



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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Jack Buckley, *Director*

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, Ernest Foster IV, Stephen Sears, Fred Winthrop, Ronald Amidon/Commissioner/DFG, Mary-Lee King/Deputy Commissioner/DFG, Jack Buckley/Director, Mark Tisa/Deputy Director, Kris McCarthy/Associate Director/Finance and Administration, Tom French/Assistant Director/NHESP, Michael Huguenin/Assistant Director/Wildlife, Trina Moruzzi/Assistant Director/Field Operations, Todd Richards/Assistant Director/Fisheries, Marion Larson/Chief/Information and Education, Craig MacDonnell/Chief/Wildlife Lands, Bill Davis/CWD Supervisor, Pat Huckery/NEWD Supervisor, Andrew Madden/WWD Supervisor, Ralph Taylor/CVWD Supervisor, Jason Zimmer/SEWD Supervisor, James Burnham/Program Coordinator/Regulations, Nicole McSweeney/Outreach and Marketing Coordinator, Chris Buelow/Restoration Ecologist Christine Chisholm/Fee Stewardship Coordinator, Anne Gagnon/NEWD Land Agent, Jody Simoes/Human Dimensions Project Leader, Dave Scarpitti/Upland Game Biologist, Patrick Conlin/Private Lands Forester, Fletcher Clark/Habitat Biologist; PUBLIC: Dave Morin, James Nishan, Rosemary Charron, Craig Cortis, Robert Shea, Grayson Guyton, Dale Chace, Alex Palomares, Samantha Corbin, Anna Meshreky, Rowan Reeves

ABSENT: Dr. Brandi Van Roo

DATE: March 14, 2018

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

Chair Larson opened the March meeting of the Fisheries and Wildlife Board at 1:05 p.m.

### Acceptance of Minutes

A motion was made by Mr. Foster to accept the minutes from the February 2018 meeting as presented. The motion was seconded by Vice Chair Roche. The motion passed unanimously.

### Chairman's Comments

Chair Larson reported that there is interest in a joint meeting with the Department of Conservation and Recreation's (DCR) Stewardship Council on common interests, perhaps especially forestry, and he reported that a spring or early-summer time frame is expected. The Chair reported that Director Buckley had suggested that the two boards have a specific topic upon which to meet, as opposed to trying to conduct their monthly meetings jointly, and Chair stated that he agrees with that plan.

The Chair reported that the letter expressing support for the Recovering America's Wildlife Act that was voted unanimously during a previous meeting will be signed by the Board members during and after the meeting.

### Commissioner's Comments

Commissioner Amidon stated that his office was busy with capital improvement plans and the Environmental Bond Bill during the preceding month. He reported that the Secretary has signed the Bond and sent it on to the Governor. DFW projects included in it are for hatchery rehabilitation, the Birch Hill education center, and the Kent's Island Bridge project.

The Commissioner reported that he had attended the Springfield Sportsmen's show and had had some good conversations with people about MassWildlife's bear research and various boat ramps of interest.

MASSWILDLIFE

He also reported working on the community partnership with Otis/Camp Edwards. In particular, he reported that the camp is interested in finding more ways to reach out and work with the community. The Commissioner reported that a MassWildlife idea was to hold a Big MOE East, and he provided some brief background on what that might look like, based on the model of the Massachusetts Outdoor Expo (the Big MOE) held every September at the Sturbridge Rod and Gun Club. He reported that the army is interested and they have infrastructure and lots of space for such an event. Commissioner Amidon stated that his office was organizing another meeting sometime in the next 3 months to solidify a plan.

#### Director's Comments

Director Buckley reported that he had attended a meeting of the Northeast LLC (Landscape Conservation Cooperative) on February 22, with representatives from Maine, Connecticut, Rhode Island, New York, and West Virginia. He explained that LCCs are landscape conservation initiatives that are coordinated over large distances that have been zeroed out in the President's budget. The Director noted that LCCs were not collaboratively developed, and there is an open discussion of governance and the need to recognize that states that have statutory authority over species must be given more autonomy.

Director Buckley stated that he was very pleased to announce that the first recipient of Mass Audubon's Hemenway and Hall Award was Carolyn Mostello, MassWildlife's Coastal Waterbird Biologist. The Director reported that Audubon president Gary Clayton had noted that Carolyn's important efforts on behalf of coastal waterbirds align with the legacy of Mass Audubon's founders, after whom the award is named, and read aloud Mr. Clayton's comments from the March 11 ceremony at Mass Audubon's spring birders' meeting: "Carolyn personifies excellence in wildlife conservation every day as she demonstrates her commitment to the biodiversity of the Bay State. She has not only shown success in protecting endangered and threatened bird species, but has served as an inspirational role model for others to take up this crucial work. Thus she is the perfect choice to be the first honoree of the Hemenway + Hall Wildlife Conservation Award."

The Director turned his comments over to Deputy Director Mark Tisa, who provided a Sandwich Hatchery update and a report on trout stocking. Deputy Director Tisa stated that the Board had been sent a report on the storm damage and the power outage at Sandwich, and he stated that the hatchery is still on a shoestring and the power was still out as of the meeting date, so that they were still on generator power. Assistant Director for Fisheries Todd Richards briefly reviewed the contents of the written report, listing all the staff that participated, including Southeast Wildlife District Supervisor Jason Zimmer and his staff; the initial generator failure; and the minimized losses, thanks to the collective efforts, of about 1% of the expected spring stocking. Assistant Director Richards emphasized that staff really went above and beyond. He reported that without the extraordinary efforts of staff, the whole production of the hatchery could have been lost, encompassing several years' fish. His highlights of the report noted that over 450,000 fish would be stocked this spring, with more than 40% of them over 14 inches. He also reported that staff had made and would continue automated updates to the trout stocking pages as the season progresses. Assistant Director Richards also provided details of what staff does in severe storms and potential power outages to safeguard the fish in the hatchery. By way of example, Deputy Director Tisa added that staff had been sleeping at the hatchery to keep it going the previous two nights.

Director Buckley closed his comments with an apology to Brandi Van Roo (not present) for not having the Environmental Bond capital budget information ready that she had requested; it had been a busy month and he intended to have it for them in April.

#### Old Business

##### *Species Management on USFWS Refuges (Jack Buckley)*

Director Buckley reported a meeting with Chris Dyer, who is the U.S. Fish and Wildlife Service's Chief of Hunting and Fishing, in the following weeks. Chair Larson explained to the meeting that the issue is related to hunting and fishing access on NWRs and the authority of states over endangered species.

New Business*Personnel Report (Kris McCarthy)*

Associate Director McCarthy reported that staff had two recommendations for the Board, both of which are backfills of previously existing positions:

New Hire

<b>Employee</b>	<b>Position</b>	<b>Location</b>
Rebekah Zimmerer	Endangered Species Review Biologist Conservation Biologist III	Westborough
Daniel Bove	Restoration Ecologist Conservation Biologist III	Westborough

Mr. Sears moved acceptance of the Personnel Report as submitted; Mr. Winthrop seconded the motion; the vote in favor was unanimous.

*Review/Discuss Public Comments from the Dog Regulations Public Hearing, and Vote (Jason Zimmer)*

Mr. Zimmer provided the Board with a detailed analysis of the comments received on the proposed regulations requiring the leashing of dogs and the removal of waste at Wildlife Management Areas. He reported that the agency had received a total of 229 public comments (email/letter and one i-petition) on the proposed regulation, all of which had been provided digitally to the board members, and stated that MassWildlife staff reviewed all of the comments and had prepared a summary for the Board's use and consideration. Mr. Zimmer also reported that MassWildlife staff had held a formal meeting to discuss the public comments and determine whether any revisions or modifications to the proposed regulation should be considered. Based on that review of the public comments, MassWildlife staff offered recommendations for the Board to consider to amend the proposed regulations as follows:

- 1) Require all persons (including hunters and sporting dog trainers) to immediately collect dog feces within designated parking areas and within 100 feet of designated parking areas for disposal off-site, while maintaining the exemption from feces collection/removal for hunters and sporting dog trainers on the wildlife management area greater than 100 feet from designated parking areas.
- 2) Add the word *physical* before the word *leash* in Subsection (i) to further clarify that a physical leash (and not a "virtual or electronic leash") is required.
- 3) Strike the following language from Subsection (ii): *in addition to the requirements in 321 CMR 3.01 (1) (r) (i), a person may not allow a dog under his or her control to interfere with any other person's use or enjoyment of a wildlife management area*, as it is vague and difficult to enforce.

After Mr. Zimmer's discussion, Vice Chair Roche moved that the Board amend the proposed regulations by adding 'physical' in front of the word leash. Mr. Winthrop seconded the motion.

Discussion: Mr. Foster disclosed that he was not voting nor participating in any way on any aspect of the matter because an advocacy group had used his name in a letter in support of the regulations without his knowledge or permission. The vote was five members in favor, with a recusal from Mr. Foster.

Mr. Roche moved that the Board change the proposed regulations to say that feces collection shall be universal within 100 feet of designated parking areas. Ms. Booth seconded the motion. The vote was five members in favor, with a recusal from Mr. Foster.

Mr. Roche then moved that the Board strike the staff-recommended sentence. Ms. Booth seconded the motion. The vote was five members in favor, with a recusal from Mr. Foster.

Secretary Booth then moved that the entire regulatory proposal be accepted as amended; Mr. Winthrop seconded the motion. Discussion: Chair Larson reported that, after the hearing, he had been given a copy of the document

used at Callahan State Park as an example or model for MassWildlife to follow. He cited the authority under Ch. 21, sec. 17D, which allows DCR to create these dog parks. He thought this was a lot of responsibility for the DCR; interested, he looked at the DCR website and found that the DCR has 20 dog parks distributed across the state, with opportunities to create formal dog parks on all other areas. He reported that each one entails a substantial commitment to raising funds and providing volunteer support. The vote was five members in favor, with a recusal from Mr. Foster.

#### *Restoration Ecology (Chris Buelow)*

Restoration Ecologist Chris Buelow presented a report on the current population status of whip-poor-wills in Massachusetts. He stated that the motivation for the analysis came from the perceived declines and retraction of distribution of the species across the state. His key questions were: what is the historical status and distribution, and if there has been a decline, why?

His analysis began with a review of historical information that compared qualitative "status accounts" on the whip-poor-will over time, compared records submitted by birders over time, and compared findings in the Massachusetts Breeding Bird Atlas I and II. He detailed each type of information and the status results from each. The outcome was that the Eastern Whip-poor-Will was listed as a Species of Special Concern under the Massachusetts Endangered Species Act in 2011.

Given the documented declines and the retraction of the species' distribution, Mr. Buelow examined the commonality across the birds' remaining stronghold sites, and found that they were fire-influenced systems, primarily Barrens and Oak Glades. He listed the current strongholds, with the primary ones being the Joint Base Cape Cod, Manuel Correllus State Forest, Myles Standish State Forest, and Montague Plains WMA, with secondary ones at the Quabbin, the Cape Cod National Seashore, Plum Island/Crane Beach, Eastern Nantucket, and Fort Devens/Bolton Flats WMA. Mr. Buelow presented photos showing the succession of sites with fire suppression over time; these clearly showed the progression from open to closed canopy, with very different tree species assemblages.

Mr. Buelow then detailed the current conservation actions being taken, and reported that a volunteer survey network had been tapped to monitor the population while active habitat management was being applied to the primary and secondary sites. He closed his presentation with a statewide survey route map and an aerial of Montague Plains showing locations of nests and roosts over time, all in enlarging areas that have been actively managed for grassland and barrens.

In the brief discussion that followed, a member asked about Birch Hill and Muddy Brook, and whether staff or volunteers were seeing a whip-poor-will resurgence in that area yet, given the restoration work that has been done there. Mr. Buelow reported that whip-poor-wills are there in the neighborhood (on the periphery) and that common nighthawks were doing courtship dances at Muddy Brook, so it is just a matter of time.

#### Law Enforcement Comments

Captain Tony Kabir reported on Office of Law Enforcement (MEP) activity in the month preceding the March meeting. He stated that the previous month had not surprisingly seen many weather-related issues, including that the MEP had evacuated its office at Causeway Street because of record tides during the second nor'easter. He also stated that the storm detail entailed 36 hours around the clock for many staff. Other activity included wildlife calls: 22 for deer, 30 for bear, 5 for raptors, and 8 for endangered species. Captain Kabir also reported that there were active search-and-rescues on land that were ongoing and he was monitoring during the meeting.

#### Natural Heritage & Endangered Species Advisory Committee Report

Dr. Larson reported that the March Natural Heritage & Endangered Species Advisory Committee meeting was scheduled for March 8, and had been cancelled due to the storm.

Confirm Meeting Date

Members confirmed April 10, 2018, as the next Fisheries & Wildlife Board meeting. The meeting will begin at 2:00 p.m.; the 2018-2019 Migratory Bird Hunting Season hearing was scheduled at 3:00 p.m.; and the hearing on the proposed extended archery season in WMZs 10-14 was scheduled to be held at 7:00 p.m. the same evening.

Member's Comments

Mr. Foster and Mr. Winthrop reported no comments.

Secretary Booth reported that the BOW turkey event in April is fully subscribed, and she stated that R3 Coordinator Astrid Huseby had done a great job organizing it. Ms. Booth stated that the Shirley Rod and Gun Club hosts the workshop and Devens is hosting the hunt. She also noted that March 24 is the Worcester County League's annual awards banquet.

Mr. Roche commented that with staff proposing to extend the woodcock season with 6 extra compensatory days, constituents had asked whether nesting impacts can be folded into the assessment.

Mr. Sears reported that he had been in a whiteout in Dalton when he left and that it was spring by the time he reached Northampton. He reported that he had attended the Berkshire County League awards dinner, and that former Berkshire Natural Resources Council president George Wislocki and Berkshire Community College's Tom Tynning were recipients of awards. He also reported that on March 9 he had had an invitation to observe a bear den survey; there was a mother and three 5-week-old cubs. Mr. Sears said it was an amazing life experience and another example of the amazing teamwork of MassWildlife staff. He added that he had been able to do some outreach to DOT staff who were also invited to participate.

Mr. Foster moved that the Board go into closed executive session for the purpose of discussing proposed land acquisitions whose negotiations would be compromised by discussion in open session and not reconvene in open session thereafter; there was a second from Secretary Booth; the vote in favor was unanimous.

Executive Session

Chief of Wildlife Lands Craig MacDonnell presented five land-acquisition projects that were individually reviewed and each unanimously approved by the Board.

There being no further business, the meeting was adjourned at 3:05 P.M.

Respectfully submitted,

Bonnie Booth  
Secretary

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

March agenda

February draft meeting minutes for review

Report on the Sandwich Hatchery power outage during the first of the nor'easters at Sandwich (Mark Tisa)

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

April 10, 2018, public hearing notices

Executive session documentation