life of an animal for our consumption and should always be done in the most respectful way possible.

With that said, technology and science have come a long way since Newhouse made this great invention. In my professional opinion, steel traps should all have offset jaws, shock spring and a minimum number of swivels. The offset jaw reduces the pressure put on the animals paw and instead relies on leverage vs brute power of a spring. The shock springs are attached between the trap and the object the trap is anchored to. What this does is prevent the sudden stop of an animal

trying to escape which has a 97% injury rate. The spring takes the momentum and severely reduces sudden stop. The swivels allow full range of movement for the trap, which prevents the animal from twisting it and either hurting its self or getting stuck in a harmful position. All 3 of these things should be a requirement for all steel or other material traps used in Vermont. I am all for rubber padded traps but the current ones out there do not mitigate other factors that would make the rubber padding more comfortable for the animal.

Lastly the entire point of my trap recommendations are because until you conduct your trap check, you cannot guarantee the targeted species is in the trap. If there is a pet, pregnant mom animal, baby animal these are all scenarios where we dont want the animal to suffer potentially permanent damage. In speaking of that I do urge you to partner with the state college, to conduct spring testing. Some specialty trap manufacturers are putting severely way over, highpressure springs that to put it in laymens terms is akin to a boulder crushing a mans hand. These traps that use these springs represent grave danger to any and all life around them, even the trapper setting them. No trap should incorporate spring pressure that great to catch an animal, they simply must become better at their skill and craft.

I want to thank you for your time and consideration, I hope my common sense and reasonable recommendations guide you. I am available if you want to speak, or feel free to email me.

Very Respectfully,

Matthew Deinhardt
495 Morris Road
Deridder, LA 70634
360-951-1648

Attachment 3

From: [Lance Kammerud](#)
To: [ANR - FW Public Comment](#)
Subject: Trapping!!
Date: Friday, November 11, 2022 3:38:54 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Voiceless, Defenseless, Innocent...trapping animals for purposes like killing, injuring or other traumatic reasons is the act of greedy disgraceful coward!!! LET THESE OTTERS AND OTHER WILDLIFE LIVE THEIR LIFE AS THEY DO AS WILD ANIMALS!!

Sent from my iPhone

Attachment 4

From: [DAmico, Gerald](#)
To: [ANR - FW Public Comment](#)
Subject: BMP Trapping Recommendations
Date: Thursday, December 1, 2022 10:48:10 AM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Issue (3) Body Gripping Traps

Consider changing 12" setback between opening and trap trigger to 6" between opening and trap trigger.

Discussion:

This assumes a conibear type trap set in a cubby. This rule will basically eliminate the use of cubbies on the ground, since it will be very difficult/ impossible to place the trap 12" into a cubby and remove the trap keeper. Also, it will essentially eliminate catching bobcats on the ground since few if any bobcats will stick its head 12" into an 8" hole.

In addition, it's unlikely a dog will put its head 6" into a small cubby.

Jerry D'Amico
Roxbury

Attachment 5

From: [linda cacopardo](#)
To: [ANR - FW Public Comment](#)
Subject: There is no biological necessity for leg hold traps. Research has shown that prey populations regulate predator populations; when graphed over time [years] the trend is clearly visible. Traps are land mines in the forest with the same effect – they are...
Date: Wednesday, December 7, 2022 8:00:27 AM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

12-2-22

Dear Commissioner Herrick,

I am a 72 year old retired Vermonter. My working career ended 9 years ago when I left employment with a local municipal highway department. Contacting you relates to an incident I experienced on the job that also concerns the department you oversee.

One day I was assigned to examine and remove any beaver dams near a town road and volunteer fire department if in my power. As I pursued my assignment I came very close to stepping on a leg trap set to catch beavers. This upset me very much as I had not been informed such a device had been set there. My legs were spared as I identified the trap before I stepped in it.

I am writing to you as I have become aware that the Vt. Dept. of Fish and Wildlife has opposed S.201! These traps are not the civilized intelligent means of preventing beavers and other mammalian wildlife from causing road issues. Trapping for fun is inhumane, cruel and unnecessary in 2022.



(OVER)

I urge you to educate yourself on this concern and reconsider your department's support of leg traps in "managing" Vermont wildlife. Perhaps you think you could educate me on this, but personally I'd prefer you consult professionals such as Skip Lisle if beavers are your main concern.

Leg traps may once have had their place in our society's experience with the natural world, but we're in the 21st Century and I believe we can do better.

Thank you for your attention to this. If it came to a vote I am one who would ban leg traps, and I'll support any efforts in our legislature to do so.

Sincerely,
William B. Corbett

Mr. William B. Corbett
PO Box 68
Saxtons River, VT 05154



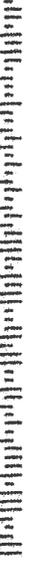
WHITE RIV JCT VT 050
02 DEC 2002 PM 2 L



Commissioner Christopher Hendrick
VT. Dept. of Fish and Wildlife
1 National Drive - Davis J
Montpelier, Vermont

05620-3702

05620-3702



Attachment 7

From: Protect Our Wildlife VT <info@protectourwildlifevt.org>
Sent: Saturday, December 17, 2022 10:49 AM
To: Herrick, Christopher; Saunders, Chris; Royar, Kim; Morse, Joshua; Scott, Mark
Cc: Joanne Bourbeau (she/her); Anne Jameson
Subject: For the record
Attachments: POW HSUS GMAD response to VFWD draft Nov 2022 recommendations.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

Attached is the formal response from HSUS, Green Mountain Animal Defenders and Protect Our Wildlife in response to the Department's draft recommendations on trapping changes.

We are disappointed that a better outcome for animals was not achieved during this process, but Protect Our Wildlife does not regret putting forth a good faith effort. We can't say we didn't try.

Thank you,
Brenna

Brenna Galdenzi
President
Protect Our Wildlife POW
www.ProtectOurWildlifeVT.org

VFWD draft Nov 2022 recommendations include:

Our responses to VFWD recommendations are below in red:

- All base plates must feature a center chain mount with swivel, with free moving chains that allow mobility for animals caught.
- All traps must be adjustable for pan tension.
- **Traps must be anchored with a minimum of 12" and maximum of 18"** chain length.
- Foothold traps must be padded or offset, laminated, or have jaws with a minimum thickness of 5/16ths.
- No foothold trap shall be set on land with a spread of more than 6 ¼ inches.

*These recommendations were the exact proposals offered by VT Trappers Association and offer little to no improvements to animal welfare, especially in the case of non-targeted animals that are **trapped. They're also largely un-enforceable.***

- Meat based bait used in conjunction with trapping shall be covered at the time the trap is set. Coverings shall include but are not limited to brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

This requirement only restricts "meat-based bait," which is insufficient. For example, the state of Maine's regulation states: "Foothold or killer-type traps must not be set within 50 yards of bait that is visible from above. Bait may be used for trapping if it is completely covered to prevent it from being seen from above, and it must be covered in such a way as to withstand wind action and other normal environmental conditions. Animal matter (e.g., feathers, bone, and fur) meet the definition of bait and visible attractor and must be covered or not visible from above if less than 50 yards from a foothold or killer-type trap."

- No meat-based baited, body gripping traps shall be set on the ground. However, baited body gripping traps with a jaw spread up to and including 60 in² (up to and including size 220 traps) can be used on **land if the trap is placed at least 5' above the ground** or placed within an enclosure with openings no greater than 60 in² and with a trap trigger that is recessed at least 12 inches from all openings. Note:

Body gripping traps of any size set in the water are legal regardless of whether they are baited or not.

*Their recommendation is a far cry to what we recommended. Body gripping kill traps set on the ground using non meat-based bait such as visual (e.g. feathers) or scent lures, as they propose, will still easily trap and kill a curious dog, cat or other non-target animal. And, their proposal says that a kill trap up to and including 7 ½ inches using meat-based bait is still allowed on land but with modifications, but the modifications **won't prevent non**-target capture. For example, **a black bear's limb** can be caught while trying to access the baited trap in a tree.*

- No traps set in a designated walking or hiking trail bed on any public land.
- No foot traps on or within 25 feet of the traveled portion of a trail on state-owned public land excluding Wildlife Management Areas unless in **the water or 5' above the ground.**

This does not meet legislative mandate as it does not include the tens of thousands of public lands, including federal land, where the public recreates. Additionally, 25 feet is a grossly insufficient setback, especially near trailheads.

In addition: VFWD has made no recommendation on humane methods of killing trapped animals despite the legislative mandate. Our recommendation is gunshot only. Currently, trapped animals are drowned, bludgeoned, stomped on to **crush the heart and lungs (referred to as "chest compression")** and choked. VFWD was unwilling to accept our recommendation and has asked for more time to deliberate.

Submitted by:

Joanne, Bourbeau, Humane Society of the United States

Brenna Galdenzi, Protect Our Wildlife

Anne Jameson, Green Mountain Animal Defenders

Attachment 8

From: Rob Mullen <rob@robmullen.com>
Sent: Friday, December 30, 2022 11:14 AM
To: Royar, Kim; Herrick, Christopher; Saunders, Chris; Morse, Joshua; Scott, Mark; Bernier, Chris
Cc: Christopher Bray; Amy Sheldon; Brian Campion; Larry Satcowitz; David Kelley; Gerri Huck; Jane Hoffman; Claudia Mucklow; Melissa Hoffman; Protect Our Wildlife; Joanne Bourbeau (she/her)
Subject: VWC response to FWD draft trapping regulation proposals derived from A. 159 Working Group
Attachments: Response to FWD draft proposals per Act 159 WG.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Kim, Commissioner Herrick, et. al.,

Attached is a PDF of VWC's response to the draft trapping proposals we received last month and which are on the Department's website. Our Board hopes that you will consider also posting our response to those draft proposals. We were disappointed with the draft proposals. However, that notwithstanding, we want to wish you all a sincere Happy New Year, and hope to utilize our shared common ground and sense of community to work constructively with you in the future.

Happy New Year!

Rob

Rob Mullen SAA

Artist: Paint-N-Paddle Studio: www.robmullen.com

Director: WREAF at The Center for Circumpolar Studies: www.circumpolarstudies.org/wreaf/

The Vermont Wildlife Coalition's Response to the VT Fish & Wildlife Department Draft Recommendations for Changes to Recreational Trapping per Act 159, 2022

December 29, 2022

The Vermont Wildlife Coalition (VWC) wishes to thank the Fish and Wildlife Department for inviting us to participate in the trapping Working Group (WG) mandated by A.159. On November 22, we received the FWD draft proposals for improving trapping in Vermont and the summaries of our perceived positions from the WG meetings. Again, thank you.

Regarding the WG process that served as the basis of the draft proposals, there were some issues from our perspective that give some context within which to assess these proposals:

- VWC acknowledges that trapping can perform a role in the protection of human safety, defense of property, conservation, and research. We do not support recreational, hobby, or lifestyle trapping such as is the bulk of trapping practiced in Vermont and which is the main target of the improvements sought in A.159, but as requested, we put that objection aside for the sake of the WG's goals. In our comments below, "trapping" is synonymous with "hobby/recreational trapping."
- WG Composition: While assembling a diverse-spectrum stakeholder group was the goal, and we have no idea of who else was approached and may have declined, the resulting, polarized WG membership was overwhelmingly slanted to groups that are strong proponents of trapping as currently practiced in Vermont (VTA, VFS, FWD, AFWA, FWB), three of which were represented by more than one member of the WG. The voting membership was absurdly weighted 9:3 in favor of recreational trapping.
- Despite having been enjoined to not use the WG as a referendum on trapping, the very opening of the first meeting was a Zoom presentation from AFWA BMP researchers, which while informative in several respects, strayed into boosterism. The most memorable was the arguable contention that most wildlife experts support trapping.
- There were other notable procedural instances of pro-trapping bias that are included as part of the observations below.

Regarding the FWD's draft proposals resulting from the WG, we have some thoughts, reservations, and objections for the record:

1. **Animal welfare and selectivity:** The five bullet points proposed by the FWD are verbatim of what the Vermont Trappers Association (VTA) proposed and from what was said during the WG meetings, are reportedly among the AFWA's BMPs which according to A.159, were to be the "minimum" starting point for Vermont's own mandated BMPs, not necessarily the end result.

Whatever they are, they represent little if any improvement in trapping systems. That these recommendations would now be mandated rather than suggested as is the case with AFWA BMPs is a theoretical improvement, however, not likely a practical one since, according to a VTA member of the WG and possibly others, the AFWA BMPs are already employed by 80% of trappers in Vermont. Anecdotal as that contention is, if it is true, then the VTA was not offering anything other than what most of their members already do. VWC has serious concerns about the AFWA BMPs as inadequate, over-hyped, and totally missing the larger point of gratuitous cruelty, but, nonetheless, agreed to these points in an attempt to get the dialogue moving. The attempt failed.

2. Baits and Lures: proposals to reduce the incidence of non-target “by-catch” including raptors: The FWD proposal again sides completely with the VTA but on an issue on which there was not even reluctant agreement with VWC or POW and HSUS. As the VTA proposed, the FWD proposal would only require meat-based baits to be covered from sight at the time a trap is set. Biologically, the FWD’s insistence on restricting the proposal to “meat-based” bait is puzzling since raptors are sight hunters and any other visible bait (e.g., feathers) would still put raptors at risk, but the VTA asked for that restriction and got it.

3. Body gripping traps: proposals to reduce the “capture” (killing) of “by-catch,” including domestic pets: Except for not agreeing to try to change current law and legalize cable restraint snares, the FWD gave the VTA all that they asked for and more.

Currently, all body-gripping traps with up to an 8”x8” spread are allowed to be set on the ground (larger if 5’ above the ground or in water). In this proposal, both the VTA and the FWD propose to single out meat-based baited body-gripping traps only and not allow them on land. Unless, and this goes beyond what the VTA suggested, such meat-based baited traps are 5’ off the ground or if they are in an enclosure with up to an opening of 60 square inches (7.75” x 7.75” – one-quarter-inch smaller than currently allowed). While the FWD possibly hoped that this would be seen as a compromise, it leaves all other traps, including scent-baited traps on the ground where dogs can easily reach them and many dogs (and any cat) can get 5’ into a tree, especially if driven to it by bait. Such noodly, nibbling measures are not effective attempts to solve the problem of “by-catch” of non-target species or family pets.

Moreover, and disappointingly, there was also a notable parenthetical added to the FWD proposal that may explain the lackluster proposal, *“it is the Department’s position that the capture of domestic pets is a relatively uncommon occurrence.”* This reads like an effort to minimize the issue which is consistent with past statements from FWD personnel that it isn’t even a problem. Such a defense of trapping is callous and inappropriate given the trauma and grief suffered by families, however, few, balanced against the lack of benefit from trapping to Vermont ecosystems or society at large. Bear in mind that a pet “captured” in a body-gripping trap will likely die if not released within minutes. The data for this “position” of the FWD is thin. Leaving aside issues of bias and compliance, no reporting was even required until 2018 – and that, by the legislature, not the FWD or the FWB, furthering the impression that this is not a priority issue for the FWD. Given the cost/benefit ratio, it should be. **[As this was being completed, there has been tragic news of a woman’s dog dying as she desperately tried to release it from a body-gripping trap during a walk in Corinth, Vermont. Her emotional agony and her dog’s physical agony can only be imagined as she had to carry her dying pet,**

still in the trap, back to her car. “Relatively uncommon?” How common does it have to be to become a priority, and for what?]

4. Hiking or walking trail and public highway setbacks: The language of A.159 on this issue directs that rules be made for, “... *the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.*” This is largely an issue of, again, pet safety with the goal of reducing the chances of mainly dogs being caught in traps while recreating with their owners.

a. “No traps on designated hiking or walking trail beds on any public land.” This was the VTA’s initial proposal during one of the WG meetings on trail setbacks and even their representative seemed a bit embarrassed after offering it. One might ask why this is even mentioned if there is going to be a setback rule. The answer may be that contrary to the legislative charge of A.159, these draft proposals, in clear violation of the legislative charge, contain no setback rules for foothold traps on most public trails or public areas in the state.

b. “No foothold traps on or within 25 feet of the traveled portion of a trail on state-owned public land excluding Wildlife Management Areas unless in the water or 5’ above the ground.” As was mentioned by VWC’s Chair in the WG meetings, this restriction to state-owned land excluding WMAs, is arbitrary and extreme to the point of rendering any setback useless. Applying to only 3.66% of land in Vermont and only 25% of public lands, such a “safety measure” becomes almost an “attractive nuisance” by creating a false and misleading sense of security by being publicized.

Secondarily, VWC would also point out that the distance of 25 feet is insufficient. Even a well-mannered dog will take a second or two to travel 25 feet to check out a scent-baited trap. Even on lead (*and Vermont has no leash law, though such regulations would arguably create de facto leash laws for hundreds of thousands of Vermonters for the sake of the recreation of a few hundred trappers*), commonly owned Flexi-Leads for larger dogs extend to 26 feet as was clearly communicated at the WG meetings. This proposal is very disappointing.

c. “No body-gripping trap set 50’ from a road or trail unless it is in the water or more than 5’ off the ground or in a dog-proof set (described above).” Finally, maybe a proposal that might have served as a discussion point in the WG meetings. It is a tenth of our proposed 500-foot setback and 5X the VTA’s proposed 10’ setback so there is something to dislike for everyone – a sure sign of a compromise in the offing! Flipping the proportions around to 400 feet less than our proposal (1/5 of our original) and 90 feet more than the VTA proposal (10X their original) yields a 100-foot setback (which is not that far; only 30 – 40 strides for a six-foot human). That might have flown – IF, the “...*road or trail...*” applies to all public trails, Class-4 roads, and public areas per A.159. As it is written, that is vague and would need to be clarified – and made to comply with A.159. Even so, as it is, it is the best attempt at compromise in all these bullet points.

d. “Department agrees to develop brochures for trail kiosks and a video link that will address the release of dogs from a foot old or body-gripping trap.” VWC agrees completely.

e. **“We will also recommend that this will be added to trapper education courses.”** Fine.

5. “Humane Dispatch” Tabled. While the characterization of this action in the draft proposals as having been “unanimous” is technically correct, it ignores the written objections/reservations made by VWC immediately after the meeting in which the vote on this was taken.

Conclusion: VWC entered this Working Group effort with guarded hope for some positive movement toward common ground. Meeting people and talking to them had some positive effects and maybe, in the future, some progress can yet result from those personal contacts. However, regarding the specific charge of the WG under A. 159, in sum, what we found instead was a biased structure, a biased presentation, biased meeting procedures, and biased draft proposals, purportedly distilled from the WG meetings. These biases, throughout this entire process, were exclusively in favor of recreational trapping. As first steps go, this effort resulted in uselessly small baby steps and failed to meet the charge and intent of Act 159.

Sincerely, the Board of the Vermont Wildlife Coalition:

Chair: Rob Mullen

Vice Chair: Dave Kelley

Board member: Gerri Huck

Board member: Jane Hoffman

Board member: Claudia Mucklow

Board member: Melissa Hoffman

Attachment 9

From: [lynn andrews](#)
To: [ANR - FW Public Comment](#)
Subject: BMP Trapping Regulations
Date: Tuesday, January 3, 2023 8:52:35 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Ban all seasonal sport trapping.

The only permissible trapping should be for threat to person or property in specific instances.

Respectfully,
Lynn Andrews
St Albans Resident

Sent from my iPhone

Attachment 10

From: [lynn andrews](#)
To: [ANR - FW Public Comment](#)
Subject: BMP Trapping Recommendations
Date: Tuesday, January 3, 2023 7:59:52 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern:

I am OPPOSED to all forms of fur trapping for sport, hobby, tradition, sadistic pleasure, supposed population management and fund raising strategies for VFWD.

I am FOR publicly owned wildlife being publicly protected from fur trappers and fur traps.

Please respond with the public hearing date and time ASAP, as outlined on the VFWD website ad on today, January 3, 2023.

Respectfully,
Lynn Andrews
St Albans resident

Sent from my iPhone

Attachment 11

From: [Wolf Patrol](#)
To: [ANR - FW Public Comment](#)
Subject: BMP Trapping Recommendations
Date: Sunday, January 8, 2023 11:26:04 AM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I am a resident of the town of Orange and a landowner and caretaker for lands that are sometimes trapped. I have reviewed the draft recommended changes and watched the November 28, 2022 presentation and would like to provide my feedback.

First and foremost, an acceptance level of five minutes (300 seconds) for an animal to die in a body-gripping trap will never be accepted by the public as humane. The Association of Fish & Wildlife Agencies states that over \$40 million dollars has been spent and thousands of animals have been sacrificed in decades of redundant experiments to develop humane standards. And yet the standard acceptable level of pain experienced by a conscious animal in a lethal trap is 5 minutes? Totally unacceptable in a caring and compassionate society.

Also, the reliance on invasive live animal experiments funded and supported by the fur industry itself (Fur Institute of Canada) is not ethical or socially acceptable to determine standards for animal welfare. The continuing development of best management practices through the ongoing testing of new models of traps on the market equates to even more animal suffering when BMPs require the level of testing conducted by institutions such as the Fur Institute of Canada, all the convince the public that trapping is humane.

As you might be well aware, last month a resident of South Corinth had her pet dog captured and killed in a body-gripping trap that itself adheres to BMP standards. This did nothing to prevent any level of trauma and suffering by both the dog and owner. Vermont is no longer wilderness. It is a state lived in by countless citizens who love to take their dogs out for a walk in the woods. The fact that 13 pets have been trapped in 2022 speaks to the continuing conflict that will exist as long as trapping and other forms of recreation are forced to coexist in Vermont.

Let me also remind you that the social acceptance level of trapping in Vermont is far below what the AFWA said it was in the November 28 presentation. Their sampling is based on data collected from three states, not including Vermont. This is a disingenuous attempt to mislead the Vermont citizenry into believing that a majority of people support trapping in the state. I would like to see a social carrying capacity survey conducted with actual citizens of Vermont before VTF&W endorses the questionable statistics provided by AFWA.

Lastly, I'd like to say that any setback rules for traps should also apply to those set underwater. The Vermont Agency of Transportation contracts with two trappers who regularly set underwater traps for nuisance beaver immediately off roads near culverts. The organization I work for (Sage Mountain Botanical Sanctuary) operates an after school program that regularly takes middle school students to the same beaver colonies that Vtrans sets traps for beaver that could easily not be seen by an exploring child. In addition, I have often seen drivers on route 302 stop to let their dogs out right where underwater traps were placed last October.

I appreciate the opportunity to speak to this important issue and will continue to provide

feedback in future forums where I hope my concerns will be addressed.

Sincerely,
Rod Coronado
Vermont Wolf Patrol

Attachment 12

From: [Ann Rubright](#)
To: [ANR - FW Public Comment](#)
Subject: BMP Trapping Recommendations
Date: Monday, January 9, 2023 4:05:46 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I am a long time Vermont resident. I live in Reading, Vermont and am writing regarding ACT 159 and it's related statutes.

I totally support the POW, Humane Society, and VWC positions on each of the 4 issues(animal welfare and selectivity, baits and lures, body gripping traps and offsets for hiking and walking. However, I strongly feel that even stronger restrictions should be considered: totally banning body gripping traps as well as legholds (see Rep.Richard McCormicks bill banning leghold traps). I personally have witnessed the suffering of wildlife in the legholds in the past and it is not humane in any way.

I also believe hunting with dogs to tree and catch wildlife is so unwarranted. For trapping and dog use, it is not like we are in the 1800's and need to secure our food sources. It is using inhumane methods to catch and kill. Not skill or patience that a hunter develops him or herself over time and experience as seen with bow or rifle hunting.

I am not against all hunting. I see the value of it in our state for wildlife management and a skill and activity for those who enjoy it to do so humanely and safely.

Hopefully, other residents will weigh in on this issue prior to a final draft and decision.

Thank you very much,

Annie Rubright
Reading, Vt

Sent from my iPad

Attachment 13

Phone Caller: Linda Cacopardo
Sheffield, VT
802-626-3643
Lcardo101@gmail.com

Notes by: Abigail Connolly
Main points to address:

- 68% of Vermonters think we shouldn't have leg hold traps.
- What can the public do to change this.
- How did we reach out to the public about the hearing on trapping.

Notes: 68% of Vermonters think we shouldn't have leg hold traps. Not understanding why if over half of Vermonters think we shouldn't have leg hold traps why we have best practice instead of not having them. What can we do? What can we do to move the Commissioners to move to the feelings of Vermonters. Contacted a legislator. We don't have a referendum to putting something on the ballot. Not how it works in Vermont. At the mercy of the Commissioners. I don't know how to fix this. They had cockfighting and the citizens said no, and they abolished cock-fighting. Setting up landmines in the forest, because it's not target specific. Told lady in licensing. I think we need to be more compassionate human beings and do the right thing, leg hold traps are like land mining the

forest and it's not necessary. We don't have a surplus of bob cats, we are not doing anything really good. We still have laws that deal with problem animals, legal remedies for leg hold traps. Only disappointing thing in Vermont. We are a progressive state. Need to explain to me why we have to have this because I don't get it. Will talk to her legislator about getting a referendum, we don't have that ability in Vermont, it as to come from our leg, Catherine Sims, have met her, maybe we need legislation to make it possible. Would like to know how they reached out to the public about the hearing.

Thank you!

