



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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

PRESENT: Steve Sears/Chair, Bob Durand/Vice Chair, Ernie Foster/Secretary, Sasha Dyer, Emma Ellsworth, John Organ, Matthew Sisk, Ron Amidon/Commissioner/DFG, Mark Tisa/Director, Eve Schlüter/Assistant Director/NHESP, Trina Moruzzi/Assistant Director/Operations, Nicole McSweeney/Assistant Director/Outreach and Education, Todd Olanyk/Central Wildlife District Manager, Jason Zimmer/Southeast Wildlife District Manager, Andrew Madden/Western Wildlife District Manager, Joe Rogers/Conn. Valley Wildlife District Manager, Brian Hawthorne/Habitat Program Manager, Jennifer Sulla/General Counsel/DFG, Captain Scott Amati/OLE. PUBLIC: Steve LaRivee, Malcolm Haith, Marshall Johnson, Paul Shirley, Roger Gilman, Catherine Shirley, Deborah Houston, Elizabeth Stromeyer, William Stromeyer, Christopher Borgatti, Ted Cartselos, Karen Kase, Kathryn Fisher, Marion Amidon, Rainer Fuchs, Tony Schulo, Mike Stoll

DATE: October 20, 2022

LOCATION: MassWildlife Field Headquarters, Westborough

Acting Chair Sears opened the meeting at 9:05 a.m.

### Acceptance of Minutes

A motion was made by Mr. Durand to accept the minutes from the September meeting as presented. The motion was seconded by Dr. Organ; the minutes were unanimously approved.

### Acting Chair's Comments

Acting Chair Sears reported that the Director will review the Board members options for supporting the RAWA. He offered his thanks to Deer and Moose Project Leader Martin Feehan, who had presented to the Berkshire County League on the status of deer and did a wonderful job. The Chair also reported that the Town of Great Barrington had passed a bylaw that strongly encourages residents not to feed wildlife, particularly regarding bears. The Town had worked with MassWildlife staff to craft the language used and it's not a prohibition, but the Chair stated that it's a good step.

### Commissioner's Comments

The Commissioner reported he would be officiating at the reopening of the Forest Lake Boat Ramp in Palmer during a ribbon-cutting ceremony event the following week. He reported that the \$200,000 facility, which was constructed by DFG's Office of Fishing and Boating Access, includes the new boat ramp as well as twelve parking spaces for shore anglers and cartop boats and eight parking spaces for vehicles with trailers. The Commissioner noted that the facility will also be a great place for MassWildlife staff to teach fishing. He also reported that DER is coming out with a \$12 million grant program, and he expects a lot of great work to be done, including with MassWildlife.

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### Director's Comments

Director Tisa reported that, at the request of the Chair, he would briefly provide the Board and the new members some background for the Recovering America's Wildlife Act (RAWA) and where it currently sits. RAWA is federal legislation related to the Massachusetts State Wildlife Action Plan (SWAP) in that the grants that would be available to states if RAWA passed were linked to conservation needs identified in the SWAPs. The Director reported that RAWA has wide bipartisan support in both the House and Senate, and his colleagues at AFWA are hoping for action around the holidays for some version of RAWA to be put forth. He stated that he would keep the Board members apprised of developments and offer guidance about actions they could take to support the measure.

Director Tisa closed his comments by reminding the members that there was a public hearing at 11:00 a.m. on proposed changes to the field trial regulations.

The Commissioner asked the Chair for leave to speak and asked the Board to agree to reappoint the current members of the Natural Heritage and Endangered Species Advisory Committee (NHESAC), with the exception of Matthew Sisk, who is the new representative of the Board on the NHESAC by virtue of his appointment. Mr. Foster so moved; Mr. Durand seconded. The vote in favor was unanimous.

### Law Enforcement Comments

Captain Scott Amati reported that the OLE has three new field trainees. He also reported that the wildlife compact goes into effect on November 4, 2022, so any out-of-state license suspensions will automatically result in suspensions in Massachusetts. He then provided the Board with a report on recent calls for service that Environmental Police officers had responded to in the previous month.

### Personnel Report (Trina Moruzzi)

Assistant Director of Operations Trina Moruzzi presented the Board with the hiring manager's recommendations for a backfill position, including highlights of the candidate's qualifications.

### **New Hire**

<u>Employee</u>	<u>Position</u>	<u>Location</u>
Ryan Meuse	Northeast District Wildlife Technician Wildlife Technician II	Ayer

Mr. Durand moved to accept the personnel report as presented; Ms. Ellsworth seconded the motion. Ms. Dyer stated that the candidate was a casual friend of hers, so she intended to abstain from the vote. The vote was six members in favor, with one abstention, and it passed.

### Board Elections (Ernie Foster)

Mr. Foster opened the Board's annual election of officers and asked for a nomination for the Chair. Mr. Durand nominated Mr. Sears; Dr. Organ seconded the nomination. Mr. Sisk moved to close the nominations for Chair; Ms. Ellsworth seconded. The vote in favor was unanimous. Mr. Foster then called the vote for the Chair; the vote in favor was unanimous.

Mr. Foster asked for nominations for the Vice Chair. Mr. Sisk nominated Mr. Durand; Ms. Ellsworth seconded the nomination. Mr. Sisk moved to close the nominations for Vice Chair; Ms. Ellsworth seconded. The vote in favor was unanimous. Mr. Foster then called the vote for the Vice Chair; the vote in favor was unanimous.

Mr. Sisk asked for nominations for the Secretary. Mr. Durand nominated Mr. Foster; Mr. Sisk seconded the nomination. Mr. Sisk moved to close the nominations for Vice Chair; Mr. Durand seconded. The vote

in favor was unanimous. Mr. Sisk then called the vote for the Secretary; the vote in favor was unanimous.

Mr. Foster closed the elections and turned the meeting back over to the Chair.

#### Wildlife Trust Responsibilities (John Organ)

Board member John Organ provided the Board with a presentation outlining its public trust responsibilities, the doctrines and principles behind them, the implications of its public trust responsibilities for board governance and action, the barriers to meeting them, and the extreme importance of the Board's actions in that context.

Dr. Organ explained that the Public Trust Doctrine is based on common law defining ownership of wildlife resources in the U.S. The principles that underlie the Public Trust Doctrine include the idea that ownership is assigned to the states, except for rights reserved for the federal government, and that wildlife is property to be held in trust for the benefit of current and future generations. He also pointed out that there are other statutory state and federal laws derived from this common law base. In Massachusetts, the wildlife trust is to protect and manage the wildlife of the Commonwealth as an essential public natural resource for the use and enjoyment of all citizens who hunt, fish, trap, and enjoy nature study and observation. This includes all mammals, birds, and freshwater fish, plus insects, invertebrates and plants that are listed under state and federal regulations as rare, endangered, threatened, or of special concern, over 400 species in total.

Dr. Organ then outlined the principles of trusteeship as applied to wildlife resources, with the government as the trustee, and the implications of the Public Trust Doctrine for governmental responsibility, including that all citizens are the beneficiaries and that there needs to be an equitable allocation of benefits. He pointed out that this in turn requires balanced, science-based information on the needs and interests of all beneficiaries; a governance model that facilitates inclusiveness and avoids bias; and the responsibility to provide resources for the management of the trust. Dr. Organ then provided a detailed discussion of the principles of governance in the context of wildlife resources and stressed that the real work of the Fisheries and Wildlife Board is its decision-making function, which must abide by all those principles, including adaptability, inclusivity, responsiveness, and public accountability. Dr. Organ also talked about the barriers to fulfilling public trust responsibilities that the Board faces, including the limited ability to affect land-use decisions and its dependency on a narrow base of funding.

Dr. Organ closed by arguing that the Board's public trust responsibilities are best met by adopting the principles of wildlife governance, which provide a framework for the execution of its trust responsibilities, put the focus on the barriers to success, and aid in more broad-based funding initiatives. An engaged public is more likely to understand the need for wildlife conservation, and a broader base of people who understand and appreciate the benefits of the trust reduces the influence of special interests, ensuring that the trustee-beneficiary relationship will endure. The Fisheries and Wildlife Board must demonstrate its relevance to the public by meeting the challenge of combining scientific integrity, social responsibility, and sound public policy in MassWildlife's wildlife-conservation actions.

In the discussion that followed, Chair Sears and the other Board members thanked Dr. Organ for his thought-provoking and highly relevant presentation.

Chair Sears asked for a motion to change the agenda, postponing the presentation on MassWildlife's Habitat Program until after the public hearing so that it would not have to be halted midway. Mr. Durand so moved; Mr. Sisk seconded the motion. The vote in favor was unanimous.

### Confirm November Meeting Date

After a brief discussion, members confirmed the date and time of the November meeting, on Monday, November 7, 2022, at 9:00 a.m., and of the December meeting, on December 21, 2022, at 9:00 a.m. During a brief discussion, the members set additional upcoming meeting dates and times, selecting Thursday, January 19, 2023, at 9:00 a.m. for the January meeting and February 21, 2023, at 9:00 a.m. for the February monthly meeting.

### Member's Comments

Mr. Sisk reported a NHESAC quarterly meeting that he had attended on October 13, stating that he had introduced himself and briefly reported about the other new Fisheries and Wildlife Board members. He also noted that some vacancies exist among the associate member seats. Mr. Sisk reported that at the next meeting the NHESAC will begin the 4-year process to reevaluate the species list under the MESA.

Chair Sears stated that in future the NHESAC report will be a separate agenda item after the NHESAC has had a meeting. He asked Mr. Sisk to notify him in future and he would add it to the agenda.

Ms. Dyer reported that she had participated in the habitat walks at Birch Hill and Leyden, and that she was struck by the visible change of body language of the other participants from when they went into the walks to when they were coming back out, stating her belief that some minds had been affected positively by what they had seen.

Vice Chair Durand reported that he had attended the Worcester County League annual banquet, and he commended Ms. Ellsworth on her recent award from the Ruffed Grouse Society.

Mr. Foster reported that he had attended a recent MCA meeting and thought it a very good meeting.

Ms. Ellsworth reported that Commissioner Amidon was the guest speaker at the Mount Grace Land Conservation Trust annual meeting, that his remarks were primarily focused on habitat restoration, and that they were very well received.

Dr. Organ reported that he was planning to attend the Ashfield Rod and Gun Club annual meeting that evening.

At the Chair's request, Mr. Durand moved that they close the meeting, go into the public hearing, and return to open session afterward. Mr. Foster seconded the motion; it carried unanimously.

After the hearing was closed by Director Tisa as the Hearing Officer, Chair Sears reopened the public meeting and thanked the hearing participants for coming. He also invited them to stay for the following presentation as they would likely find it very interesting.

### MassWildlife Habitat Program Review (Brian Hawthorne)

Habitat Program Manager Brian Hawthorne provided a review of the goals, personnel, and activities of the MassWildlife Habitat Program. He reported that the Habitat Program's primary role is the restoration and management of habitat in the Commonwealth for the benefit of all wildlife. The program provides grants and technical assistance to conservation partners, including individual landowners, that enable them to do the same on private and municipal lands. He reported that Habitat staff participates in agencywide and regional planning efforts, such as the State Wildlife Action Plan, Biomap, and the Northeast Habitat Technical Committee. Staff also works with the DFG land protection program to help identify the best parcels of land to protect valuable natural resources and, with Board approval, to prevent that land from ever being developed. And through restoration actions that increase climate resiliency and improve climate adaptation, Mr. Hawthorne reported that Habitat staff work to ensure that MassWildlife lands continue to help reduce greenhouse gases in the atmosphere, adding that they will help meet the Commonwealth's goal of zero net emissions by 2050.

Mr. Hawthorne reported that Habitat staff also collaborates with their counterparts in other state agencies, such as the Division of Ecological Restoration, the Department of Conservation and Recreation, and MassDOT, to help remove invasive plants, restore streams and wetlands, and provide aquatic and terrestrial connectivity. The program also provides assistance and consultation to policy staff in the Executive Office for Energy and Environment Affairs.

Mr. Hawthorne reviewed the names and positions of all the staff that makes up or assists the Habitat Program, including those who assist part-time with prescribed burning, stating that MassWildlife has made a significant investment in personnel and professional development for habitat management, and it would take hours to introduce every staff member who is involved in the program, but that he wanted to show the depth and breadth of professionalism MassWildlife has amassed and developed throughout the agency in service of wildlife, habitat, and associated outdoor recreation. He also reviewed the kinds of habitats treated or created and the agency's goals for upland habitat composition, including an analysis of the number of acres MassWildlife needs to treat to reach and maintain its goals each year.

Mr. Hawthorne rounded out his presentation by thanking the Outreach and Education staff that does so much to publicize and promote MassWildlife's habitat work with the public. He closed by noting that the science is clear: Land protection alone is not enough if we want to conserve biodiversity. Restoration provides habitat for wildlife, increases climate resilience, and provides outdoor recreational opportunities for human communities. Mr. Hawthorne reported that MassWildlife is not alone in this conclusion. Our conservation partners agree, and MassWildlife is pleased to join with many conservation groups and agencies working together to conserve biological diversity in the Commonwealth through managing and restoring priority natural communities, open habitats, and mature forests. Mr. Hawthorne stated that these partnerships are possible because of the significant investment that MassWildlife has made, and continues to make, in Habitat staff, contractors, and equipment. This investment means that our major conservation partners see us as their peers, and they look to MassWildlife as a national leader in working for all wildlife.

The Chair thanked Mr. Hawthorne and the Director for putting together an excellent presentation.

There being no further business, a motion was made by Mr. Durand to adjourn. The motion was seconded by Mr. Sisk. The vote was unanimous, and the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Ernie Foster  
Secretary

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

October agenda

September minutes draft for review

Personnel report

NHESP tax donation report

Public hearing packet (notice and draft regulations in redline and clean versions) in preparation for the public hearing RE field trials