

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife & Water Resources to which was referred
3 House Bill No. 552 entitled “An act relating to threatened and endangered
4 species” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. § 5401 is amended to read:

8 § 5401. DEFINITIONS

9 As used in this chapter:

10 (1) “Agency” means the Agency of Natural Resources.

11 (2) “Secretary” means the Secretary of Natural Resources.

12 (3) “Species” ~~includes all subspecies of~~ means wildlife or wild plants
13 and any subspecies or other group of wildlife or wild plants of the same
14 species, the members of which may interbreed when mature.

15 (4) “Wildlife” means any member of a nondomesticated species of the
16 animal kingdom, whether reared in captivity or not, including, without
17 limitation, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean,
18 arthropod or other invertebrate, and also including any part, product, egg,
19 offspring, dead body, or part of the dead body of any such wildlife.

20 (5) “Plant” means any member of the plant kingdom, including seeds,
21 roots, and other parts thereof. As used in this chapter, plants shall include
22 fungi.

1 (6) “Endangered species” means a species listed ~~on the state endangered~~
2 ~~species list as endangered~~ under this chapter or ~~determined to be an~~
3 ~~“endangered species”~~ under the federal Endangered Species Act. **The term**
4 **generally refers to species whose continued existence as a viable sustainable**
5 **component of the State’s wild fauna or flora is in jeopardy.**

6 (7) “Threatened species” means a species listed ~~on the State as a~~
7 ~~threatened species list~~ under this chapter or determined to be a “threatened
8 species” under the federal Endangered Species Act. **The term generally**
9 **refers to species whose continued existence as that is a sustainable**
10 **component of the State’s wild fauna or flora, it is reasonable to conclude**
11 **based on available information that its numbers are declining; and unless**
12 **protected, it will become endangered is in jeopardy.**

13 (8) “Endangered Species Act” and “federal Endangered Species Act”
14 means the Endangered Species Act of 1973, Public Law 93-205, as amended.

15 (9) “Habitat” means the physical and biological environment in which a
16 particular species of plant or animal lives.

17 (10) “Conserve,” “conserving,” and “conservation” mean to use and the
18 use of all methods and procedures ~~both~~ for **maintaining or increasing:**

19 (A) the number of individuals within a population of a species;

20 (B) the number of populations of a species; and

21 (C) populations of wildlife or wild plants to the optimum carrying
22 capacity of the habitat, and for maintaining those numbers.

1 (11) “Optimum carrying capacity” for a species means a population
2 level of that species which, in that habitat, can ~~indefinitely~~ sustainably coexist
3 with healthy populations of all wildlife and wild plant species normally
4 present.

5 (12) “Methods” and “procedures” means all activities associated with
6 ~~scientific~~ natural resources management, including, without limitation,
7 scientific research, census, law enforcement, **accepted silvicultural practices**,
8 habitat acquisition and maintenance, propagation, live trapping, and
9 transplanting. The terms also include the periodic or continuous protection of
10 species or populations, where appropriate, and the regulated taking of
11 individuals of the species or population in extraordinary cases where
12 population pressures within a habitat cannot be otherwise relieved.

13 (13) “Possession” ~~of a member of a species~~ means ~~the state of~~
14 possessing, exporting, importing, processing, selling, offering to sell,
15 delivering, carrying, transporting, or shipping by any means a member of ~~that a~~
16 species.

17 (14) ~~“Taking,”~~ “Take” or “taking”:

18 (A) ~~with~~ With respect to wildlife means ~~“taking” as defined in~~
19 ~~section 4001 of this title, and~~ designated a threatened or endangered species,
20 means:

21 (i) pursuing, shooting, hunting, killing, capturing, trapping,
22 harming, snaring, and netting wildlife;

1 (ii) an act that creates a risk of injury to wildlife, whether or not
2 the injury occurs, including ~~disturbing~~, harassing, wounding, or placing,
3 setting, drawing, or using any net or other device commonly used to take
4 animals; or

5 (iii) attempting to engage in or assisting another to engage in an
6 act set forth under subdivision (A)(i) or (ii) of this subdivision (14).

7 (B) ~~with~~ With respect to wild plants designated a threatened or
8 endangered species, means uprooting, transplanting, gathering seeds or fruit,
9 cutting, injuring, ~~harming~~, or killing or any attempt to do the same or assisting
10 another who is doing or is attempting to do the same.

11 (15) “Critical habitat” for a threatened species or endangered species
12 means:

13 (A) a delineated location within the geographical area occupied by
14 the species that:

15 (i) has the physical or biological features that are ~~identifiable,~~
16 ~~concentrated, and decisive to~~ the survival of a population of the species; ~~and~~

17 (ii) is necessary for the conservation or recovery of the
18 species; and

19 (iii) may require special management considerations or
20 protection; or

21 (B) a delineated location outside the geographical area occupied by a
22 species at the time it is listed under section 5402 of this title that:

- 1 (i)(I) was historically occupied by a species; or
2 (II) contains habitat that is hydrologically connected or directly
3 adjacent to occupied habitat; and
4 (ii) contains habitat that is identifiable, concentrated, and decisive
5 to the continued survival of a population of the species; and
6 (iii) is necessary for the conservation or recovery of the species.

7 (16) “Destroy or adversely impact” means, with respect to critical
8 habitat, a direct or indirect activity that negatively affects the value of critical
9 habitat for the survival, conservation, or recovery of a listed species.

10 (17) “Harming,” as used in the definition of “take” or “taking” under
11 subdivision (14) of this subsection, means:

- 12 (A) an act that kills or injures wildlife or wild plants; or
13 (B) the destruction or imperilment of habitat that kills or injures a
14 threatened or endangered species by significantly impairing continued survival
15 or essential behavioral patterns, including reproduction, feeding, and
16 sheltering.

17 Sec. 2. 10 V.S.A. § 5402 is amended to read:

18 § 5402. ENDANGERED AND THREATENED SPECIES LISTS

19 (a) The Secretary shall adopt by rule a State-endangered species list and a
20 State-threatened species list. The listing for any species may apply to the
21 whole State or to any part of the State and shall identify the species by its most

1 recently accepted genus and species names and, if available, the common
2 name.

3 (b) The Secretary shall determine a species to be endangered if it normally
4 occurs in the State and its continued existence as ~~wildlife or a wild plant in the~~
5 State a sustainable component of the State's wild fauna or flora is in jeopardy.

6 (c) The Secretary shall determine a species to be threatened if:

7 (1) it is a sustainable component of the State's wild fauna or flora;

8 (2) it is reasonable to conclude based on available information that its
9 numbers are significantly declining because of loss of habitat or human
10 disturbance; and

11 (3) unless protected, it will become an endangered species.

12 (d) In determining whether a species is endangered or threatened, the
13 Secretary shall consider:

14 (1) the present or threatened destruction, degradation, fragmentation,
15 modification, or curtailment of the range or habitat of the species;

16 (2) taking or over-utilization of the species for commercial, sporting,
17 scientific, educational, or other purposes;

18 (3) disease or predation affecting the species;

19 (4) the adequacy of existing regulation;

20 (5) actions relating to the species carried out or about to be carried out
21 by any governmental agency or any other person who may affect the
22 species; ~~and~~

- 1 (6) climate change;
- 2 (7) competition with other species, including non-native invasive
- 3 species;
- 4 (8) the decline in the population;
- 5 (9) cumulative impacts; and
- 6 (10) other natural or ~~man-made~~ human-made factors affecting the
- 7 continued existence of the species.

8 (e) In determining whether a species is endangered or threatened or

9 whether to delist a species, the Secretary shall:

- 10 (1) use the best scientific, commercial, and other data available;
- 11 (2) notify and consult with interested officials in Canada, interested ~~state~~
- 12 ~~or State and~~ federal agencies, other states having a common interest in the
- 13 species, affected landowners, and any interested persons at least 30 days prior
- 14 to commencement of rulemaking; and
- 15 (3) notify the ~~governor~~ appropriate state officials and agencies of any
- 16 state contiguous to Vermont in which the species affected is known to occur.

17 Sec. 3. 10 V.S.A. § 5402a is added to read:

18 § 5402a. CRITICAL HABITAT; LISTING

- 19 (a) The Secretary may, consistent with section 5408(e) of this chapter,
- 20 adopt by rule a critical habitat designation list for threatened or endangered
- 21 species. Critical habitat may be designated in any part of the State. The
- 22 Secretary shall not be required to designate critical habitat for every

1 State-listed threatened or endangered species. When the Secretary designates
2 critical habitat, the Secretary shall identify the species for which the
3 designation is made, including its most recently accepted genus and species
4 names, and, if available, its common name.

5 (b) The Secretary shall designate only critical habitat that meets the
6 definition of “critical habitat” under this chapter. In determining whether
7 and where to designate critical habitat, the Secretary shall, after
8 consultation with and consideration of recommendations of the Secretary
9 of Agriculture, Food and Markets, the Secretary of Transportation and
10 the Commissioner of Forests, Parks and Recreation, consider the following:

11 (1) the current or historic use of the habitat by a listed State-endangered
12 or -threatened species;

13 (2) the extent to which the habitat is decisive to the survival and
14 recovery of a listed State-endangered or -threatened species, at any stage of its
15 life cycle;

16 (3) the space necessary for individual and population growth of the
17 species;

18 (4) food, water, air, light, minerals, or other nutritional or physiological
19 requirements of the listed species;

20 (5) cover or shelter for the listed species;

21 (6) sites for breeding, reproduction, rearing of offspring, germination, or
22 seed dispersal; migration corridors; and overwintering;

- 1 (7) the present or threatened destruction, degradation, fragmentation,
2 modification, or curtailment of the range or habitat of the listed species;
3 (8) the adequacy of existing regulation;
4 (9) actions relating to the species carried out or about to be carried out
5 by any governmental agency or any other person who may affect the species;
6 (10) cumulative impacts; and
7 (11) natural or human-made factors affecting the continued existence of
8 the listed species.

9 (c) In determining whether to designate critical habitat for a State-listed
10 threatened or endangered species, the Secretary shall:

- 11 (1) use the best scientific, commercial, and other data available;
12 (2) notify and consult with interested officials in Canada, interested
13 State and federal agencies, other states having a common interest in the
14 species, affected landowners, and any interested persons at least 30 days prior
15 to commencement of rulemaking; and
16 (3) notify the appropriate state officials and agencies of any state
17 contiguous to Vermont in which the species affected is known to occur.

18 Sec. 4. 10 V.S.A. § 5403 is amended to read:

19 § 5403. PROTECTION OF ENDANGERED AND THREATENED SPECIES

20 (a) Except as authorized under this chapter, a person shall not:

- 21 (1) take, possess, or transport wildlife or plants that are members of an
22 endangered or threatened species; or

1 (2) destroy or adversely impact critical habitat.

2 (b) Any person who takes a threatened or endangered species shall report
3 the taking to the Secretary.

4 (c) The Secretary may, with advice of the Endangered Species Committee,
5 and consistent with section 5408(e), adopt rules for the protection ~~and,~~
6 conservation, or recovery of endangered and threatened species.

7 ~~(e)~~(d) The Secretary may bring ~~a civil~~ an environmental enforcement action
8 against any person who violates subsection (a) or (b) of this section or rules
9 adopted under this chapter in accordance with chapters 201 and 211 of this
10 title.

11 ~~(e)~~(e) Instead of bringing ~~a civil~~ an environmental enforcement action for a
12 violation of this chapter or rules adopted under this chapter, the Secretary may
13 refer violations of this chapter to the Commissioner of Fish and Wildlife for
14 criminal enforcement.

15 ~~(e)~~(f) A In a criminal enforcement action, a person who knowingly violates
16 a requirement of this chapter or a rule of the Secretary adopted under
17 subsection ~~(b)~~(c) of this section related to taking, possessing, transporting,
18 buying, or selling a threatened or endangered species shall be fined ~~not more~~
19 than \$500.00 in accordance with section 4518 of this title, and the person shall
20 pay restitution under section 4514 of this title.

21 ~~(f)~~(g) Any person who violates subsection (a) or (b) of this section by
22 knowingly injuring a member of a threatened or endangered species or

1 knowingly destroying or adversely impacting critical habitat and who is
2 subject to criminal prosecution may be required by the court to pay
3 restitution for:

4 (1) actual costs and related expenses incurred in treating and caring for
5 the injured plant or animal to the person incurring these expenses, including
6 the costs of veterinarian services and Agency of Natural Resources staff
7 time; or

8 (2) reasonable mitigation and restoration costs such as: species
9 restoration plans; habitat protection; and enhancement, transplanting,
10 cultivation, and propagation ~~for plants~~.

11 Sec. 5. 10 V.S.A. § 5404 is amended to read:

12 § 5404. ENDANGERED SPECIES COMMITTEE

13 (a) A ~~Committee~~ committee on endangered species is created to be known
14 as the “Endangered Species Committee,” and shall consist of nine members,
15 including the Secretary of Agriculture, Food and Markets, the Commissioner
16 of Fish and Wildlife, the Commissioner of Forests, Parks and Recreation, and
17 six members appointed by the Governor from the public at large. Of the six
18 public members, two shall be actively engaged in agricultural or silvicultural
19 or forestry activities, two shall be knowledgeable concerning flora, and two
20 shall be knowledgeable concerning fauna. Members appointed by the
21 Governor shall be entitled to reimbursement for expenses incurred in the
22 attendance of meetings, as approved by the Chair. The Chair of the Committee

1 shall be elected from among and by the members each year. Members who are
2 not employees of the State shall serve terms of three years, except that the
3 Governor may make appointments for a lesser term in order to prevent more
4 than two terms from expiring in any year.

5 (b) The Endangered Species Committee shall advise the Secretary on all
6 matters relating to endangered and threatened species, including whether to
7 alter the lists of endangered and threatened species ~~and~~, how to protect those
8 species, and whether and where to designate critical habitat.

9 (c) The Agency of Natural Resources shall provide the Endangered Species
10 Committee with necessary staff services.

11 Sec. 6. 10 V.S.A. § 5405 is amended to read:

12 § 5405. CONSERVATION PROGRAMS

13 The Secretary, with the advice of the Endangered Species Committee, may
14 establish conservation programs and establish recovery plans for the
15 conservation or recovery of threatened or endangered species of wildlife or
16 plants or for the conservation or recovery of critical habitat. The programs
17 may include the purchase of land or aquatic habitat and the formation of
18 contracts for the purpose of management of wildlife or wild plant refuge areas
19 or for other purposes.

20 Sec. 7. 10 V.S.A. § 5406 is amended to read:

21 § 5406. COOPERATION BY OTHER AGENCIES

1 All agencies of this State shall review programs administered by them
2 which may relate to this chapter and shall, in consultation with the Secretary,
3 utilize their authorities only in a manner which does not jeopardize the
4 threatened or endangered species, critical habitat, or the outcomes of
5 conservation or recovery programs established by this chapter or by the
6 Secretary under ~~his~~ his or her authority.

7 Sec. 8. 10 V.S.A. § 5407 is amended to read:

8 § 5407. ENFORCEMENT AUTHORITY TO SEIZE THREATENED OR
9 ENDANGERED SPECIES

10 In addition to other methods of enforcement authorized by law, the
11 Secretary may direct under this section that wildlife or ~~wild~~ plants ~~which~~ that
12 were seized because of violation of this chapter be rehabilitated, released,
13 replanted, or transferred to a zoological, botanical, educational or scientific
14 institution, and that the costs of the transfer and staff time related to a violation
15 may be charged to the violator. The Secretary, with the advice of the
16 Endangered Species Committee, may adopt rules for the implementation of
17 this section.

18 Sec. 9. 10 V.S.A. § 5408 is amended to read:

19 § 5408. LIMITATIONS AUTHORIZED TAKINGS; INCIDENTAL
20 TAKINGS; DESTRUCTION OF CRITICAL HABITAT

21 (a) Authorized taking. Notwithstanding any provision of this chapter, after
22 obtaining the advice of the Endangered Species Committee, the Secretary may

1 permit, under such terms and conditions as the Secretary may prescribe by
2 rule, the taking of a threatened or endangered species, the destruction or
3 adverse impact of critical habitat, or any act otherwise prohibited by this
4 chapter if done for any of the following purposes:

5 (1) scientific purposes;

6 (2) to enhance the propagation or survival of a threatened or endangered
7 species; ~~economic hardship;~~

8 (3) zoological exhibition;

9 (4) educational purposes;

10 (5) noncommercial cultural or ceremonial purposes; or

11 (6) special purposes consistent with the purposes of the federal

12 Endangered Species Act.

13 (b) Incidental taking. The Secretary may permit, under such terms and
14 conditions as the Secretary may prescribe by rules **that are consistent with**
15 **paragraph (e) of this section.** the incidental taking of a threatened or
16 endangered species or the destruction or adverse impact of critical habitat if:

17 (1) the taking is necessary to conduct an otherwise lawful activity;

18 (2) the taking is attendant or secondary to, and not the purposes of, the
19 lawful activity;

20 (3) the impact of the permitted incidental take is minimized; and

21 (4) the incidental taking will not impair the **conservation or** recovery of
22 any endangered species or threatened species.

1 (c) Transport through State. Nothing in this chapter shall prevent a person
2 who holds a proper permit from the federal government or any other state from
3 transporting a member of an endangered or threatened species from a point
4 outside this State ~~to another point within or without this~~ through the State.

5 ~~(e)~~(d) Possession. Nothing in this chapter shall prevent a person from
6 possessing in this State wildlife or wild plants which are not determined to be
7 “endangered” or “threatened” under the federal Endangered Species Act where
8 the possessor is able to produce substantial evidence that the wildlife or wild
9 plant was first taken or obtained in a place without violating the law of that
10 place, provided that an importation permit may be required under section 4714
11 of this title or the rules of the Department.

12 ~~(d)~~(e) Interference with agricultural or silvicultural practices. No rule
13 adopted under this chapter shall cause undue interference with **normal**
14 **farming, agricultural or silvicultural practices, or forestry operations.**
15 **This section shall not be construed to exempt any person from the**
16 **provisions of the federal Endangered Species Act. The Secretary shall not**
17 **adopt rules that affect farming or agricultural practices as defined by the**
18 **Required Agricultural Practices Regulations and any subsequent**
19 **regulations of the Secretary of the Agency of Agriculture, Food and**
20 **Markets; without first consulting with the Secretary of Agriculture, Food**
21 **and Markets. The Secretary shall not adopt rules that affect accepted**
22 **silvicultural practices as defined by the Commissioner of Forests, Parks**

1 **and Recreation, including the Acceptable Management Practices for**
2 **Maintaining Water Quality on Logging Jobs in Vermont, as adopted by**
3 **the Commissioner of Forests, Parks and Recreation; or forestry**
4 **operations as defined in section 2602 of this title; without first consulting**
5 **with the Commissioner of Forests, Parks and Recreation.**

6 (f) Consistency with State law. Nothing in this chapter shall be interpreted
7 to limit or amend the definitions and applications of necessary habitat in
8 chapter 151 of this title or in 30 V.S.A. chapter 5.

9 (e)(g) Effect on federal law. Nothing in this section permits a person to
10 violate any provision of federal law concerning federally protected threatened
11 or endangered species.

12 (h) Permit application. An applicant for a permit under this section shall
13 submit an application to the Secretary that includes the following information:

14 (1) a description of the activities that could lead to a taking of a listed
15 endangered or threatened species or the destruction or adverse impact of
16 critical habitat;

17 (2) the steps that the applicant has or will take to avoid, minimize, and
18 mitigate the impact to the relevant endangered or threatened species or critical
19 habitat;

20 (3) a plan for ensuring that funding is available to conduct any required
21 monitoring and mitigation, if applicable;

1 (4) a summary of the alternative actions to the taking or destruction of
2 critical habitat that the applicant considered and the reasons that these
3 alternatives were not selected, if applicable;

4 (5) the name or names and obligations and responsibilities of the person
5 or persons that will be involved in the proposed taking or destruction of critical
6 habitat; and

7 (6) any additional information that the Secretary may require.

8 ~~(f)~~(i) Permit fees.

9 (1) Fees to be charged to a person applying to take a threatened or
10 endangered species or destroy or adversely impact critical habitat under this
11 section shall be:

12 (A) ~~To~~ to take for scientific purposes, to enhance the propagation or
13 survival of the species, noncommercial cultural or ceremonial purposes, or for
14 educational purposes or special purposes consistent with the federal
15 Endangered Species Act, \$50.00-;

16 (B) ~~To~~ to take for a zoological or botanical exhibition ~~or to lessen an~~
17 ~~economic hardship~~, \$250.00 for each listed animal or plant taken up to a
18 maximum of \$25,000.00 ~~or, if the Secretary determines that it is in the best~~
19 ~~interest of the species, the parties may agree to mitigation in lieu of a monetary~~
20 ~~fee;~~ and

21 (C) for an incidental taking, \$250.00 for each listed animal or plant
22 taken up to a maximum of \$25,000.00.

1 (2) The Secretary may require the implementation of reasonable
2 mitigation strategies, and may collect reasonable mitigation funds, in lieu of or
3 in addition to the permit fees, in order to mitigate the impacts of a taking, the
4 adverse impact on habitat, or destruction of habitat.

5 (3) Fees ~~of~~ and mitigation payments collected under this subsection and
6 interest on fees and mitigation payments shall be deposited in the Threatened
7 and Endangered Species Fund within the Fish and Wildlife Fund, which Fund
8 is hereby created and shall be used solely for expenditures of the Department
9 of Fish and Wildlife related to threatened and endangered species.

10 Expenditures may be made for monitoring, restoration, conservation, recovery,
11 and the acquisition of property interests and other purposes consistent with this
12 chapter. Where practical, the fees collected for takings shall be devoted to the
13 conservation or recovery of the taken species or its habitat. Interest accrued on
14 the Fund shall be credited to the Fund.

15 ~~(g)~~(j) Permit term. A permit issued under this section shall be valid for the
16 period of time specified in the permit, not to exceed five years. A permit
17 issued under this section may be renewed upon application to the Secretary.

18 (k) Public notice. The Secretary shall establish rules for public notice of
19 draft permit decisions based on incidental take and for initial and amended
20 general permits. The rules shall provide for public notice, no fewer than
21 30 days of public comment, and the opportunity to request a public
22 informational hearing. The rules shall also provide for posting permit

1 applications, permit decisions, and the initial or amended general permits on a
2 publicly accessible website, as well as for allowing persons to request
3 notification of permit decisions. The rules may set application requirements
4 for general permits that deviate from subsection (g) of this section and
5 establish best management practices for different types of general permits.

6 (1) General permits. The Secretary may issue general permits for activities
7 that will not affect the **continued survival conservation** or recovery of a
8 species. A general permit issued under this chapter shall contain those terms
9 and conditions necessary to ensure compliance with the provisions of this
10 statute. These terms and conditions may include the implementation of best
11 management practices and the adoption of specific mitigation measures and
12 required surveying, monitoring, and reporting. In determining whether an
13 activity warrants a general permit, the Secretary shall consider only those cases
14 where:

15 (~~1~~) an imminent risk to human health and safety exists;

16 (~~2~~ii) a proposed action enhances the overall long-term survival of the
17 species; or

18 (~~3~~iii) best management practices or guidelines, or both, have been
19 developed and applied to minimize take to the greatest extent possible.

20 **(2) On or before September 1, 2017, the Secretary shall issue a general**
21 **permit for vegetation management and operational and maintenance**
22 **activities conducted by electric utility, telecommunication projects and**

1 **other similar projects. Until the general permit has been issued, no**
2 **critical habitat designations for plants shall be made in utility corridors.**

3 Sec. 10. 10 V.S.A. § 5410 is amended to read:

4 § 5410. LOCATION CONFIDENTIAL

5 **All Except for critical habitat designated under section 5411 of this**
6 **title, all** information regarding the location of threatened or endangered species
7 sites shall be kept confidential in perpetuity except that the Secretary shall
8 disclose this information to the owner of land upon which the species has been
9 located, or to a potential buyer who has a bona fide contract to buy the land
10 and applies to the Secretary for disclosure of threatened or endangered species
11 information, and to qualified individuals or organizations, public agencies and
12 nonprofit organizations for scientific research or for preservation and planning
13 purposes when the Secretary determines that the preservation of the species is
14 not further endangered by the disclosure. **The Secretary shall also disclose**
15 **the locations of critical habitat designations to members of the public**
16 **during the rulemaking process for designation of critical habitat, but only**
17 **if the Secretary determines that the preservation of the species is not**
18 **further endangered by the disclosure.**

19 Sec. 11. EFFECTIVE DATE

20 This act shall take effect on July 1, 2016.