



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
FISHERIES AND WILDLIFE BOARD
MEETING MINUTES

PRESENT: Dr. Joseph Larson/Chair, Michael Roche/Vice Chair, Bonnie Booth/Secretary, Bob Durand, Ernest W. Foster IV, Stephen Sears, Dr. Brandi Van Roo, Ron Amidon/Commissioner/DFG, Mary-Lee King/Deputy Commissioner/DFG, Mark Tisa/Director, Jon Regosin/Deputy Director, Kris McCarthy/Associate Director/Finance and Administration, Eve Schluter/Assistant Director/NHESP, Michael Huguenin/Assistant Director/Wildlife, Trina Moruzzi/Assistant Director/Operations, Todd Richards/Assistant Director/Fisheries, Marion Larson/Assistant Director/Information and Education, David Wattles/Bear and Furbearer Project Leader, Jason Zimmer/Supervisor/Southeast Wildlife District, Joe Rogers/Supervisor/Connecticut Valley Wildlife District, Andrew Madden/Supervisor/Western Wildlife District, Pat Huckery/Supervisor/Northeast Wildlife District, Elizabeth Wroblecka/Chief/Wildlife Lands, Nicole McSweeney/Outreach and Marketing Project Leader, Emily Stolarski/Communication Coordinator, Anne Gagnon/DFG Land Agent/Northeast Wildlife District, Major David Loos/OLE;
PUBLIC: Anissa Gardizy, Elizabeth Magner, Paul G. Beaulieu, Dave Morin, Jim Wallace

DATE: July 17, 2019

LOCATION: Division of Fisheries and Wildlife Field Headquarters
Westborough, Massachusetts

Chair Larson opened the July meeting of the Fisheries and Wildlife Board at 1:00 p.m.

Acceptance of Minutes

A motion was made by Ms. Booth to accept the minutes from the June meeting as presented. The motion was seconded by Mr. Foster. The motion passed unanimously.

Chair's Comments

Chair Larson noted that it is very good to see staff in the news for research and articles it has published. He cited a recent paper in the Board's meeting packets on a drawdown study. He noted that there is almost nothing in the literature about the effects of drawdowns, so MassWildlife partially funds the study of drawdowns the paper reports on at the Cooperative Fish and Wildlife Research Unit at UMass/Amherst. He stressed the importance of a scientific study on the wildlife effects of drawdowns because MassWildlife's regulatory and research decisions are based on sound science.

The Chair noted that the Board members had received an email from staff regarding the RAWA [Recovering America's Wildlife Act], which has been reintroduced in Congress and would be an important potential source of funding, especially for smaller states like Massachusetts. He also noted that in the Greenfield *Recorder* there was recently an article on MassWildlife's eagle banding with a spotlight on Wildlife Technician Jesse Caney from the Northeast District.

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Commissioner's Comments

Commissioner Amidon expressed his regrets that he was not able to attend the June meeting due to a conflict. He noted a few highlights in his schedule in his printed comments that were included in the Board's packets.

Director's Comments

Director Tisa reported that he had no comments at that time.

Law Enforcement Comments

Major David Loos reported on calls for service the Office of Law Enforcement has received since the first of the year that would be of interest to the Board. He also noted that Lt. Tara Carlow had been interviewed and quoted in the *National Geographic* in relation to an article on the effects of and efforts to control releases of non-native species into local habitats.

The Major reported that the majority of time in the field by OLE officers recently has been spent in the state parks and with boating issues, given the time of year, and there has not been a lot of activity related to fish and wildlife. He also reported on the progress of five OLE trainee officers, currently in the field-training segment of their training and doing very well.

Personnel Report (Kris McCarthy)

Associate Director McCarthy reported to the Chair that the agenda was in error and in fact there was no Personnel Report for the Board to review at the meeting. The Chair thanked Ms. McCarthy for clarifying.

Natural Heritage and Endangered Species Advisory Committee Appointments (Ronald Amidon)

Commissioner Amidon asked the Chair if he could have a moment before the next agenda item. He reported that the Advisory Committee was short two voting members, and that he had conferred with Deputy Director Jon Regosin to identify two candidates from the current Associate members, Dave Small and Kevin Powers. The Commissioner stated that both candidates were regular attendees of the meeting with appropriate backgrounds who were interested in serving as full members. Secretary Booth moved the appointments; Dr. Van Roo seconded the motion; the vote in favor was unanimous.

Proposed Coyote/Furbearer Regulations (David Wattles)

Before introducing Furbearer Project Leader David Wattles, Director Tisa reported that he wanted the Board to know that, in his 33 years with the agency, he had never seen an issue that was so thoroughly discussed and researched or given as much time and attention by staff. The Director also reported that, at the final staff meeting on the subject the previous week, the presentation before the Board was not only unanimously but also very strongly endorsed by the entire staff involved, and he thought the Board should know it.

Furbearer Project Leader David Wattles opened by reviewing MassWildlife's mission statement, that MassWildlife is responsible for the conservation of freshwater fish and wildlife in the Commonwealth, including endangered plants and animals, and that MassWildlife restores, protects, and manages land for wildlife to thrive and for people to enjoy, and he noted that it is a core function of MassWildlife to develop and maintain hunting, fishing, and trapping opportunities in Massachusetts for its citizens. Dr. Wattles reported that staff affirms a core principle of that function is an expectation that all animals taken during our regulated seasons are utilized to the greatest extent possible and that MassWildlife will discourage waste of wildlife. He stated that the principle is a foundation of the North American Model for Wildlife Conservation, taught in all hunter education programs in the hunter ethics section, and

noted for the meeting that the prohibition against wanton waste is well established in waterfowl hunting.

As background, Dr. Wattles reported that during the 2017-2018 coyote hunting season, a private business in Hyannis sponsored a coyote hunting contest for the second half of the season and offered prizes for the largest coyote and the highest cumulative weight of coyotes entered. The contest sparked protests, media attention, and phone calls, emails, and letters to MassWildlife calling for such contests to be banned. Then, for the entire 2018-2019 coyote hunting season, the same business sponsored the same coyote hunting contest, again offering prizes for the largest and the highest cumulative weight of coyotes entered. Opposition to this and a few other similar contests included protests and letters, emails, and calls to MassWildlife and people contacting their legislators to stop the contests.

The Furbearer Project Leader then reviewed relevant existing laws and regulations in other states, detailed the four listening sessions that MassWildlife staff held on the issue across the state, and provided a summary of the concerns expressed at those sessions. He reported that MassWildlife received over 700 comments from the public, including phone calls, emails, letters, postcards, and comments at listening sessions. The majority of comments came in the form of form letters, postcards, and standardized emails, and over 95% were strongly against coyote hunting contests. Dr. Wattles stated that many commenters stated they were not opposed to coyote hunting, just the contests, and there was a strong perception that contests are unethical, incentivized indiscriminant killing, perpetuate historical persecution of coyotes, and contribute to the waste of the animals. Others who were opposed to the contests were also in favor of more regulation of coyote hunting, including shortening the season, setting bag limits, and placing restrictions on permissible methods, or were opposed to coyote hunting in general. Many respondents also expressed concern about the impacts of hunting contests on coyote populations and their role in ecosystems. He also reported on the responses MassWildlife received from people who identified as hunters, many of whom expressed their support for coyote hunting in general and had no desire to regulate contests or for any further regulations on coyote hunting to be adopted. Others supported hunting, including coyote hunting, but were not supportive of contests, and many expressed the belief that coyote populations could and should be controlled to maintain deer populations.

Dr. Wattles then reported some of the common misconceptions about coyotes, coyote hunting, and coyote contests that were identified during the public-outreach process. He affirmed that coyote hunting contests and coyote hunting in general in Massachusetts pose no threat to healthy, abundant coyote populations. Similarly, he stated that it is extremely difficult to control coyote populations and that the current harvest levels in Massachusetts are a fraction of what would be necessary to reduce the coyote population. He also reported that research shows that coyote predation on White-tailed Deer fawns exists, but does not impact white tailed deer populations. He reported that roughly 20%-30% of White-tailed Deer fawns are killed by coyotes each year, but that the overall fawn survival rate is the same in areas with coyote predation as it is in areas with no fawn predation. He pointed out that fawns are lost to an array of causes, including exposure, abandonment, and illness, and affirmed that the perception that coyotes limit deer populations is false. The limiting factor for deer populations is healthy females, and this is why MassWildlife manages the deer population with antlerless deer permits, which are allocated across the state to maintain or stabilize the population, as needed, and he noted that we continue to set new records in deer harvest levels in the state.

Before presenting the staff recommendations, Dr. Wattles presented the staff's rationale for them. He reported that the recommendations were developed to respond to public concerns over certain hunting activities that involve killing an unlimited number of animals for a prize or inducement, and to address the public concern with contests that lead to the waste of animals. He also reported that the public

controversy over this issue has the potential to threaten predator hunting, and hunting in general, and that the loss of this predator-hunting opportunity would represent a failure to conserve wildlife for the benefit and use of the Commonwealth's citizens.

Dr. Wattles then detailed the staff's recommendations, which are to promulgate regulations 1) banning contests for the take of predators and furbearers under 321 CMR 3.02(3) or 3.02(5), namely, Coyote, Bobcat, Red Fox, Gray Fox, Weasels, Mink, Skunk, River Otter, Muskrat, Beaver, Fisher, Raccoon, and Opossum; 2) prohibiting wanton waste; and 3) changing the harvest reporting requirements for fox and coyote, where currently fox and coyote must be checked within 4 days of the end of season, changing the regulation to require that fox and coyote shall be checked within 48 hours of harvest, which would bring the regulation into line with the existing harvest-reporting requirements for deer, turkey, and bear. Dr. Wattles then provided a brief summary of his report and asked the Board to vote to proceed to a public hearing based on the staff recommendations.

Secretary Booth made a motion to move the matter forward by directing staff to develop regulations based on the recommendations and send them to a public hearing; Mr. Sears seconded the motion.

Mr. Durand stated that wanton waste is a more complex issue and asked Dr. Wattles to explain whether staff looked into what other states do in that regard. Dr. Wattles reported that staff did research the issue, that there are 10 states that have broad prohibitions against wanton waste and that only a couple of states specifically exempt coyotes. Mr. Durand asked about the enforceability of a wanton waste regulation. Assistant Director for Wildlife Michael Huguenin reported that he had had several conversations with Major Loos and that the OLE leadership is supportive of the spirit of the proposed regulations. Major Loos concurred, stated that he believed the regulation was appropriate, and reported that the language he had seen in draft in the presentation was as enforceable as any fish and wildlife law. When asked about possible penalties for violations, Dr. Wattles reported that that issue had not yet been addressed by staff.

Chair Larson clarified for the meeting that the Board was only voting to send the matter to a public hearing. He stated that there will be public comment before the hearing, at the hearing itself, and for 2 weeks afterward.

Dr. Van Roo asked a question with reference to part of the language in the wanton-waste section of the presentation: She noted that deliberately failing to take any action to retrieve a harvested animal from the field should not be the only thing that is prohibited, because bringing the animal out and throwing it in a dumpster is no less wanton waste. Dr. Wattles pointed out that the language proposed includes the requirement to make an attempt to use the animal after retrieval.

Mr. Foster stated that in the Plymouth and Barnstable leagues in his district there has been a lot of discussion of the issues and he strongly supports moving toward a public hearing so that the discussions have proposed regulations as a focus. Secretary Booth stated that she concurred as the Worcester County Board member. Mr. Sears reported that the same was true in Berkshire County, and that he had been urging the League members to wait until the regulations were proposed before having too much conversation about the issues.

Mr. Durand moved to amend the motion to separate the issues and vote on the contests and wanton waste separately. Chair Larson called for a second; there was none; the Chair reported that the motion failed for lack of a second.

Dr. Van Roo stated her belief that the Board and the agency need to move forward on the issue, that the wanton-waste proposal only codifies the principles in the North American Model for Wildlife Conservation and that the Board and the agency need to do that strongly.

Mr. Durand stated that he would vote no, and wanted to explain why. He stated that the sporting community was not expecting the wanton waste issue and that the sportsmen and sportswomen would not be behind it, so he could not support it.

There being no further discussion, the Chair called for a vote. The vote in favor: 6; opposed: 1. The motion carried.

Director Tisa responded to Mr. Durand's comment, stating that he believes it is important for MassWildlife and the Board to take a leadership role on issues precisely like this one, and that he believes the sportsmen will indeed understand, recognize the need for, and support regulations that address hunting contests, waste, and hunting ethics.

Secretary Booth expressed her thanks to the staff for all its hard work and the Chair and other Board members concurred.

Natural Heritage and Endangered Species Advisory Committee Report

Dr. Larson reported that the Natural Heritage and Endangered Species Advisory Committee's July meeting was held on July 11 and featured the presentation on carbon budgeting on MassWildlife's forests that was given to the Board at its June meeting by Habitat Planning Coordinator Brian Hawthorne.

Set Meeting Date

Members confirmed the August meeting, scheduled on August 28, 2019, at 10:00 a.m., and discussed dates for the September Fisheries and Wildlife Board meeting. Members selected September 18, 2019, at 1:00 p.m., at the Field Headquarters.

Member's Comments

Dr. Van Roo, Vice Chair Roche, and Mr. Foster reported no comment.

Secretary Booth reported that she will be attending an event with Central Mass Grown to have farmers reach out to the general public. She noted that Central Mass Grown is a non-profit that helps local consumers connect to local farmers. Ms. Booth also reported that the Massachusetts Association of Conservation Districts had sent her a notice that the state Congressional Revenue Committee is contemplating changes to Ch. 61A, so people should watch that discussion.

Mr. Durand reported that he had attended a MassWildlife grandfather-grandson fishing event put on by MassWildlife's Jim Lagacy. He stated that Mr. Lagacy and his team always do a great job and that he and his grandson enjoyed it very much.

Mr. Sears reported that he appreciated the study on drawdowns as this is a big issue in his district. He asked whether a listening session or hearing on the private coyote contests was planned to be held in Berkshire County. The Director reported that the listening sessions had been planned to try to cover as much as the state as possible, that there were no more planned, and that there would only be one hearing. Given the statewide interest in the subject, the hearing was going to be held in Westborough. Mr. Sears stated that he was glad to see the staff's work on coyotes, and that he will be having discussions with the League, but would wait to have the regulatory language to direct the discussion first.

There being no further business, a motion was made by Secretary Booth to adjourn; Mr. Foster seconded; the vote in favor was unanimous; the meeting was adjourned at 2:20 p.m.

Respectfully submitted,

Bonnie Booth

Secretary

List of documents presented to the Board in its July meeting packets

July Agenda

Draft June meeting minutes for review

Commissioner's written comments to Board

Annual Conflict of Interest Summary and acknowledgement of receipt

Document of abstracts of two recent papers by MassWildlife staff

"Annual winter water level drawdowns limit shallow-water mussel densities in small lakes." Jason Carmignani et al. (Wiley: *Freshwater Biology*; 2019;00:1-15)

Copies of the hearing notice and the proposed regulations for the public hearing scheduled for the August meeting

Spreadsheet of Natural Heritage Fund Taxpayer Donations (1992 to 2018)