

Town of Bolton  
3045 Theodore Roosevelt Highway

Bolton VT 05676

802-434-5075

### Conservation Commission Meeting Minutes

April 18, 2016 6:00 – 8:26 p.m.

Conservation Commission members present: Lars Botzjorns, Amy, Ludwin- chair, Ali Kosiba, Jerry Mullen, Steve McLeod

Conservation Commission members absent: Virginia Haviland

Also present: Rob Mullen, plus various members of community: Alexis Ressler and Arnie Kozak, Matthew Mead, Bonnie Rowell, Clayton and Judith Bergeron, Steve Perry, and Bobby Summers.

#### Agenda

1. Review, and additions, minutes of the March 28, 2016 meeting . No additions for the past minutes. Approval of Past Minutes ~  
Steve made motion to approve them with subsequent alterations by next CC meeting, and a vote on that if there were subsequent alterations, seconded by Jerry.  
Approved by majority (5:0)

#### 2. Public Comment

Arnie Kozak — Stone Hill Rd., abutting property owner, bought his parcel in part because of the location next to PPCA, and appreciation of the PPCA, the area, wildlife viewing, they are out daily on the trails, he is concerned that trapping is a public safety issue, he has concerns, particularly with regard to dogs and kids. And is strongly in favor of the petition. He submitted a letter with more details of his and his wife's sentiments.

Steve Perry --- not opposed to trapping in general. But he just doesn't think that PPCA is an appropriate place for trapping. Especially because there is no documented need for it.

Judith Bergeron — I really enjoy the Town Forest, agrees with Steve's comments. She doesn't see the need for trapping, I believe that PPCA should be protected unless there is a problem. Is very much in favor of the petition.

Matt Mead — lives across the street, is a trapper, and is the one who got SB permission and set the traps at PPCA. He understands worries about trapping in terms of dogs and kids, and shares those, but wants us to know he is not talking about foothold traps at PPCA because of safety issues. He only set traps in the ice so believes that there is zero risk of dogs and kids unless someone is messing with the traps. He had this happen at all his trap sites this winter and then pulled all his traps. This creates a safety issue because then there is a hole in the ice where someone else tried to pull his traps. He points to that most/all trappers won't put a trap near a trail, he believes they use good judgement when placing traps, said animals don't travel near humans. He thinks there are misconceptions and misinformation about trapping. He is open to people asking questions and learning about trapping, and says: I'm here to listen. He fully supports trapping and doesn't think we should just ban it. Public safety is important to trappers, and others.

Lars asked Matt- if it would be ok to add that foot hold traps aren't allowed in PPCA in the management plan. Matt was reluctant to agree, he says he'd hate to say that would apply to all trappers. That is his view, but might not be others. He also wanted to be clear: It's not his goal to go in and kill all the beavers or anything.

Rob Mullen — Resident who lives next to PPCA, and petition organizer- he is happy that Matt said that most trappers won't place leg hold traps on the property and he find it very good to hear that Matt had only applied to traps under ice and did not trap fisher. He thought that Matt had made some reasonable points. He has a page of notes of his thoughts on PPCA. Said: The fact that the parcel is 405 acres means that there is not a lot of terrain without trails, making 'safe' trapping difficult. His intent is not to ban trapping, and notes that trapping is an honorable activity, but his concerns are specific to the Preston Pond Town Forest. He has an idea that comes out of some researchers in BC, where they have designated areas that are refuges; for wildlife breeding, and aids in species recruitment; Could that work here? Why not make this 405 acres be land that is set aside, and held as an undisturbed eco system. Let's leave the PPCA alone, and let this small area self regulate. As trapping is allowed on all other lands within the Town. He would feel better if trapping does occur, that it should be allowed when necessary, when /only/ if it were in response to a PPCA management issue. The science of wildlife management is incomplete especially for a small parcel such as PPCA so perhaps not

messing with one area is a good idea. Safety issues pertain to PP specifically, not to trapping general.

Matt Mead — approves this idea in theory, of a refuge, but thinks that the numbers of dogs and people at PP might disrupt this.

Rob — wondered about the longevity of the beavers, there is a long shoreline which might mean that the beavers can stay there for much longer. But if they abandon the pond, that is part of the ecosystem. He would feel better if there wasn't trapping on PP. And the beaver were allowed to self regulate, go and come on their own.

Bobbie Summers — is new to town and wants to hear the whole story about trapping and learn about the issue. She has a background in wildlife biology, but doesn't have a position on the issue yet. Comes from a hunter tradition family. She lives on Leary Road and is very supportive of compromise and diplomatic negotiation as much from Matt as from anyone else.

Matt — sees the beavers at PP cutting large trees and storing underwater, which he sees as 'abnormal' and unusual. Tons of evidence at one point there was a lot of beavers. Before trapping he looked at which beaver houses released heat and had stored food to get a rough estimate of population size.

Bonnie — wondered if we don't know how many beavers there are, how do we figure out how many can be trapped? The population was stable according to her, but now after beavers were trapped, the dam is running heavily and the pond is lower than it was. She has not seen beaver in the regular way that she had been prior. Vt. Fish and Wildlife members can guess at beaver numbers, but the only people that really see the pond daily are her and Rob and other neighbors who see and know the pond, the wildlife, and the area. So F & W, and we overall don't know the impact of taking beavers, and don't know how long it'll take to have them back. Taking the beavers has ruined wildlife viewing for herself, and other people. And she submitted a letter with more details of her sentiments strongly in support of the petition.

Matt — took two beavers from the lower pond and 1 beaver from the upper pond. He thinks that beavers come and go and its possible that he scared the beavers away.

Steve — has noted this coming and going of beavers on their own in other beaver ponds, and that happens normally.

— — end of public comment — —

Jerry asked Matt if 30 paces off trail is adequate for taking a problem animal in a leg hold trap. Matt thinks this is ok, especially if we flag the area. Jerry mentioned how paces is a vague term and he'd like to have it be feet or yards, a standard unit of measurement.

Amy posted this question on a forum for CC around Vermont. The leg hold traps are generally baited and others commented that you need to train towns people how to get dogs out of leg hold traps and have education on how to do so if we were to allow leg hold traps.

3. Thank you Lars for your years of service to Bolton and the BCC, and for all your work as Chair. Thanks for your past leadership Lars!

Lars has been involved in the CC on and off for 20 years! Thank you for all the years of trail work at PPCA, & for saving all those orange juice can tops and making and putting up all the blue trail markers !

Lars will be stepping down off of the CC after the May meeting to prepare for his move. Someone else will need to become the point person for the PPCA MP follow up.

#### 4. Preston Pond Conservation Area

##### 4a. Possible conflict of Interest follow up

Amy brought a summary from the the Vermont league of cities and towns (chapter 3) re: Conflict of Interest (COI). Mentioned an idea from VLCT, that some town boards choose to have this question at the start of each meeting. They suggest that towns that do this, ask that : it be disclosed at each meeting if any member feels there is a COI, and if so then a public discussion follows. If an actual COI, then the person should recuse themselves, based on an honor system. Up to each person to decide: If they can impartially address the issue, and if so, the person doesn't have to recuse themselves.

Jerry likes the idea of bringing this up at the beginning of each meeting.

Lars likes the idea that it is part of the meeting structure, to discuss this at the start of each meeting.

Lars makes a motion to have this listed at each meeting to discuss conflicts of interest. Jerry seconded.

Ali asked about how this will play out in the CC meeting, for example what happens if there is a conflict of interest but the person with the conflict doesn't recuse themselves.

Amy - suggested that at least the issue is out in the open and transparent. And that according to VLCT it must be up to the individual to make the call themselves .

Lars — asked if recuse means that you can still discuss the issue or just not vote?

Amy — read from the handout (Vermont league of cities and towns) and which in summary : said that to recuse means that a : conflicted person should not discuss the issue, which many mean- by leaving the room or at least the table. Difference between abstaining and recusal

covered in VLCT document. The person who knows they can not be impartial should recuse themselves and that would be to not discuss the issue.

Lars thinks that as long as everyone is upfront with the conflict, maybe we can all discuss the issue but those with conflict should not vote.

Jerry asked if we should adopt the Vt league of cities and towns policy?

Amy said that would be a good topic for us to take up if we want to, but perhaps we'd need more time, to do homework on it, and be thoughtful about what we'd be agreeing to, what that might be. If people want to have a COI policy on our agenda we can do that.

Vote on Lar's motion to have it included in each meeting as a line item: Does anyone have a potential or possible conflict of interest issue about any of the topics that are on the agenda for the meeting today? (anyone can raise about any member).

Passed: 5:0

Steve commented about his alleged conflict of interests question, and feels that he's disclosed his affiliations and that his biases are not different than other people's. He believes he can and will be impartial. He commented that what he does at the CC doesn't affect what he does for a living.

#### 4b. Petition follow up

Regarding: Rob Mullen's petition against trapping at PPCA unless there is a forest management need and letters in support of the petition. He provided a list of Bolton residents and everyone who signed the petition. 324 signatures, 60 of those from Bolton, The petition states that trapping would be allowed only if the CC and SB approve trapping for a specific need (forest management need).

#### **The petition reads as follows:**

Opened on March 06, 2016

Management of Trapping within the Bolton (Vermont) Town Forest (including Preston Pond)

(Video at: <https://youtu.be/szCCrmbOpM>)

We the undersigned residents of Bolton, Vermont and Bolton Town Forest users from surrounding communities, wish to advise the Bolton Conservation Commission (CC) and Bolton Select Board (SB) of our opposition to trapping of animals simply as a recreational hobby, or for commercial gain within the Bolton Town Forest.

**As allowed by State law and the governing Conservation Easement**, the town may permit, restrict, or ban trapping at its discretion. This petition is to ask the Conservation Commission to take the middle road.

In consideration we ask the CC to stipulate in the Town Forest Management Plan (currently being drafted) that ***trapping only be permitted within the Bolton Town Forest if the Conservation Commission first demonstrates and subsequently a majority vote of the Select Board agrees that there is a clear and compelling***

*forest management problem that requires trapping. Non-lethal means of addressing wildlife conflicts will be sought as the first option, as recommended by the Vermont Fish & Wildlife Department.*

**This petition is not looking to stop anything that has a history here. It seeks to forestall trapping done simply as a hobby or for commercial gain on ecologically important public property laced with popular hiking trails. Recreational and commercial trapping is inappropriate to the safety and enjoyment of other Town Forest users, their dogs, and children and unnecessary for and possibly counter to the conservation purposes of the Town Forest.**

**Brief background: Preston Pond, the Bolton Town Forest, and trapping.**

Preston Pond and its pristine watershed are the core of the Bolton Town Forest (est. 2003), "protected" by a Conservation Easement held by the Vermont Land Trust. While hunting (particularly deer) has a long history here and can play an important role in forest health, there has not been any trapping on the property (nor ever any need for it) since at least 1946. However, since the interim Forest Management Plan makes no mention of trapping, this past December, for the first time in over 70 years, three Bolton Town Select Board members gave permission to a trapper to kill beaver and fisher for recreation in the Bolton tax payer supported forest. The VT Trappers Association attended a subsequent Bolton Conservation Committee meeting Jan 18 and many out of town trapper members were present advocating that trapping be generally allowed in the Bolton Town Forest. There is not currently any ecological or conservation need for trapping in the Town Forest as evidenced by the simple fact that there has been no such trapping in ages, and yet, we have not been overrun with any of the target species, nor have they caused any problems.

Lars noted that the number of signatures is significant. Someone mentioned that just the signers from Bolton would make up at least 1/2 the number of people who usually come to Town Meeting day. Because we see the concern, Lars wants to address this. He notes that the SB will need to weigh in on the proposal.

Virginia sent an email about the issue ( she was not able to attend this meeting, but sent this note re: trapping ): I went back to my notes and the original easement and looked at the 2 primary purposes. Using that as a guideline and given the fact that there has been no trapping at PP at least during the Mullens' time, and that there is very heavy rec usage around that area, I feel like the PPCA should only have trapping as needed for area management.

Lars noted that some of the people on the petition come from other towns, too. He asked how can we incorporate the concerns of people who signed the petition, to do so we'd have to edit the PPCA management plan.

Amy is in favor of approving the wording of the petition. The PPCA is a designated conservation area, and the management plan wording supports protection of wildlife and diversity over and above human recreation activities. The plan reflecting the conservation easement states that if those two purposes conflict, the follow objectives prevail: to conserve and promote biological diversity, wildlife habitats, diversified forest

structure, .... and the ecological processes that sustain these natural resource values as they are created in part by the Beaver who live there, especially in the EPZs (ecological protection zones). Indeed, the EPZs are where the beaver are located. She is not against trapping in the rest of town, but just doesn't think that its appropriate in PPCA.

Lars noted that there is wording in the PPCA management plan that allows trapping in EPZs with permission (section 8.2.1). his point of emphasis is that trapping in the EPZ's is perhaps more restrictive given the push for a conservation justification for trapping, but perhaps the current wording is not clear enough in that regard.

Amy noted that that wording is draft wording only, and has not been approved by the CC members or SB and is thus only draft proposed wording serving as a place holder awaiting our discussion.

Ali also noted that the two primary purposes were part of the deed from VLT, and so carry more weight.

Steve addressed the 60 Bolton residents that have signed the petition, but noted that there could be others that favor trapping that haven't mobilized. He noted that PPCA is for all uses. Someone else brings up, and Steve agrees- there are some uses that are prohibited and named a few. Mountain biking, horse riding on side trails to name a few. He isn't familiar with any VLT easements that prohibit trapping. He stated that Vt Fish and Wildlife Department show that trapping has ecological benefits and won't deplete the beaver population. He thinks that we shouldn't change course on our trapping discussion and wants us to keep the proposed criteria we had already began discussing. He wants to reject Rob's petition and doesn't want to accept the wording.

Jerry noted that the main differences between the petition and section 8.2.1 as it is now is that in the petition, the initiative comes from the CC rather than the trapper. He would like to see stronger language favoring Bolton residents.

Jerry makes a motion for our group to rewrite, and make changes to: 8.2.1 trading 'trapper' to 'CC'. He likes that this gives us local control and would have it that preference be given to Bolton residents who are allowed to trap in the event that trapping were requested by the CC. The town would then submit a request for trapping. For example, if Matt, or another person, or someone on the CC, or the Stewards group, were to see a PPCA management need for trapping at PPCA, then the issue would come to the CC for review. The CC would then discuss, and if there were a compelling management need to trap - if so they would contact the SB to seek a trapper. Can we all rewrite to make some amendments and changes to the wording along this line? Each of us draft wording on this, to put together. Amy seconds this motion.

Lars suggestion was to accept all comments and write the new draft himself, rather than by committee, which is inefficient. Lars has an amendment to Jerry's motion that he'd put them together. Jerry accepts this.

Amy has an amendment to this that she wants to know what each person's comments are, Lars accepts this. Everyone will see all the comments submitted along with the new draft language.

Steve thought that the previous criteria were fine with a few modifications.

. And thinks that individuals should retain the ability to apply to trap.

Rob was surprised at the CC meeting at Smile there were so many trappers from other towns.

Steve noted that there were lots of folks from POW (Protect Our Wilderness, an anti-trapping group) at the Select Board meeting in December.

Amy stressed that 'wildlife viewing opportunities' is also a valid need by residents.

Lars noted that we have public comment on the PPCA Management plan coming up as a part of the normal process. in this case the SB will need to determine the extent of public review before they give the plan final approval. Plus we have to revise it in 10 years.

Amy called to question Jerry's motion. No comments. Called to vote.

Passed: 5:0

Ali asked again what about liability for trail work at PP.

Lars noted that the GMC has chainsaw volunteers have to take national forest training. Discussion. Will be looked into.

4c. We'll review and consider revisions, discuss a proposed complete revision of the main PPCA plan (not the Forest Management (sub)plan, which we approved last time).

Regarding the possible proposed wording related to trapping criteria are in the Appendices (8.2) and a proposed trapping application form is toward the back of the attachments.

Stewards Group came up re: PP Management Plan (p.24) about wording, by Ali.

Discussing wish to make specific, her role vs. steward group. Lars will work on wording, as she is nominated Steward and the Steward group would work with her. Ali invited to SB to discuss Stewards appointment.

Ali left CC meeting to talk to SB.

Discussion of: need to take out the wording of paces under 8.2.2, to measurable units of yards. Are leg hold traps going to be considered? Matt's personal view was no, Steve's view is maybe. Should any trapping be allowed only by a Bolton resident. Only one trapper at a time? or to meet the ecological needs of the situation. Ideas for our consideration in our re write of the 8.2.1.

Ali returns: Ali approved to be PP Forest Steward. SB first had to approve the position. They asked that this position also write something short for town annual report. The SB is also looking into liability with volunteers using tools on town land.

4e. Public comment process: SB review, public meetings, Town Meeting. Public comment process can include comments directed to the Trapping section of the proposal.

On a future agenda. Will happen after we finalize the PPCA MP draft.

5. Old Business

5a. Floodplain Inventory follow up.

We are going to continue with Arrowwod. Ali is reluctant to help with the project since she is now the PP Forest Steward, but she can be in the loop if decisions need to be made that the point person needs input. Jerry agreed to help on the floodplain project. Lars will be leaving the CC after the next meeting in May. We hope that Virginia can be the liaison, she has been working on the letter to landwoners; will ask her to if she is willing.

6. New Business

We'd like and will eventually need more CC members. Amy can post a note to the FPF. Seeking a possible Secretary volunteer or member who is up for doing note taking/ minutes, and posting of minutes as well as regular CC membership.

Ali in connection with Judi R. from Richmond CC, has the idea to begin working with possible Richmond Conservation Commission teaming to address: extreme rainfall that has been documented in last 10 years and projected to continue in the future with climate change. Climatologist have shown that New England has and will continue to get more rain than in previous decades, much of it coming in single rain events. Extreme rainfall defined as more than 2 inches in a single event. This is something that our SB and Road Crew need to be aware of. We will consider how to be proactive, and prepare to deal with that, and role of the BCC in that.

PPCA - Steward : Ali approved by SB . SB requests the PPCA Steward writes a blurb for the Town newsletter, annual report. They are looking into the liability release forms for trail volunteers, or an organized event .

Renewal of membership in Vermont Association of Conservation Commissioners. Amy made motion to renew, Jerry seconded, pass by voice vote. Amy Grover will provide funds from our CC acct. and send in the form that we filled out.

7. Next meeting agenda Items:

Adding to standard meeting agenda : COI question; Does anyone have a potential or possible conflict of interest issue about any of the topics that are on the agenda for the meeting today?

PPCA :

Petition, re: wording of trapping. PPCA Management plan review.

& PPCA - public comment process, SB review process.

Extreme rain events (Ali) and what we could do as a town, possibly with a partnership with Richmond CC.

Floodplain Inventory update, beginning the process. Point person designation. Contract with Arrowwood. Landowner letter review.

FOW May events - Jerry, Virginia

Modified Roberts Rules of Order- Jerry.

. Other communications/mail : Three letters received at the meeting regarding support of the Petition were given to Amy Grover to scan and send to all members of the CC and SB.

. Adjournment motion made by Amy, 2nd by Jerry. Passed. 8:26pm.

On our list for future follow up at a meeting:

ATV at PPCA follow up

Release forms for PPCA

CLF act 64 presentation; future date?

PPCA - public comment process, SB review process

PPCA - Steward : Ali approved by CC, requested approval by SB

Designated liaisons with partner organizations

Floodplain Inventory

Wheeler Field Update

COI policy discussion, should we have one?

Ali Kosiba and Amy Ludwin Acting Note Takers, for the Conservation Commission

These minutes are unofficial until accepted.

These minutes were read and accepted by a quorum of the Conservation Commission on:

5/16/16

Amy F. Judwin      Alexander Kohl

For the Conservation Commission

