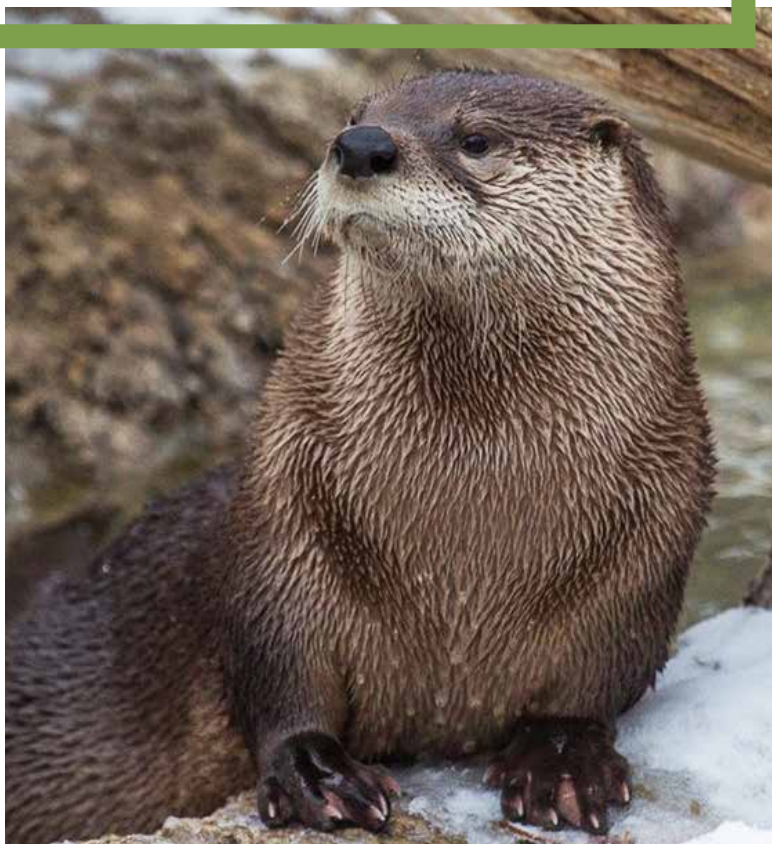




The Case for Modernizing

VERMONT'S FISH AND WILDLIFE GOVERNANCE

November 2022



“To remain relevant, state fish and wildlife agencies will need to transform their structures, operations and cultures to meet the changing expectations of their customers.”¹



**Today
nearly 1,000
Vermont species
have been listed
as “species
of greatest
conservation
need...”**

Executive Summary

The mission of the Vermont Fish & Wildlife Department (Department) is “the conservation of fish, wildlife and plants and their habitats for the people of Vermont.”

As provided by Chapter II, §67 of the Constitution of the State of Vermont, the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont and shall not be reduced to private ownership. The State of Vermont, in its capacity as a trustee for the citizens of the State, has ownership, jurisdiction, and control of all of the fish and wildlife of Vermont. Per title 10 §4081, “The State, through the Commissioner of Fish and Wildlife, shall safeguard the fish, wildlife, and fur-bearing animals of the State **for the people of the State**, and the State **shall fulfill this duty with a constant and continual vigilance** {emphasis added}.”²

It is this report’s contention that the Department has fallen short of its mandate by not representing the people of Vermont equitably and by not valuing the vital role that science should play in managing and reconciling an increasingly overwhelming menu of crises impacting wildlife. These include: climate change, lead and rodenticide poisoning, emerging diseases, human caused imbalances in ecosystems (e.g. bias against predator species as policy), and invasive species, etc. Today, nearly 1,000 Vermont species have been listed as “species of greatest conservation need,” yet we are ill-prepared to fully address this most important and urgent challenge.

1. https://www.fishwildlife.org/application/files/8215/1382/2408/Blue_Ribbon_Panel_Report2.pdf

2. <https://legislature.vermont.gov/statutes/section/10/103/04081>

Despite the Commissioner's mandate to "fulfill his duty with a constant and continual vigilance," a multitude of species have been marginalized at best and ignored at worst. Some species, like the river otter – a species of greatest conservation need – are still under threat of long trapping seasons.³

The Department's management lens is primarily viewed with a static, myopic and outdated perspective of providing abundant hunting, fishing and trapping opportunities. These priorities reflect a Department of the past, which still functions under legislation written in the 1950's when pressing issues such as global warming and mass extinction were viewed as science fiction.

By prioritizing the desires of the increasingly shrinking pool of hunters, trappers and anglers over the public majority, the Department is spending its limited resources (much of which is raised from Vermont taxpayers via the General Fund) to maximize game hunting, trapping and fishing opportunities, while giving short shrift to conservation priorities considered more critical by most scientists. Additionally, the Department's game management is controlled by the Fish & Wildlife Board (the Board), which consists of a group of Governor-appointed individuals who all identify as either hunters, trappers and/or anglers.

This Board makes regulations and establishes public policy over public "resources" (i.e. wildlife) in the absence of representation of public interests.

This report asserts that the Department and the Board no longer fully represent the priorities and needs of wildlife in the 21st century, nor the majority of Vermonters who want a Department and Board to reflect contemporary wildlife values. Privileged special interests on the Board have usurped public interests regarding wildlife policy decisions. We believe it is time for both institutions to modernize and represent the interests of all Vermonters.

3. <https://www.vtwildlifecoalition.org/blog/the-fish-and-wildlife-board-is-failing-vermonters>



**... yet we are ill-
prepared to fully
address this most
important and
urgent challenge.**

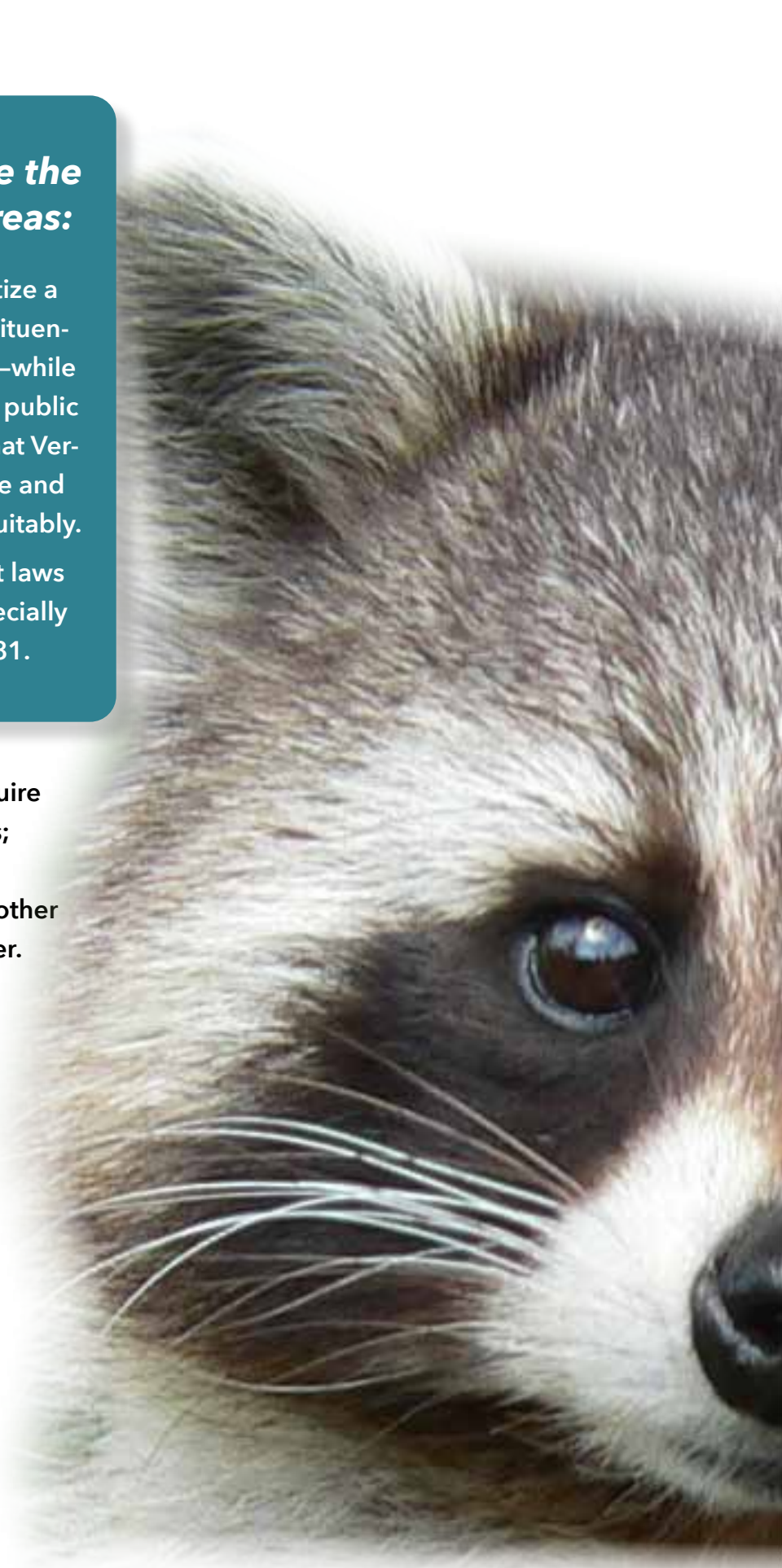
”

To summarize, we believe the problems fall into two areas:

1. The Department and Board prioritize a single demographic of their constituency— hunters, trappers and anglers—while side-stepping the concerns of the public majority and the legal principle that Vermont’s wildlife is a **public** resource and that all voices must be treated equitably.
2. The language used in Department laws is antiquated and ineffective, especially parts of Title 10, Chapter 103, 4081.

We are calling on the legislature to require transparency in all Board appointments; make it advisory-only and diversify the qualifications required for service. The other option is to abolish the Board altogether.

This would require updating relevant sections of Title 10 [Chapter 101, Sec. 4001; Chapter 103, Sec. 4041, 4042, 4081, 4083, 4084, 4132]. These changes would give the Department broader authority consistent with other state agencies, as well as offer incentives to represent the interests of all Vermonters whose rights are guaranteed by the Constitution and the public trust doctrine. Vermonters deserve a Department that has full standing and accountability consistent with other divisions in Vermont state government.



Building the Case

The Fish & Wildlife Board (Board)

The Board is a powerful regulatory body of 14 volunteers empowered to exercise an outsized amount of influence over the Department. The Board's responsibility is to issue regulations (and thereby establish public policy) that regulates the hunting, trapping, and fishing of iconic species like bobcats, river otters and moose.⁴ This rule-making includes setting bag limits, seasons, and other policies that impact all Vermonters, not just hunters, trappers and anglers.

This disproportionate decision-making authority over the Department becomes a large problem when considering the Governor's appointment process. Historically, non-hunters/trappers/anglers have applied for Board seats, submitted applications and resumé's and never even received acknowledgments, all while the Governor appoints hunters and other license-holders to the Board who never even filled out an application. These actions undermine public trust in the process.

Additionally, there doesn't appear to be adherence to the conflict of interest policy to prevent Board members from voting on regulations that may impact their professional and/or personal interests. This oversight made itself clear when the Board voted on a petition from Protect Our Wildlife to regulate nuisance wildlife control operators (NWCO). Two NWCOs who served on the Board at the time did not recuse themselves from the vote.

4. <https://legislature.vermont.gov/statutes/section/10/103/04082>



**The Board
therefore does
not reflect the
needs of Vermont's
wildlife, or the
people whose
interest differs."**



This Department and the Board ignored the science in order to maintain the status quo and satisfy its hunting constituents and members.”



As of the creation of this report, of the 14 members of the board, all are either hunters, trappers and/or anglers, and 12 are men. This lack of diversity of values, gender, opinion, and other factors is unlikely to change with the Board's current appointment process.

This process creates a Board, and therefore a Department, that perpetuates the lack of diversity of opinions by ignoring diverging arguments voiced in public hearings, blocking discussions during public hearings, discounting petitions submitted with thousands of signatures from Vermont residents, and misreporting public comments. As a result, no substantial change has ever come from these hearings.

Examples of this behavior include:

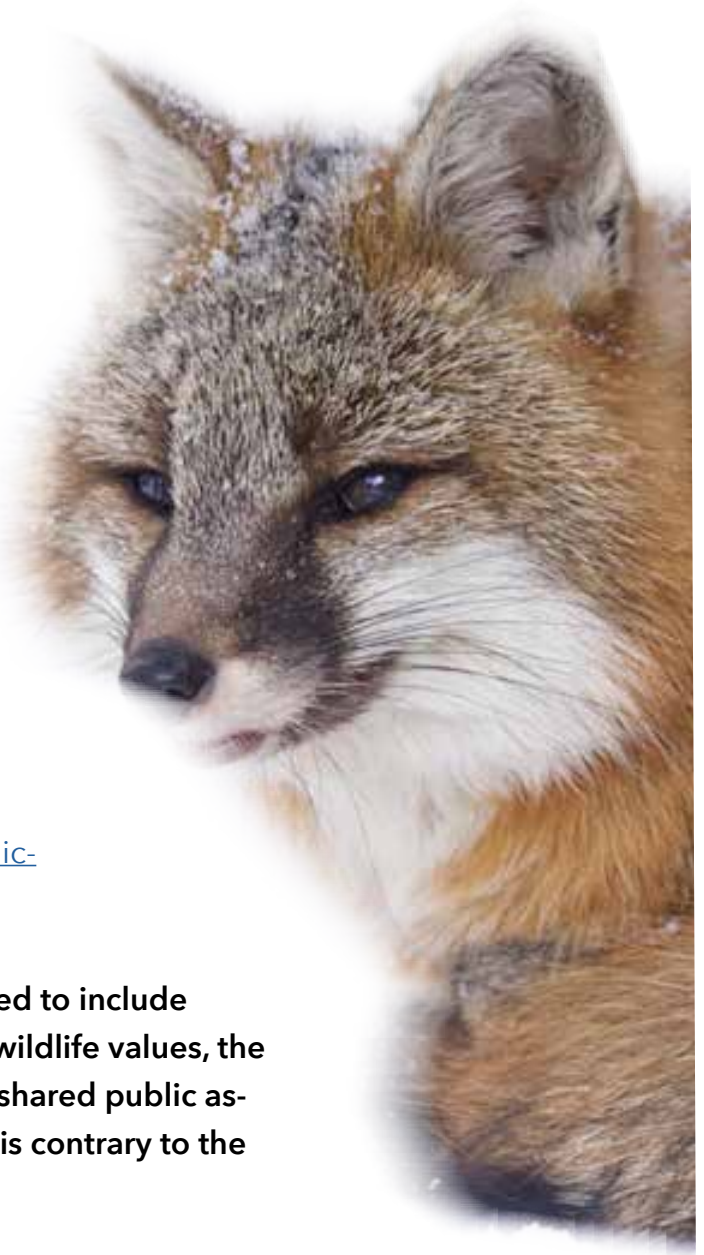
- In 2019, a petition was brought before the Department and Board to institute a regulated hunting season for coyotes. Coyotes are Vermont's apex predator and perform multiple ecological benefits. Vermonters are allowed to hunt coyotes any time of year, day and night, which often leaves coyote pups orphaned when the mother and/or father are killed. Open season on this ecologically significant animal is not rooted in sound science. It is instead based on a predator-hating mindset that mirrors the treatment of wolves in western states. This mindset ignores the biology of coyote behavior and treats them inhumanely which goes against the values of many Vermonters.



The petition had over 12,300 signatures and was submitted to the Board and Department by wildlife advocates at a packed Montpelier High School, where the hearing took place. Despite this, the Department and Board rejected the petition with no interest in holding future hearings.

- Public comments received during established comment periods have been misrepresented by the Department when presented to the public and the Board. This has happened on more than one occasion with the moose hunt, where public comment overwhelmingly opposed the hunt, yet the Department chose to misrepresent the extent and depth of the opposition. This has been written about a number of times in letters to the editor including this 2022 letter: <https://vtdigger.org/2022/05/02/kristen-cameron-fish-wildlife-continues-the-public-comment-charade/>

Unless the Board is made advisory only and required to include diverse membership that reflects the full range of wildlife values, the members will continue to make public policy on a shared public asset – wildlife – without broad representation. That is contrary to the letter and spirit of the law.



Building the Case

Changing policy language in law to reflect today's wildlife values


Using archaic language and out-of-date context (e.g. the words “ecology” or “biodiversity” do not appear in the policy section), the laws dictating policy at the Department no longer reflect the interests and needs of its constituents or the wildlife they are required to protect and conserve for the people of Vermont.

The most obvious example, and the most in need of change, lies in Title 10 V.S.A. Chapter 101, Sec. 4001; and in Chapter 103, Sec. 4041, 4042, 4081, 4083, 4084, 4132 of the Vermont Statutes.

Title 10 [Chapter 101, Sec. 4001] lists every species that could be considered game in Vermont. This opens the door for the Department, in partnership with the Board, to approve the hunting and trapping of every animal listed. Having been written nearly 70 years ago, this section of Title 10 endangers animals that should be protected today, like the bobcat and river otter.

Rewording these sections would modernize the Department in three separate ways:

1. Put greater focus on the many different species that need protecting and conserving.
2. Hold the Department accountable to ecological standards and modern wildlife values.
3. Redirect the Department's priorities towards serving the broader public.



And while protecting wild animal populations is incredibly important in today's modern world, focusing on overpopulation can be just as imperative. Much of Title 10 [Chapter 103, Sec. 4081] encourages the growth of deer in Vermont. This section states: "An abundant, healthy deer herd is a primary goal..." The reason for this law is not based on sound ecological science, but rather to supply hunters with abundant targets and to grow big bucks (both literally and figuratively).

It is common knowledge that an "abundant" deer population can lead to over-browsing, which can adversely impact native flora. Revising the deer herd policy would free the Department from expending tremendous time and resources on a deliverable that is antithetical to modern science.

Historically, hunters, anglers and trappers (via the purchase of licenses) have provided significant funding to the Department and received preferential treatment in what's known as the 'pay to play' model. However, despite the fact that license sales have plummeted, the preferential treatment remains. The Board implements policies based solely on the interests of license holders. This bias represents only a fraction of Vermonters despite the majority of non-license users who still contribute to the Department via the General Fund. As the graphs (Fig. 1 and 2) below illustrate, more money comes from the buying of personal firearms, recreational shooters and personal protection (federal excise taxes) than from hunting equipment and licenses.



Figure 1: Non-hunters and non-anglers continue to subsidize the Department via the General Fund without representation. *Source: Department*

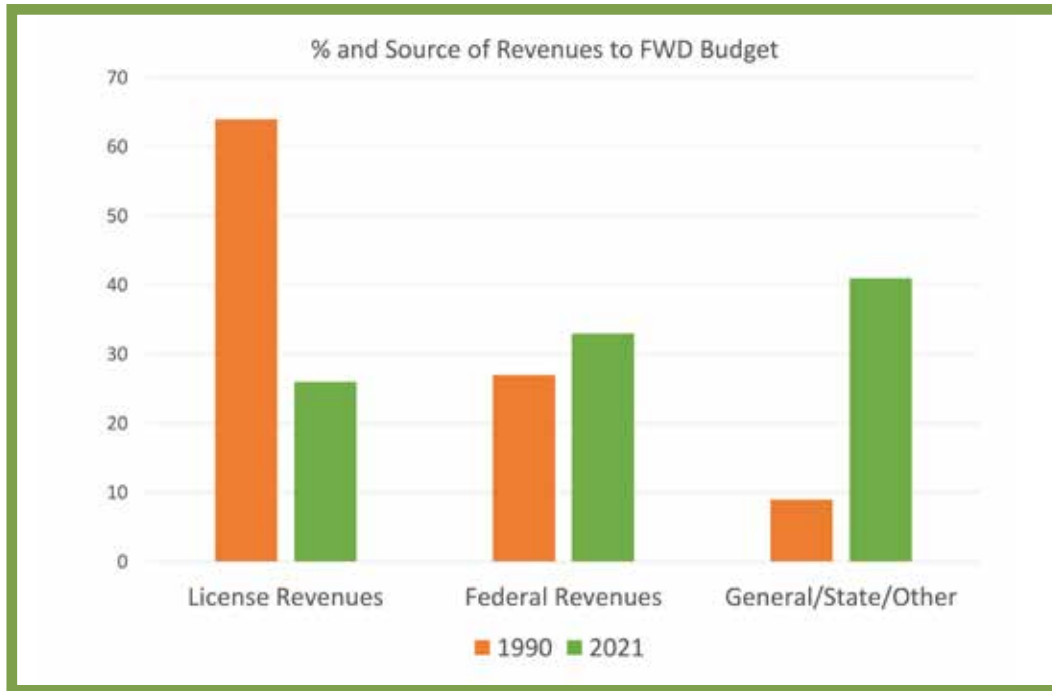
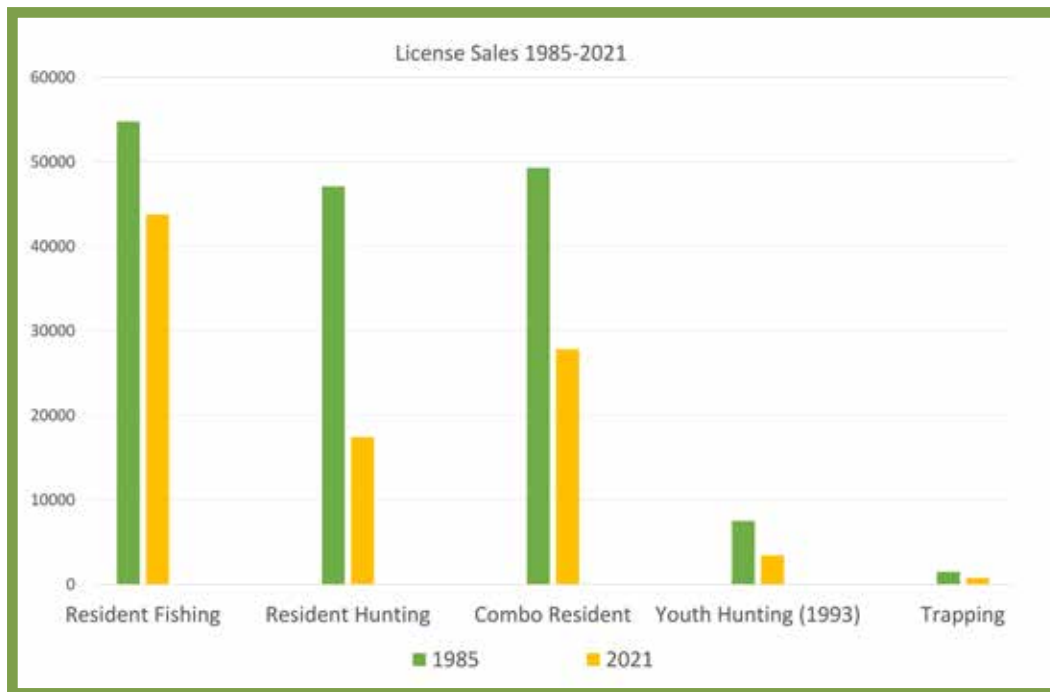


Figure 2: Vermont's decline in license sales is consistent with national trends. *Source: Department*



The Vermont public is changing. The money is there, but the Vermont public should be able to trust the Department's decisions and feel part of its decision-making process. And the Department accomplishes that by changing the wording of and modernizing relevant sections of Title 10 as it relates to wildlife conservation. Times have changed. The public's wildlife values have changed. The challenges we face have changed and the Department needs to change with them.



Research

In May and June of 2018, America's Wildlife Values Project⁵ offered all full-time employees of the Department the opportunity to participate in an online survey. In total, 122 usable responses were obtained, for a response rate of 86%.

The survey (links may be found on page 18) was designed to gather data on the Department's employee perspective on fish and wildlife management and the culture of the agency. The survey looked at:

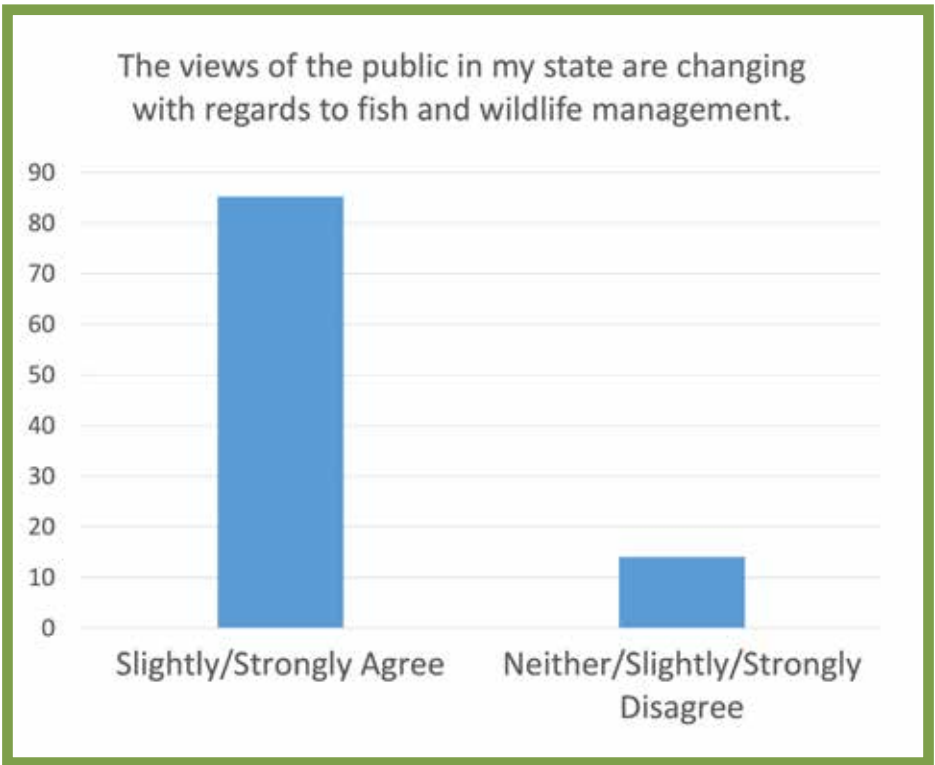
- Characteristics of the Department
- Management priorities of the Department
- Processes for public & stakeholder inclusion in decision-making
- Employee perspectives on management and culture
- Wildlife Value Orientations of employees

This survey found that its own employees believe the Department has lost touch with its mission and is out of touch with the public in some areas.

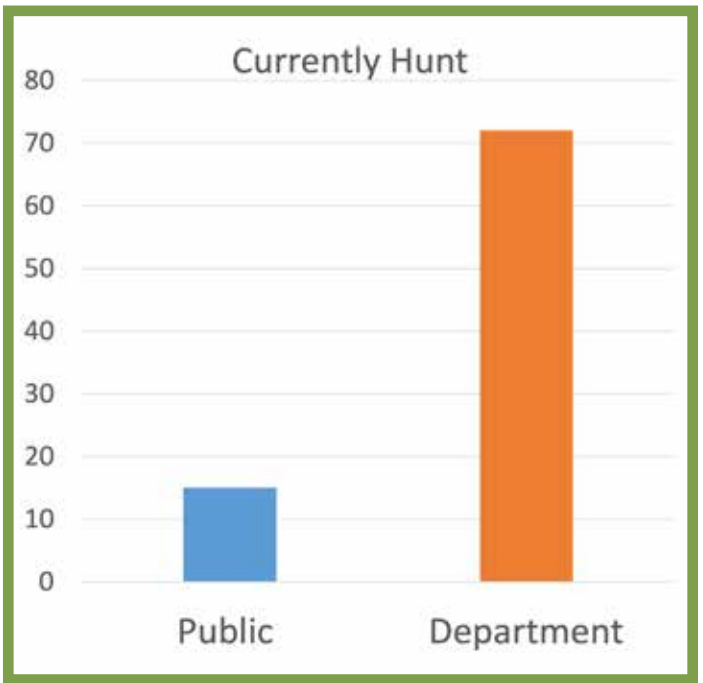
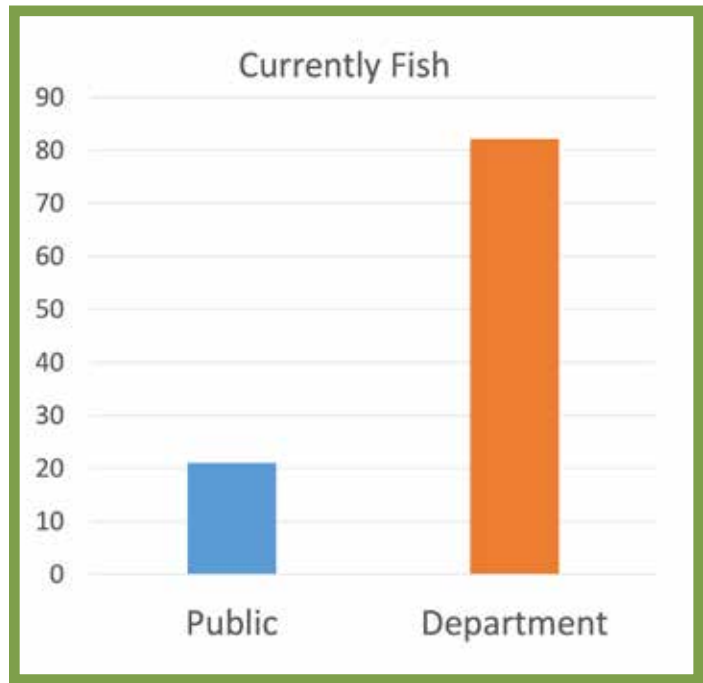
The following graphs developed from survey data demonstrate that the values Vermonters hold towards wildlife have changed in significant ways. They shed light on how Department staff view their priorities. For example, the Department heralds science as the basis of its decision-making, yet the data reveals – as the staff clearly points out – that politics rival science in the Department management's decisions. The results of this survey substantiate a need to modernize in order to address today's urgent conservation needs and to reflect the contemporary wildlife values held by Vermonters.

5. <https://content.warnercnr.colostate.edu/AWV/VT-WildlifeValuesReport.pdf>

Figure 3: Opinions of Department staff that the views of Vermonters have changed in regards to wildlife management. A clear indicator the Department must change as well.



Figures 4 & 5: Department staff overwhelmingly hunt and fish, which does not reflect Vermonters' 21st century interests with respect to wildlife.



The following charts, depicting the culture at the Department, were created from the answers to the survey in which Department employees were asked:

"Managers are often forced to choose between competing demands for fish and wild-life management. We are interested in knowing, in general, how you view the priorities of your agency. Assuming a hypothetical situation in which only one management option was possible, we want to know how you believe your agency would prioritize different goals and objectives. Please respond to the following series of questions by picking one of the two response options for each comparison."

Figure 6: Views of Department staff reflect the revenue-based and often anti-ecological thinking within agency management. Note: ungulates include deer and moose.

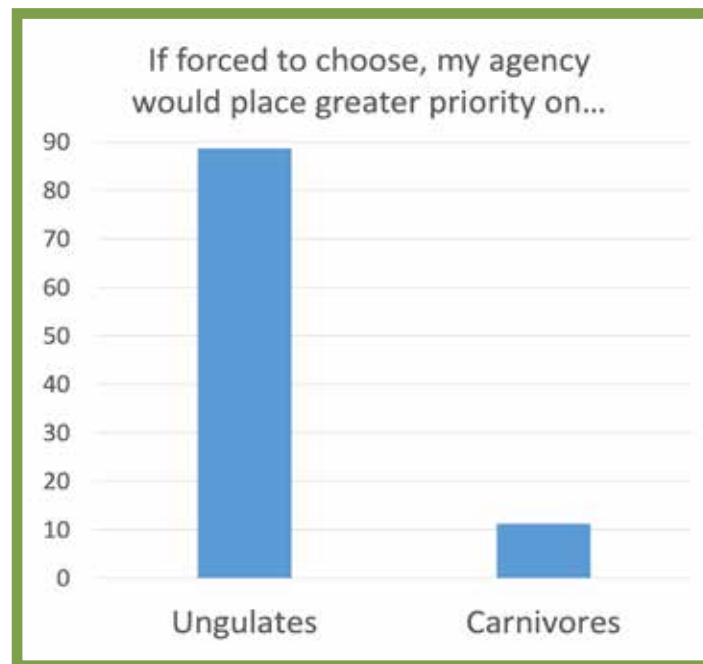


Figure 7: Views of Department staff reveal that politics rival science in decision-making.

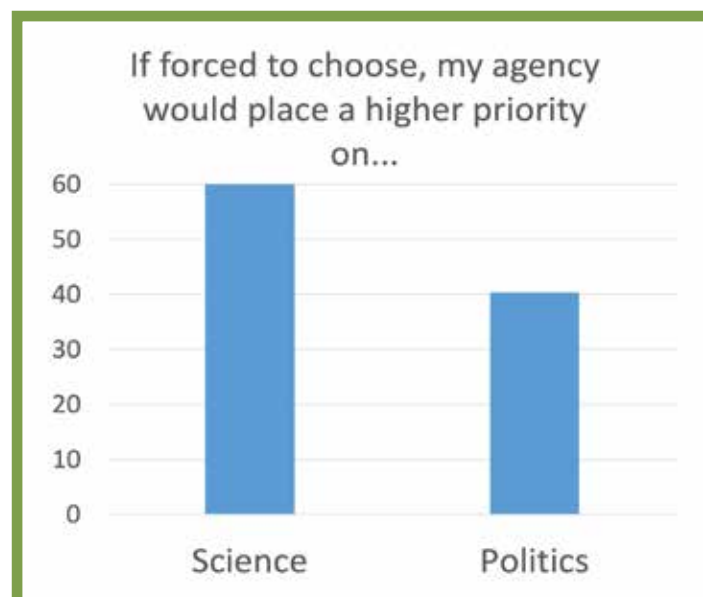


Figure 8: Views of Department staff reflect the extreme bias towards serving their primary customers – hunters/trappers/anglers – as a priority, rivaling species on the brink of disappearing.

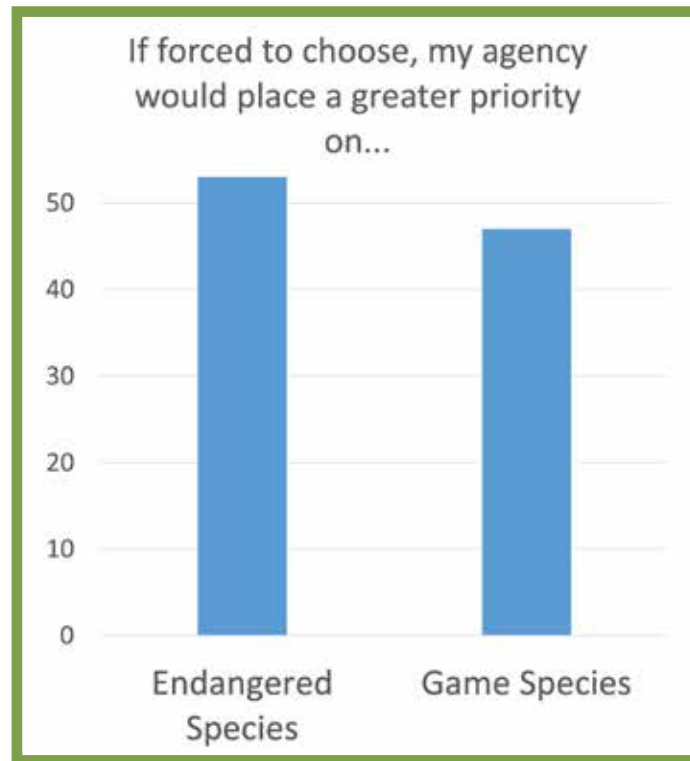


Figure 9: Views of Department staff reflect a culture of clinging to the past versus adapting to serve all Vermonters. This also reflects a rejection of the wildlife profession's call for departments to broaden their constituencies.

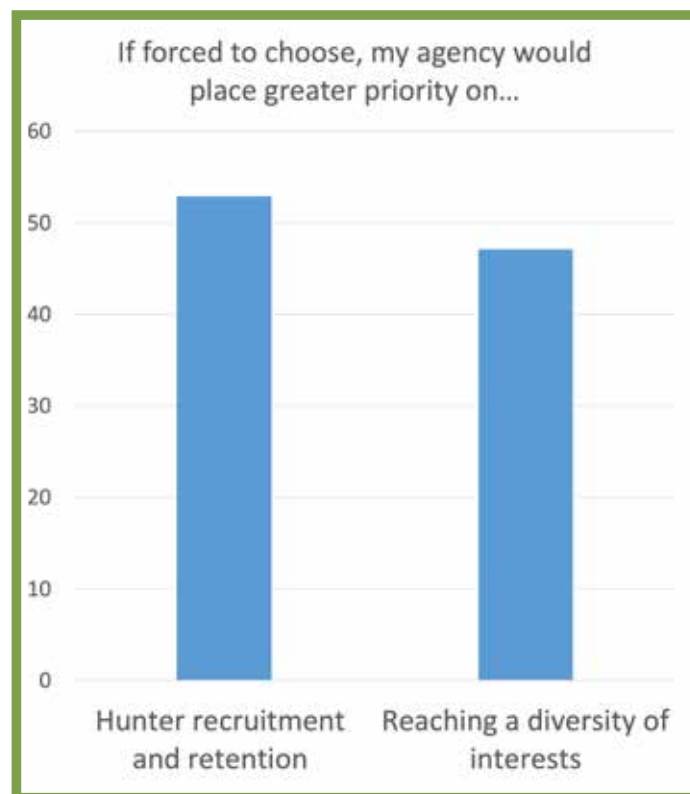


Figure 10: Views of Department staff demonstrate the need for change that management ignores.

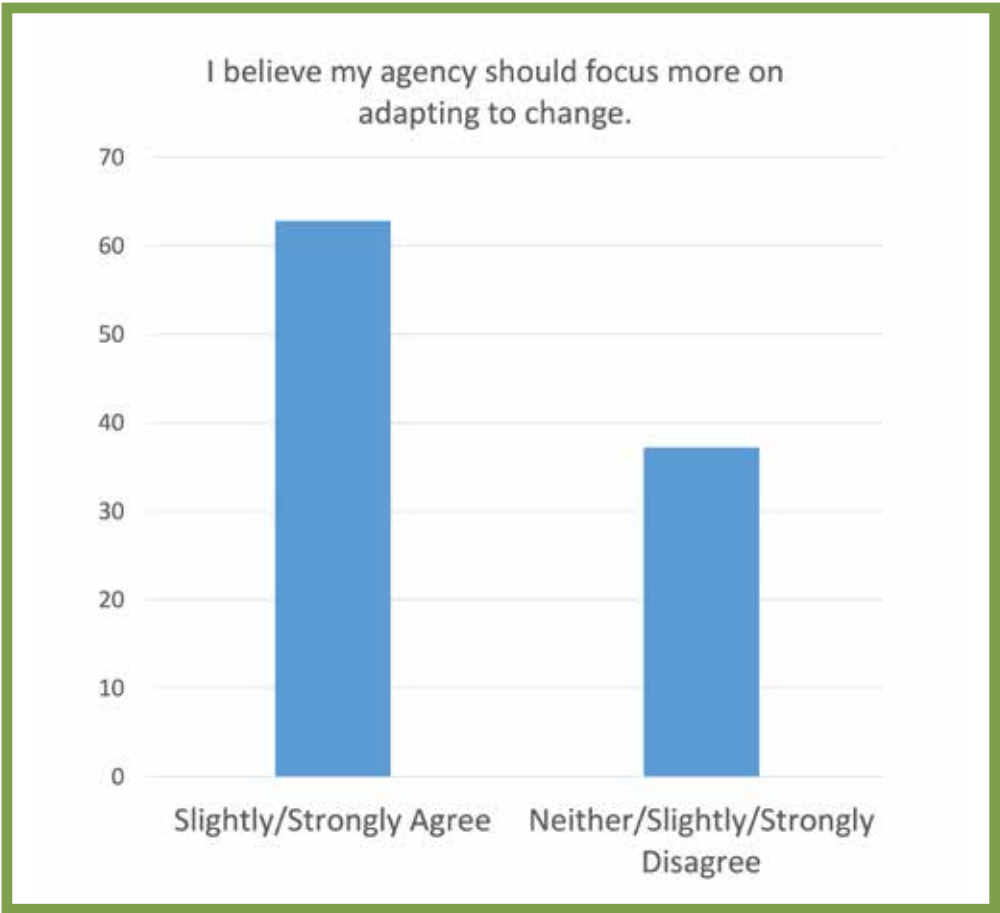
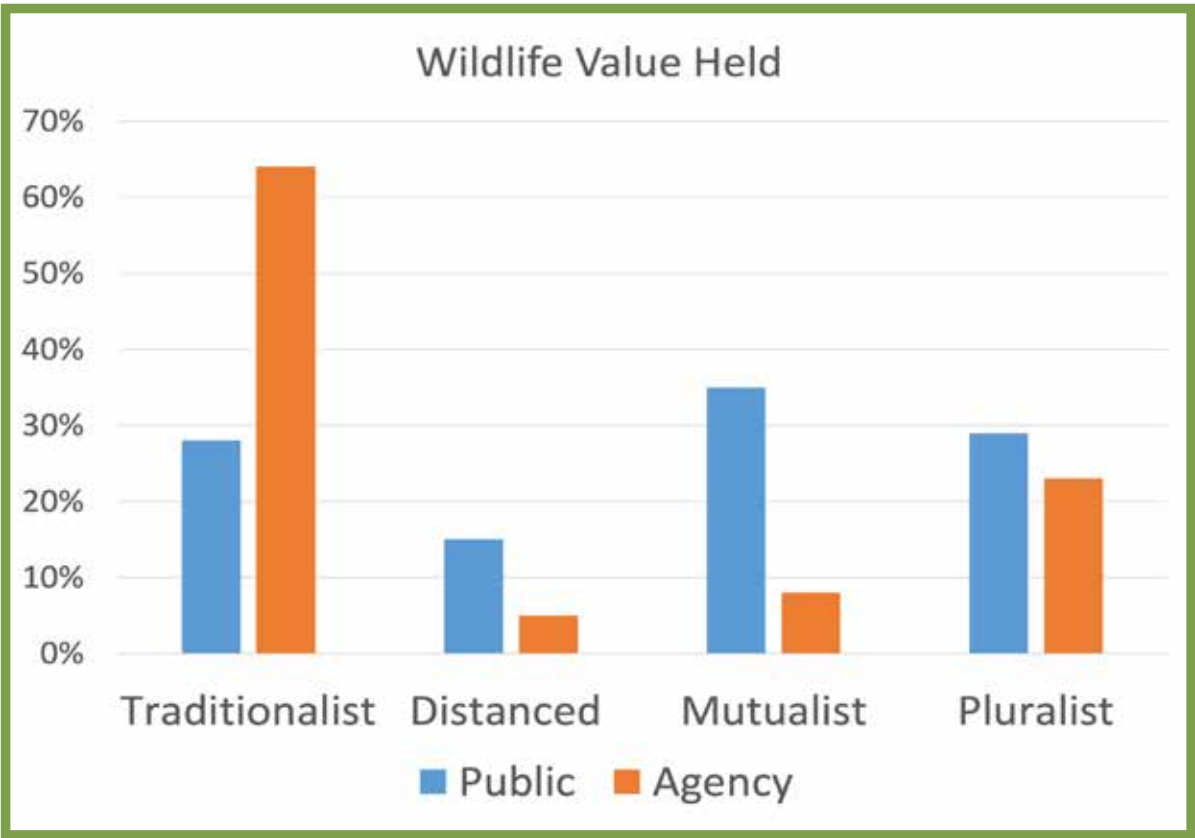


Figure 11: Department staff values are out of sync with the public that they serve. The chart reveals that the largest block of Vermonters are mutualists, meaning that they believe wildlife is part of our social network and that we should value coexistence. However, the majority of Department staff are traditionalists, meaning that they believe wildlife should be used and managed for human benefit.



- Traditionalists.....** Score **high on the domination** orientation and **low on the mutualism** orientation • Believe *wildlife should be used and managed for human benefit*
- Mutualists.....** Score **high on the mutualism** orientation and **low on the domination** orientation • Believe *wildlife are part of our social network and that we should value coexistence*
- Pluralists.....** Score **high on both the domination and mutualism** orientations • Prioritize these values differently depending on the specific context
- Distanced Individuals..** Score **low on both the domination and mutualism** orientations • Often believe that wildlife-related issues are less salient to them



The Solution

The Department and Board governance paradigm is outdated and ineffectual. The views of all Vermonters must be recognized. The reallocation of the Department's resources must be prioritized to address at-risk species. In order to accomplish these goals this report recommends two solutions:

1. **Abolish** the Fish & Wildlife Board or make it advisory only. If it becomes an advisory board, it should have diverse membership and interests, and the nomination/appointment process should be transparent.
2. **Amend** the outdated statutory language regarding wildlife and conservation (in relevant sections of Title 10), as referenced above, to reflect the priorities of the citizenry and sound ecological science that promotes biodiversity and addresses the growing threats to at-risk species.

These changes will hold the Department accountable to Vermonters and redirect the Department's priorities and resources towards modern ecological science and contemporary values. Our recommendations will transform the Department into the leader in true wildlife conservation and protection.

The changes will ensure transparent decision-making with genuine public involvement, reflecting the reality that wildlife is a public trust resource and that everyone should have a voice in public policy around wildlife decisions. If the non-hunting public feels represented, they will be more inclined to fund the Department, which will offset the losses in hunting/fishing/trapping revenue. With Vermonters better represented by the Department, animal welfare standards will be incorporated because they are important to our citizens.

The changes will improve on coexistence strategies to address the year-round, unregulated killing of animals like beavers, foxes and other furbearers under the dangerously broad Title 10, Chapter 103, Sec. §4828. The changes will follow the hallmarks of scientific integrity when making policy decisions to include objectivity, transparency, independent peer review, and reproducibility.⁶

We believe the Department can operate under a holistic, ecologically driven view of wildlife management that reflects the best interests of the public it serves and wildlife it aims to protect. We trust that this report can contribute to making that future a reality.

Links to the full study can be found here:

<https://content.warnercnr.colostate.edu/AWV/VT-AgencyCultureMemo.pdf>

<https://content.warnercnr.colostate.edu/AWV/VT-WildlifeValuesReport.pdf>

6. Defending the scientific integrity of conservation-policy processes by Adrian Treves 2017, Conservation biology : the Journal of the Society for Conservation Biology.



Protect Our Wildlife • www.ProtectOurWildlifeVT.org



**These changes
will transform
the Department
into the leader
in true wildlife
conservation and
protection.”**



Protect Our Wildlife
P.O. Box 3024
Stowe, VT 05672
www.ProtectOurWildlifeVT.org
info@protectourwildlifevt.org