



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

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

PRESENT: Steve Sears/Chair, Bob Durand/Vice Chair, Ernie Foster/Secretary, Sasha Dyer, Emma Ellsworth, John Organ, Matthew Sisk, Tom O'Shea/Commissioner/DFG, Mark S. Tisa/Director, Eve Schlüter/Deputy Director, Mike Huguenin/Assistant Director/Wildlife, Trina Moruzzi/Assistant Director/Operations, Todd Richards/Assistant Director/Fisheries, Pat Huckery/Northeast Wildlife District Manager, Todd Olanyk/Central Wildlife District Manager, Joe Rogers/Connecticut Valley Wildlife District Manager, Susan Langlois/Hunter Ed. Administrator, Dave Wattles/Black Bear and Furbearer Project Leader, Caren Caljouw/Prescribed Fire Manager, Susan McCarthy/Wildlife Biologist, Ben Mazzei/Habitat Program Biologist, Nathan Buckhout/Western District Wildlife Biologist, Heather Sadler/Western District Technician, Leah Derleth/McLaughlin Hatchery Technician, Tori LaBate/DFG/Assistant General Counsel, Captain Scott Amati/OLE, Captain Erik Tynan/OLE

DATE: September 11, 2024

LOCATION: MassWildlife Field Headquarters, 1 Rabbit Hill Road, Massachusetts, and on Zoom

Chair Sears opened the September business meeting at 1:05 p.m. and introduced each of the members. He also recognized former longtime Board member Michael Roche and former DFG commissioner Walter Bickford, who were both in attendance. He thanked them for their service and noted that Mr. Roche was and continues to be a mentor to him.

Acceptance of Minutes

A motion was made by Mr. Foster to approve the minutes from the August business meeting as presented. The motion was seconded by Mr. Sisk; the vote in favor was unanimous.

Mr. Sisk was recognized by the Chair. He asked that the meeting be dedicated to the lives lost on September 11, 2001. Chair Sears stated that he was asking the meeting attendees for a moment of silence in honor of the victims of September 11 and their families. The meeting observed a moment of silence.

Chair's Comments

Chair Sears thanked Dr. Organ for sharing a recent report with the Board members. Dr Organ was recognized and explained that Wildlife for the 21st Century, Volume 7, is a publication produced every 4 years by the American Wildlife Conservation Partners (AWCP). He stated that the AWCP is an organization comprised of over 50 national conservation groups. Since its inception in the early 2000s, the AWCP has produced this publication to inform the incoming administration of the conservation community's priorities. Dr. Organ added that the AWCP was formed so one voice from the various organizations could be heard.

The Chair also reported that two listening sessions on fisheries management in the upper Deerfield River will be held virtually on October 17 on Zoom, one in the afternoon and one in the evening, and that links to join and participate will be announced and posted well in advance.

MASSWILDLIFE

In response to recent comments that he said had been made to him and other Board members, Chair Sears pointed out that there are issues of concern to sportsmen and -women that are statutory and therefore cannot be influenced directly by the Fisheries and Wildlife Board in MassWildlife's regulations.

Director's Comments

Director Tisa also acknowledged Mr. Roche and Mr. Bickford and thanked them both for attending.

Commissioner's Comments

Commissioner O'Shea acknowledged Mr. Roche and Mr. Bickford and commented on their contributions to the Department and MassWildlife over many years of service.

He reported that the Department did well in the budgetary process. It received an expansion of funds for the Division of Ecological Restoration to replace culverts across the state. There was also an expansion of the Blue Carbon program to restore salt marshes, which will be targeted to private landowners. He reported that the Department's Strategic Plan is online and being distributed in print, including to the Board members. The Commissioner reported that there has been good press about the plan so far, and that he and staff see it as a living document that will continue to evolve, adding that it's an excellent tool to talk about DFG's programs, and particularly to advocate for increased funding to support them.

Commissioner O'Shea also reported on the listening sessions that had been held on the goals and objectives developed to implement the Biodiversity Executive Order, stating that 400 people attended the two sessions, contributing many comments and good feedback. There were also 25 comment letters and hundreds of people who shared comments through the online form his staff had created for the purpose.

Commissioner O'Shea reported that he had gone out with MassWildlife staff and partners to tour the Red Brook restoration project. He stated that it was a fine showcase of the work that has been done and the strong role of partnerships in the effort.

The Commissioner thanked the Board members who had participated in the Junior Conservation Camp this year, noting that he had been asked by Worcester County League representatives to acknowledge the members' contributions.

Mr. Sears asked about Southeast Wildlife District Aquatic Biologist Steve Hurley's plans for retirement, citing all his work over many years at Red Brook. Mr. Zimmer was recognized and reported that Mr. Hurley was planning to retire the following month.

Law Enforcement Comments

Captain Amati announced that the Massachusetts Environmental Police have a new interim colonel, retired State Police Colonel Chris Mason. He also reported that Acting Colonel Patrick Moran would be retiring at the end of the week. He introduced Captain Ian Haskins, who is in command of the Inland East bureau. Captain Haskins reported that he has been with the MEP for 9 years and had previous experience with the National Park Service.

Captain Amati provided the Board with a brief overview of actions connected to the current hunting and other recreational seasons and activities; a report of recent OLE activities, including fish-and-wildlife-related examples of calls for service that Environmental Police officers had responded to in the previous month; and the outlines of recent investigations.

Personnel Report

Assistant Director of Fisheries Todd Richards introduced a new staff member who was hired during the July meeting.

Introduction

<i>Employee</i>	<i>Position</i>	<i>Location</i>
Leah Derleth	McLaughlin Hatchery Technician Wildlife Technician II	Belchertown

Ms. Derleth introduced herself, reporting that she has enjoyed a good first couple of weeks at McLaughlin and is very happy there. She thanked the Board members for nominating her. She had previously worked with Ms. Dyer at Great Falls Aquaculture for 5 years. The members congratulated and welcomed Ms. Derleth and wished her the best in her new position.

Assistant Director Richards accepted Ms. Dyer's congratulations on acquiring such an excellent technician, given the tight labor supply in that area. Mr. Richards reported that he is starting to work on the issue regionally with the Northeast Fisheries Administrators, to boost efforts to further train candidates who have both an interest in and experience with working in hatcheries, to benefit both public and private-business hatcheries.

Recognition of MassWildlife Staff Participation on Interagency Fire Crews (Caren Caljouw)

Prescribed Fire Manager Caren Caljouw introduced three staff members who recently deployed in Massachusetts crews to fight fires in the Western U.S. as part of the

Ms. Caljouw reported that MassWildlife Southeast District Wildlife Technician John Garofoli, who was unable to attend the day's meeting, had participated as part of Massachusetts Crew #1 in the initial attack on fires in the Lincoln/Helena, Montana, area. The active fires were on steep terrain and the temperatures were in the upper 90's with low relative humidity, making for a very arduous deployment. She stated that Mr. Garofoli was part of a Type 2 Initial Attack Crew composed of DCR and MassWildlife staff; it was an experienced crew and Mr. Garofoli gained valuable experience that has already increased his contributions on the MassWildlife crew.

Ms. Caljouw then introduced Western District Wildlife Technician Heather Sadler, Western District Wildlife Biologist Nathan Buckhout, and MassWildlife Habitat Program Biologist Ben Mazzei, who were all on the roster of Massachusetts Crew #2, which participated in the initial attack on the Flat Fire, northeast of Boise, Idaho. She applauded their contributions on that fire and noted that the conditions under which they worked were also very challenging. All advanced their skills and added to their taskbook requirements for advancement in the Massachusetts Prescribed Fire program.

Ms. Caljouw also applauded Mr. Mazzei for advancing to a full-fledged Burn Boss as a result of this deployment. She reported that this attainment is extremely difficult, given the lack of easy opportunities to acquire the necessary skills and experience, and Mr. Mazzei was to be commended for his very hard work and dedication. He had also been the Burn Boss on his first Massachusetts prescribed fire the previous day, which is a huge accomplishment.

The Board members led a round of applause for the three staff members and thanked them for attending the meeting and for their selfless service in such dangerous circumstances.

Bear Review, Including Proposed Regulation Amendments (321 CMR 3.02[1]; Dave Wattles)

Black Bear and Furbearer Project Leader Dave Wattles began his review with a discussion of the expanding range of the black bear in Massachusetts. Starting from the harvest in 1980, he showed in a series of state maps how cumulative harvest data illustrates the expansion of bear home ranges, starting from the northwest corner, where a small, remnant population existed before regulated hunting was introduced in 1970, southward and eastward incrementally over time. The maps also showed that the expansion has been effectively slowed and stabilized in the central part of the state, ringing the Boston suburbs to the west of Route 128/I-95. He also used map representations to show the increasing number of calls the Environmental Police have received in the past several years related to concerns over sightings of bears across the state and pointed out how those calls have spread into the northeastern and southeastern portions of the state.

Mr. Wattles turned to the research he leads with Westborough and District staff support. He described the barrel-trapping the Districts conduct to collar female bears and ear-tag all of the bears captured, reporting that this work provides a large amount of data about the state's bear population and individual animals' movements and home ranges. He also briefly reviewed the annual late-winter den work that tracks, immobilizes, and examines female bears and their young. Mr. Wattles detailed the extensive outreach and educational materials the Wildlife and O&E section staffs have developed to help people coexist the bears in their area, noting that this work has been critical to minimizing conflicts between people and bears. He also briefly discussed the Large Animal Response Team, or LART, which MassWildlife developed with the Environmental Police, and which has protocols in place for responding to bear calls that may require intervention with the bears. He reminded the Board members about instances of significant agricultural damage caused by bears that have been brought to their attention. In that discussion, Mr. Wattles noted that MassWildlife receives very few calls from farmers about bear damage, and he's not sure why that is, and he listed the many tools available to farmers for dealing with bear damage if they would contact their local District office and report problems.

Mr. Wattles reported on a human dimensions survey staff conducted to elicit public opinion about bears. Staff divided the state into four zones, West, Central, Expansion, and Non-range, and analyzed the responses they received to questions aimed at determining people's tolerance for bears in their communities. He showed graphs of responses to a couple of key questions and the upshot is that a significant majority of the people surveyed are comfortable with the bear population as it is now in their city or town. Mr. Wattles also pointed out how difficult it would be to acclimate people around Boston to having resident bears in their neighborhoods and to keep bears from getting too accustomed to people in the more urbanized areas of the state.

In summation, Mr. Wattles stated that the black bear population in Massachusetts continues to increase and to expand into highly developed areas. The current hunting seasons are not adequate to stabilize the population and limit expansion of its range. MassWildlife's goal is to stabilize the population at current levels and in the current range of the species. To accomplish this, MassWildlife needs to harvest roughly 10% of the population each year. A major benefit of a stabilized population will be the reduction of agricultural damage, fewer bear-vehicle collisions, and fewer conflicts generally. Mr. Wattles stated that an increase in the hunting season length will be needed to approach the objective of increasing the harvest of bears because the number of available permits is unlimited, and the harvest of bear by deer hunters in eastern Massachusetts will be key to effective bear population management and limits on range expansion. These considerations have led staff to recommend some changes to the bear hunting season.

Mr. Wattles briefly reviewed the changes to the bear hunting season over time, from the bounties in the 1600—1700s to an open season until 1952, and, starting in 1980, gradual increases in season length as the population rebounded and continued to expand eastward. He pointed out that the current November and Shotgun deer season occurs after many bears have begun to den, making them less effective.

Staff's proposed regulation change was to lengthen the bear hunting season to include the entire interval of the current early season through the late seasons, to increase the season at the time bears are still active and allow hunters to opportunistically take bear when they are out for other species, such as for deer during the Archery season. Mr. Wattles noted that all bears are active for most of the new period, and it would overlap with the Archery season for deer, when a large number of hunters are active. The proposed season extension would create a continuous season from the first Tuesday after Labor Day until the end of the shotgun deer season, on the second Saturday after Thanksgiving. The proposal triples the length of the season that occurs when bears are active: Currently the early season is 17 days in September; the proposal would add 36 additional days late-September through October. It includes five additional weeks of overlap with existing deer hunting seasons, with bears active for most of that overlap, while bears are inactive during the current overlap period. Mr. Wattles reported that the change would represent a large increase in opportunity for all bear hunters and would be the most effective means of managing the expansion on the eastern edge of the range, given the high numbers of Archery deer hunters in Wildlife Management Zones 9, 10, and 11, and he noted that staff anticipates a significant increase in the harvest under this proposal. He stated that adding the availability of a second permit was considered, but staff does not recommend a second permit at this time. Rather, biologists would need to fully evaluate the impact of the proposed season extension, both the increase in harvest and the effect on the current population trajectory. Mr. Wattles stated that staff will continue to monitor the status of the population and the option of a second bear permit in the future.

Mr. Wattles then turned to the staff's second proposal, which was to create a Youth Bear Hunting Permit. Reporting that staff also analyzed the option of a Youth Bear Hunt day, he stated that staff did not recommend it because it's difficult to even see a bear on a single day, and Youth hunts are designed to foster interest in hunting through a fun, successful experience. He reported that creating a Youth bear permit would allow youth 12-14 years of age to hunt bear throughout the season, without having to use the permit of an adult, which is currently required. Staff recommended that the Youth Bear Permit could be used by a youth 12-14 or 15-17 years old who has a valid Youth Deer Permit and a Youth Bear Permit to hunt bear on the Youth Deer Hunt day with a shotgun, thus giving them the option if they have the opportunity.

Mr. Sisk moved to direct staff to develop specific regulations based on the proposals and take them to a public hearing. Mr. Durand seconded the motion. After an ensuing discussion, Chair Sears asked for the vote. The vote in favor was unanimous.

Ms. Dyer moved an amendment of the previous vote, to extend the season back to include Labor Day; Ms. Ellsworth seconded the motion. After a brief discussion, the vote in favor was unanimous.

Proposed Regulation: Prohibition of Use of Thermal Imagery While Hunting (Susan McCarthy)

Dr. Organ reported that there has been a lot of discussion recently on the issue nationally as one of fair chase. He stated that, for coyote and other species hunting that is permitted at night, thermal imagery allows the hunter to positively identify their target. But the use of thermal imagery can give the hunter an unfair advantage during the day. Dr. Organ clarified that thermal imagery is already being used for predator hunting and that the idea is to restrict its use only for big game, i.e., deer, bear, and turkey.

Commissioner O'Shea asked Dr. Organ why thermal imagery was preferable to night vision in hunting coyotes and other predators, and Dr. Organ replied that it was a safety issue, and that thermal imagery is more accurate than night vision.

Dr Organ also took the opportunity to report that Ms. McCarthy's thesis defense was the best he had participated in in 30 years. He offered her his congratulations and stated that she was a testament to MassWildlife's relationship with the Coop Unit at UMass. He noted that the relationship takes a lot of support from senior staff and one's peers, and he expressed his gratitude to Director Tisa and his staff for their continued enthusiasm for and engagement with the Coop Unit.

Ms. McCarthy provided a brief presentation and began by citing the artificial light statute, which prohibits hunting of any birds or mammals except raccoon and opossum with artificial light. She reported that the Association of Fish and Wildlife Agencies and the conservation community have issued a report on the use of advanced technologies in hunting. She reported that staff is recommending that a regulation be developed and brought to a public hearing that will ban devices that use thermal optics with the intent to aid in hunting deer, black bear, or wild turkey.

In response to a question, Director Tisa explained the difference between night vision and thermal optics or thermal imagery. He stated that night vision gathers the ambient light and magnifies it for the eye, making it easier to see in low-light settings. Thermal optics are devices that use the infrared spectrum to create an image; they pick up on heat and see the infrared spectrum of the animal.

After a brief discussion, Dr. Organ moved that the proposed regulation move forward to a public hearing as proposed. Mr. Durand seconded the motion. After a brief discussion, the vote in favor was unanimous.

MassWildlife/DFG Review of New Gun Law and Implications for MassWildlife Programs (Susan Langlois and Tori LaBate)

Director Tisa reminded the meeting that he had formed the staff committee in July in response to the signing of new gun legislation that had the potential to impact MassWildlife's programs and its constituents. He reported that the amount of time and work for both DFG Legal and MassWildlife staff has been tremendous and is continuing, and he stressed that it is an extensive and complicated process, given the length of the law and complexity of its effects on other, existing laws.

DFG Assistant General Counsel Tori LaBate reported that the committee's work was prompted by Chapter 135 of the Acts of 2024, which was signed by Governor Healey on July 25, 2024. There is normally a 60-day period before a law is effective, and the effective date of Chapter 135 is October 23, 2024. Ms. LaBate reported that the fast-approaching effective date focused the committee's research on the need to update the *Massachusetts Fishing and Hunting Guide* and to update the MassWildlife website for its constituents. She stated that MassWildlife needed to be able to guide people who hunt and to know the possible impacts on its own programs, such as Hunter Education and learn-to-hunt courses. Ms. LaBate stressed that she and Ms. Langlois were not reviewing the entire law or its implications in every circumstance.

Ms. LaBate stated that their findings thus far fell into three main categories, 1) changes to firearms licensing, with implications both for the Firearms Identification Card (FID) and the Hunter Education Completion Certificate; 2) Nonresident hunters; and 3) topics that will require further guidance from state authorities that are named in the law as responsible for its implementation.

Ms. Langlois reported that the current version of Chapter 140, section 129C, which is in effect until October 23, 2024, allows a person with an FID to own or possess any firearm that is not large-capacity, and its ammunition, and still allows all 15-year-olds and older to apply for an FID. She stated that

currently FID holders may possess or carry semiautomatic firearms that are not large-capacity. She explained that semiautomatic is a popular type of firearm action that uses part of the energy of a fired round to extract the used case and chamber the next round. This makes semiautomatics more comfortable to use in that there is less recoil or “kick” because some of the energy is diverted to autoloading the firearm. Ms. Langlois reported that the revised version of Chapter 140, Section 129B, now excludes FID holders from purchasing, transferring, possessing, or carrying rifles and shotguns that are semiautomatics, in addition to excluding large-capacity firearms. This means that while an FID is still an option for 15-year-olds and older, the FID no longer entitles the holder to possess or carry a semiautomatic. Ms. Langlois noted that the License-to-carry (LTC) is an option that entitles the holder to possess or carry semiautomatics, but one must be 21 years or older to apply for an LTC.

Ms. Langlois then reported that the current version (until October 23) of Chapter 140, Section 131P, states that the Hunter Education Completion Certificate is a valid substitute for a basic firearms safety certificate when applying for a Massachusetts Firearms License (FID or LTC). The revised statute states that the Hunter Education Completion Certificate is a valid substitute for a basic firearms safety certificate, but only when applying for an FID.

Ms. Langlois reported that the changes affecting nonresident hunters included statutes relating to possession exemptions, i.e., exemptions that allow individuals to possess certain firearms in Massachusetts for particular purposes for a limited time without a Massachusetts firearms license. A subsection in Chapter 140, Section 129C, currently provides an exemption from the licensing provisions for the possession of rifles and shotguns and their ammunition for nonresident hunters with a valid nonresident hunting license during the hunting season. This exemption currently includes large-capacity and semiautomatic firearms and there are no age restrictions. The revised Chapter 140, Section 129C, that takes effect on October 23 gives the firearms license exemption to nonresidents who are at least 18 years old for rifles and shotguns that are not large-capacity or semiautomatic and their ammunition. Ms. Langlois stated that therefore there will be an age limit on the exemption (18 and older) and large-capacity and semiautomatic firearms are no longer exempted from the Massachusetts licensing provision for nonresident hunters. A Temporary LTC is an option for those wanting to use those types of firearms, but one must be over 21 years old to apply for it.

This subsection continues with new language allowing a nonresident with a hunting license from the state of residence that has similar training requirements to be exempt from the firearm licensing provision. This language can be confusing, and Ms. LaBate noted that all nonresident hunters will still need a valid Massachusetts Hunting License to legally hunt in the state.

Ms. LaBate reported that there are several issues that will require further review and guidance from the state agencies that are responsible for administering the law, which are the Executive Office of Public Safety and Security, the Colonel of the State Police, and the Firearms Records Bureau. These include 1) the revised possession exemption for “furnishing” a firearm; legal possession, use, and hunting with muzzleloaders or “Antique” (newly defined) firearms; and nonresident minor (15-17 years old) hunters, who can hunt in Massachusetts under the revised law with a nonresident hunting license and archery tackle.

Ms. Langlois reported that MassWildlife intends to communicate with its constituents about the coming changes in several ways. Staff will provide targeted outreach to MassWildlife’s Hunter Education and Youth Hunt volunteers. O&E staff will update the 2025 *Massachusetts Fishing and Hunting Guide* to reflect our current understanding and are updating MassWildlife’s web pages, which will be the living document that can continue to be updated as staff’s knowledge and information increases going forward. Staff will also field some inquiries directly where our confidence in our answers is high and will

refer constituents to the three agencies in authority, the Executive Office of Public Safety and Security, the Colonel of the State Police, and the Firearms Records Bureau.

After a number of questions and a brief discussion, the Chair and members thanked Ms. LaBate and Ms. Langlois for all their work to understand the new law and for their very informative report.

Confirm the October Meeting Date

Members confirmed the October meeting on October 2, 10 a.m., at the Westborough Field Headquarters. The November date was confirmed for November 13; 10:00 a.m., also in Westborough.

Members' Comments

Mr. Sisk recognized members of Trout Unlimited leadership who were in attendance.

Ms. Dyer reported her thanks for MassWildlife staff support for her second pint night; Ms. Ellsworth helped, too, and it was another successful evening. She reported that the results of the exit survey revealed some women said one barrier to their comfort with going out on their own is a lack of confidence in being able to take care of themselves, citing things like being able to start a fire, find their way, etc., which might be useful for MassWildlife staff in building outdoor programs with its partners. She also reminded people to be safe in tree stands during the hunting seasons and to take a tree stand safety course if they haven't already.

Mr. Foster applauded the four presentations given by staff at the meeting.

Mr. Durand also praised the great job done by staff during the meeting. He acknowledged Mr. Bickford, who he said was instrumental in starting the Riverways Program, which eventually became the Division of Ecological Restoration. He also passed on a suggestion that MassWildlife add a questionnaire to its license-buying software, asking whether license-buyers want to join sporting clubs. Try to match people with sporting clubs to increase the constituency.

Ms. Ellsworth acknowledged and thanked Mr. Roche, who she said was her mentor in the Valley seat. She also praised his newspaper column that shares hunting information with non-hunters. Ms. Ellsworth remarked that this year marks the Land Water Conservation Fund's (LWCF) 50th anniversary, noting that the Forest Legacy program came out of it, and that it helps create small and urban parks and pay for bridges and rail trails. In her capacity as the executive director of the Mount Grace Land Conservation Trust, which operates in 23 towns in the North Quabbin area, Ms. Ellsworth reported that Mount Grace has used the LWCF for 8,000 acres and \$11 million over 79 different parcels. She reported that Congressman McGovern has highlighted the bipartisan support behind the LWCF. She also reported attending an event with the Trout Unlimited (TU) chapter on the Deerfield River and hearing about the citizen-science going on there. She reported that TU is funding equipment, Ph.D. work, etc., on the river and it was very impressive.

Dr. Organ noted that the Land and Water Conservation Fund is also an important source of national wildlife refuge funding. He reported that since Hunter Education teams have moved to the blended format, his team has noticed that rosters for classes had not been filling up, but his course for the upcoming Saturday is full, with a waiting list, which is a good sign. He gave a shout-out to Dr. Adam Kautza, whose presentation at the Deerfield River TU Chapter Science Summit was excellent. Dr. Organ also reported that he has been asked by the town of Buckland to be their representative on a study committee for designation of the Deerfield River as a national Wild and Scenic River. He thanked staff for their great presentations at the meeting.

Chair Sears stated that on October 3, the Director, MassWildlife Senior Staff, and a few Board members have a meeting with the Cape Cod National Seashore regarding bird hunting on the Seashore.

There being no further business, Mr. Durand moved to adjourn; Mr. Sisk seconded; the vote in favor was unanimous and the meeting was adjourned at 3:45 p.m.

Respectfully submitted,

Ernie Foster
Secretary

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

September agenda

Draft August minutes

September personnel report

Copy of letter to Director Tisa from the Greater Boston Chapter of Trout Unlimited *RE* catch-and-release fishing proposals for regulation changes