

Vermont Legislative Council

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To: Reps. Huntley and Terenzini
From: Zach Mauldin
Date: February 10, 2014
Subject: H.589 Overview and Summary

OVERVIEW

H. 589 is the fish and wildlife omnibus bill for 2014. It covers eight major areas: captive hunt facilities, hunting and fishing licenses for disabled veterans, waterfowl harvest limits, rulemaking for deer rifle season, shooting near highways, conservation vehicle registration plates, ceremonial use of migratory bird feathers, and the State fly-fishing fly.

SECTION-BY-SECTION SUMMARY

Captive Hunt Facilities

The following sections clarify the existing prohibition of captive hunt facilities by defining the term “captive hunt facility” and explicitly excluding captive hunt facilities from the landowner exception under 10 V.S.A. § 4253.

Section 1

- This section amends 10 V.S.A. § 4001 to add new definitions to the standard definitions for fish and wildlife regulations for the terms “captive hunt facility” and “enclosure.” Under these new definitions, a captive hunt facility is any structure created by the use of fences, man-made structures, or natural barriers designed to restrict the free movement of animals for the purpose of taking or attempting to take an animal by hunting.
- The definition of “captive hunt facility” does not include dog-training activities regulated by the Fish and Wildlife Board or regulated shooting grounds.

Section 2

- The landowner exception under 10 V.S.A. § 4253 provides that a person does not need a hunting or fishing license to take game or fish on his or her own property. This section amends 10 V.S.A. § 4253 to clarify that the landowner exception to the hunting license requirements of the State does not extend to captive hunt facilities. It further clarifies that no person may transport, possess, or fence any animal for the purpose of taking or attempting to take the animal by hunting without a permit from the Department of Fish and Wildlife.

Hunting and Fishing Licenses for Disabled Veterans

Section 3

- This section amends 10 V.S.A. § 4255 so that a Vermont resident who is a veteran of the U.S. Armed Forces and is 60 percent disabled qualifies for a free hunting, fishing, or combination license. This loosens the requirement from the existing requirement of 100 percent disability.

Procedure for Waterfowl Harvest Limits

Under existing law, the Fish and Wildlife Board is forced to use emergency rulemaking procedures when setting waterfowl bag limits. This is because the State bag limits must be consistent with limits set by the federal government. Because the federal government typically releases the limits so close to the start of waterfowl hunting season, normal rulemaking would go beyond the start of hunting season. This bill allows the Fish and Wildlife Board to set the waterfowl bag limits by procedure instead of going through rulemaking.

Section 4

- This section amends 10 V.S.A. § 4082 to allow the Board to issue by procedure the harvest limits for waterfowl. Under existing law, the Department of Fish and Wildlife is forced to go through emergency rulemaking every year after U.S. Fish and Wildlife Service releases the federal harvest limits in order to finish the rulemaking process before the hunting season.
- The new subdivision (b)(2) authorizes the Fish and wildlife board to issue a procedure to set waterfowl harvest limits, which must include 30 days of public notice and at least two hearings.
- The General Assembly authorized a similar procedure for antlerless deer and moose last year.

Deer Season Rules

The following three sections repeal the statutorily required deer season that commences 12 days prior to Thanksgiving day. This bill will instead require the Fish and Wildlife Board to set the yearly deer season by rule, allowing for increased flexibility. These sections will not take effect until 2015, so the 2014 deer season will be unaffected.

Section 5

- This section eliminates a reference in 10 V.S.A. § 4084 to 10 V.S.A. § 4741, which is repealed in Sec. 6. The statute requires the Fish and Wildlife Board to set a regular season by rule.

Section 6

- This section repeals 10 V.S.A. § 4741, which requires deer season to be the 16 consecutive calendar days commencing 12 days prior to Thanksgiving.

Section 7

- This section clarifies that the youth deer hunting season under 10 V.S.A. § 4742a will be the weekend before opening day of the season established by the Fish and Wildlife Board.

Shooting From or Across Highways**Section 8**

- This section amends 10 V.S.A. § 4705 to provide an exception to the prohibition on taking or attempting to take an animal by shooting a firearm, bow, or crossbow within 25 feet of a public highway. The section would allow people to take animals by shooting within 25 feet of highways designated Class 4 on a town highway map.
- It also adds muzzle loaders to the list of items not to be shot from or across public highways.
- Finally, this section clarifies from where a disabled hunter may take game by replacing the phrase “off of a public highway” with “not within 10 feet of the traveled portion of a public highway.”

Conservation Motor Vehicle Registration Plates**Section 9**

- This section amends 23 V.S.A. § 304b by creating a new subsection (d). This new subsection would permit the Commissioner of Fish and Wildlife to put excess funds raised through sales of conservation plates toward the Conservation Camp Fund when the funds collected exceed the needs of the Nongame Wildlife and Watershed Management accounts.

Section 10

- This section charges the Department of Motor Vehicles and the Department of Fish and Wildlife to work together to propose at least three new graphic designs for conservation plates before January 15, 2015. The DMV and the Department of Fish and Wildlife have existing authority under 23 V.S.A. § 304b subsection (a) to determine the graphic design of new plates. This directs the Departments to exercise that authority.

Cultural or Ceremonial Use of Migratory Bird Feathers

Section 11

- This section amends 10 V.S.A. § 4152 to allow the Commissioner of Fish and Wildlife to issue a permit to collect and possess a dead salvage bird or feathers for noncommercial cultural or ceremonial purposes provided that the bird was acquired legally.
- The section requires a permit issued under this section to comply with federal requirements regarding collection and possession of migratory birds.

Section 12

- This section amends 10 V.S.A. § 5408 to allow the Secretary of Natural Resources to issue a Threatened and Endangered Species Takings Permit for noncommercial cultural or ceremonial purposes, described in greater detail under Section 13 of the bill.

Section 13

- This section amends 10 V.S.A. App. § 10 to describe when a Threatened and Endangered Species Takings Permit for noncommercial cultural or ceremonial may be issued. The new language is limited to collection and possession of dead salvage birds and parts and feathers thereof. The permit must comply with federal law regarding possession of migratory birds and the bird must be legally acquired.

State Fly-Fishing Fly

Section 14

- This section creates a new 1 V.S.A. § 517 which designates the Governor Aiken Bucktail Streamer as the State fly-fishing fly.

Effective Dates

Section 15

- This section contains the effective dates.
- The sections regarding the landowner exception, captive hunt facilities, disabled veteran hunting and fishing licenses, and shooting from highways will take effect on passage.
- The sections regarding waterfowl harvest number procedure, conservation registration plates, cultural and ceremonial use of bird feathers, and the State Fly-Fishing Fly take effect on July 1, 2014.
- The sections regarding deer season and conservation plate proceeds will take effect on January 1, 2015