



## **THE WILDLIFE SOCIETY**

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(Vermont Senate Member/Representative XX)  
Vermont State House  
115 State St  
Montpelier, VT 05633

Dear Senator XX:

The Wildlife Society (TWS) is writing to express our strong concern regarding the transfer of native wildlife held in trust by the Vermont Fish and Wildlife Department for all citizens of Vermont to private ownership through the Fiscal Year 2011 appropriations bill (H. 789). Section E.702.1(9) of this bill contains language that transfers regulatory authority of illegally taken native deer and moose from the Vermont Fish and Wildlife Department to the Agency of Agriculture, Food, and Markets, and permits an individual citizen, Mr. Doug Nelson, to own those wild animals that rightfully belong to all the citizens of Vermont. This unprecedented giveaway of public wildlife resources to a single individual for personal gain is likely to have negative implications on wildlife management within Vermont and beyond.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association of nearly 9,100 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

Ever since the United States Supreme Court ruled in 1842 that the public in New Jersey had a common right to take oysters and fish in navigable and tidal waters because they were the property of the public and not of the landowner who owned the shoreline, the concept of public ownership of wildlife has underpinned the management of wildlife resources in U.S. law. This concept has been strengthened and expanded over the past century and a half and enshrined in many state constitutions. If one landowner can be given ownership of Vermont's wildlife, how will you deny others that make similar requests? The Public Trust Doctrine establishes a trustee relationship of government to hold and manage wildlife and fish for the benefit of the resources and the public, its beneficiary. Inherent in the Public Trust Doctrine is the notion that natural resources are important to the lives of the people, and owned by the public. All of the public, then, should have an opportunity to access these resources for purposes such as fishing, hunting, and trapping, not just a wealthy, privileged few. The Public Trust Doctrine is also recognized as the foundation of what has been termed the North American Model of Wildlife Conservation. This model is viewed as an important construct of law, policy, program framework, and scientific investigation that has led to the protection, conservation, and restoration of wildlife populations in the U.S. and Canada.

The language transferring ownership of illegally taken wild deer and moose to a private individual for his singular, personal gain in H.789 and giving the Secretary of Agriculture, Food, and Markets sole authority over hunting within this 700 acre pen is problematic for two main reasons. First, it takes wildlife out of the public domain and allows it to be privately owned by a Mr. Doug Nelson, violating the Public Trust Doctrine and all precedent for wildlife management in the United States. Second, this was accomplished without the benefit of a public process. There was no public hearing, no opportunity for citizen and expert testimony, and no engagement of the Fish and Wildlife Department or any conservation or sportsmen groups. It was essentially a late-night deal.

The Vermont Fish and Wildlife Department worked in good faith with Mr. Nelson to develop a plan to remove the native animals he illegally possessed while permitting him to keep the non-native animals he legally possessed and he failed to comply with their regulations. Although H. 789 sets forth some boilerplate language regarding the need to protect native deer and moose populations from diseases carried by elk, this is not the real purpose of this section of the bill. If it were, culling of the native animals from the captive facility would be a more scientifically and socially responsible solution than designating them a “special purpose herd” for which hunts can and will be sold. The current language amounts to little more than a license for Mr. Nelson to personally profit from Vermont’s publicly-owned wildlife.

TWS opposes private ownership of native wildlife because of the harm it causes to wildlife, wildlife habitats, and long-standing public values. These recent actions by the Vermont legislature will serve to undermine the foundation of wildlife management in North America by giving the public’s wildlife resources to an individual for his personal private gain. It is unfortunate that such language allowing this to occur was added to the FY2011 appropriations bill, and we urge you to repeal this section and restore Vermont’s wildlife to its rightful owners, the citizens of Vermont. If you need any additional information or have any questions, please contact Jenna Jadin ([jenna@wildlife.org](mailto:jenna@wildlife.org), 301-897-9770 x309).

Sincerely,



Bruce D. Leopold, Ph.D.  
President