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1 TO THE HOUSE OF REPRESENTATIVES:

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

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

4 (6) “Endangered species” means a species listed ~~on the state endangered~~
5 ~~species list as endangered~~ under this chapter or ~~determined to be an~~
6 ~~“endangered species”~~ under the federal Endangered Species **Act.**

7 (7) “Threatened species” means a species listed ~~on the State as a~~
8 ~~threatened species list~~ under this chapter or determined to be a “threatened
9 species” under the federal Endangered Species **Act.**

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

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

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

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

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

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

20 (11) “Optimum carrying capacity” for a species means a population
21 level of that species which, in that habitat, can ~~indefinitely~~ sustainably coexist

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1 with healthy populations of all wildlife and wild plant species normally
2 present.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 a threatened or endangered species; 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 (18) “Accepted silvicultural practices” means the accepted silvicultural
18 practices defined by the Commissioner of Forests, Parks and Recreation,
19 including the Acceptable Management Practices for Maintaining Water
20 Quality on Logging Jobs in Vermont adopted by the Commissioner of Forests,
21 Parks and Recreation.

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1 (19) “Farming” shall have the same meaning as used in subdivision
2 6001(22) of this title.

3 (20) “Forestry operations” means activities related to the management of
4 forests, including a timber harvest; pruning; planting; reforestation; pest,
5 disease, and invasive species control; wildlife habitat management; and
6 fertilization. “Forestry operation” includes the primary processing of forest
7 products of commercial value on a parcel where the timber harvest occurs.

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

9 § 5402. ENDANGERED AND THREATENED SPECIES LISTS

10 (a) The Secretary shall adopt by rule a ~~State endangered~~ State endangered
11 species list and a ~~State threatened~~ State threatened species list. The listing for
12 any species may apply to the whole State or to any part of the State and shall
13 identify the species by its most recently accepted genus and species names and,
14 if available, the common name.

15 (b) The Secretary shall determine a species to be endangered if it normally
16 occurs in the State and its continued existence as ~~wildlife or a wild plant in the~~
17 State a sustainable component of the State’s wildlife or wild plants is in
18 jeopardy.

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

20 (1) it is a sustainable component of the State’s wildlife or wild plants;

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

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

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

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

9 (2) any killing, harming, or over-utilization of the species for
10 commercial, sporting, scientific, educational, or other purposes;

11 (3) disease or predation affecting the species;

12 (4) the adequacy of existing regulation;

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

16 (6) competition with other species, including nonnative invasive species;

17 (7) the decline in the population;

18 (8) cumulative impacts; and

19 (9) other natural or ~~man-made~~ human-made factors affecting the
20 continued existence of the species.

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1 (e) In determining whether a species is endangered or threatened or
2 whether to delist a species, the Secretary shall:

3 (1) use the best scientific, commercial, and other data available;

4 (2) notify and consult with appropriate officials in Canada, interested
5 state or appropriate State and federal agencies, other states having a common
6 interest in the species, affected landowners, and any interested persons at least
7 30 days prior to commencement of rulemaking; and

8 (3) notify the ~~governor~~ appropriate state officials and agencies of any
9 state or Canadian province contiguous to Vermont in which the species
10 affected is known to occur.

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

12 § 5402a. CRITICAL HABITAT; LISTING

13 (a) The Secretary may, consistent with subsection 5408(e) of this chapter,
14 adopt by rule a critical habitat designation list for threatened or endangered
15 species. Critical habitat may be designated in any part of the State. The
16 Secretary shall not be required to designate critical habitat for every
17 State-listed threatened or endangered species. When the Secretary designates
18 critical habitat, the Secretary shall identify the species for which the
19 designation is made, including its most recently accepted genus and species
20 names, and, if available, its common name.

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

7 (1) the current or historic use of the habitat by a listed State endangered
8 or threatened species;

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

12 (3) the space necessary for individual and population growth of the
13 species;

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

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

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

19 (7) the present or threatened destruction, degradation, fragmentation,
20 modification, or curtailment of the range or habitat of the listed species;

21 (8) the adequacy of existing regulation;

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- 1 (9) actions relating to the species carried out or about to be carried out
2 by any governmental agency or any other person who may affect the species;
3 (10) cumulative impacts; and
4 (11) natural or human-made factors affecting the continued existence of
5 the listed species.

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

8 (1) use the best scientific, commercial, and other data available;

9 (2) notify and consult with appropriate officials in Canada, appropriate
10 State and federal agencies, other states having a common interest in the
11 species, affected landowners, and any interested persons at least 30 days prior
12 to commencement of rulemaking; and

13 (3) notify the appropriate state officials and agencies of any state or
14 Canadian province contiguous to Vermont in which the species affected is
15 known to occur.

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

17 § 5403. PROTECTION OF ENDANGERED AND THREATENED SPECIES

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

19 (1) take, possess, or transport wildlife or wild plants that are members of
20 an endangered or threatened species; or

21 (2) destroy or adversely impact critical habitat.

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

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

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1 ~~(f)~~(g) Any person who violates subsection (a) or (b) of this section by
2 knowingly injuring a member of a threatened or endangered species or
3 knowingly destroying or adversely impacting critical habitat and who is
4 subject to criminal prosecution may be required by the court to pay
5 restitution for:

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

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

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

14 § 5404. ENDANGERED SPECIES COMMITTEE

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

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1 knowledgeable concerning fauna. Members appointed by the Governor shall
2 be entitled to reimbursement for expenses incurred in the attendance of
3 meetings, as approved by the Chair. The Chair of the Committee shall be
4 elected from among and by the members each year. Members who are not
5 employees of the State shall serve terms of three years, except that the
6 Governor may make appointments for a lesser term in order to prevent more
7 than two terms from expiring in any year.

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

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

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

15 § 5405. CONSERVATION PROGRAMS

16 The Secretary, with the advice of the Endangered Species Committee, may
17 establish conservation programs and establish recovery plans for the
18 conservation or recovery of threatened or endangered species of wildlife or
19 plants or for the conservation or recovery of critical habitat. The programs
20 may include the purchase of land or aquatic habitat and the formation of

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1 contracts for the purpose of management of wildlife or wild plant refuge areas
2 or for other purposes.

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

4 § 5406. COOPERATION BY OTHER AGENCIES

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

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

12 § 5407. ~~ENFORCEMENT~~ ENFORCEMENT AUTHORITY TO SEIZE THREATENED OR
13 ENDANGERED SPECIES

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

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

2 § 5408. LIMITATIONS AUTHORIZED TAKINGS; INCIDENTAL
3 TAKINGS; DESTRUCTION OF CRITICAL HABITAT

4 (a) Authorized taking. Notwithstanding any provision of this chapter, after
5 obtaining the advice of the Endangered Species Committee, the Secretary may
6 permit, under such terms and conditions as the Secretary may prescribe by
7 rule, the taking of a threatened or endangered species, the destruction or
8 adverse impact of critical habitat, or any act otherwise prohibited by this
9 chapter if done for any of the following purposes:

10 (1) scientific purposes;

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

13 (3) zoological exhibition;

14 (4) educational purposes;

15 (5) noncommercial cultural or ceremonial purposes; or

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

17 Endangered Species Act.

18 (b) Incidental taking. The Secretary may permit, under such terms and
19 conditions as the Secretary may prescribe by rule that are consistent with
20 subsection (e) of this section, the incidental taking of a threatened or
21 endangered species or the destruction or adverse impact of critical habitat if:

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

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

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

5 (4) the incidental taking will not impair the conservation or recovery of
6 any endangered species or threatened species.

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

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

18 ~~(d)~~(e) Interference with agricultural or silvicultural practices. No rule
19 adopted under this chapter shall cause undue interference with ~~normal~~
20 ~~agricultural or~~ farming or accepted silvicultural practices. This section shall
21 not be construed to exempt any person from the provisions of the ~~federal~~

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1 ~~Endangered Species Act~~ requirements of this chapter. The Secretary shall not
2 adopt rules that affect farming or accepted silvicultural practices without first
3 consulting the Secretary of Agriculture, Food and Markets and the
4 Commissioner of Forests, Parks and Recreation.

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

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

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

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

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

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

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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~~ wildlife or wild
18 plant taken up to a maximum of \$25,000.00 ~~or, if the Secretary determines that~~
19 ~~it is in the best interest of the species, the parties may agree to mitigation in~~
20 ~~lieu of a monetary fee.~~; and

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1 (C) for an incidental taking, \$250.00 for each listed **wildlife or wild**
2 **plant** taken up to a maximum of \$25,000.00.

3 (2) The Secretary may require the implementation of mitigation
4 strategies, and may collect mitigation funds, in addition to the permit fees, in
5 order to mitigate the impacts of a taking, the adverse impact on habitat, or
6 destruction of habitat. **Mitigation may include:**

7 **(A) a requirement to rectify the taking or adverse impact or to reduce**
8 **the adverse impact over time:**

9 **(B) a requirement to manage or restore land within the area of the**
10 **proposed activity or in area outside of the proposed area as habitat for the**
11 **endangered or threatened species; or**

12 **(C) compensation, including payment of a fee into the Threatened**
13 **and Endangered Species Fund for the uses of that Fund, provided that any**
14 **payment is commensurate to the taking or adverse impact proposed.**

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

20 Expenditures may be made for monitoring, restoration, conservation, recovery,
21 and the acquisition of property interests and other purposes consistent with this

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1 chapter. Where practical, the fees collected for takings shall be devoted to the
2 conservation or recovery of the taken species or its habitat. Interest accrued on
3 the Fund shall be credited to the Fund.

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

7 (k) Public notice. The Secretary shall establish rules for public notice of
8 draft permit decisions based on incidental take and for initial and amended
9 general permits. The rules shall provide for public notice, no fewer than
10 30 days of public comment, and the opportunity to request a public
11 informational hearing. The rules shall also provide for posting permit
12 applications, permit decisions, and the initial or amended general permits on
13 the website of the Agency of Natural Resources, as well as for allowing
14 persons to request notification of permit decisions. The rules may set
15 application requirements for general permits that deviate from subsection (h)
16 of this section and establish best management practices for different types of
17 general permits.

18 (l) General permits.

19 (1) The Secretary may issue general permits for activities that will not
20 affect the continued survival or recovery of a species.

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1 (2) A general permit issued under this chapter shall contain those terms
2 and conditions necessary to ensure compliance with the provisions of this
3 statute.

4 (3) These terms and conditions may include the implementation of best
5 management practices and the adoption of specific mitigation measures and
6 required surveying, monitoring, and reporting.

7 (4) In determining whether an activity warrants a general permit, the
8 Secretary shall consider only those cases where:

9 (A) an imminent risk to human health and safety exists;

10 (B) a proposed action enhances the overall long-term survival of the
11 species; or

12 (C) best management practices, or both, have been developed and
13 applied to minimize taking to the greatest extent possible.

14 (4) On or before September 1, 2017, the Secretary shall issue a general
15 permit for vegetation management and operational and maintenance activities
16 conducted by electric utility projects, telecommunication projects, and other
17 similar projects. Until the general permit has been issued, no critical habitat
18 designation for wild plants shall be made in utility corridors.

19 (5) Prior to issuing a general permit under this subsection, the Secretary
20 shall provide public notice of at least 30 days and shall provide for written
21 comments or a public hearing or both.

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1 (6) For applications for coverage under the terms of an issued general
2 permit, the applicant shall provide notice on a form provided by the Secretary.
3 The Secretary shall provide an opportunity for written comment, regarding
4 whether the application complies with the terms and conditions of the general
5 permit, for ten days following receipt of the application.

6 (7) The Secretary may require any applicant for coverage under a
7 general permit to submit additional information that the Secretary considers
8 necessary and may refuse to approve coverage under the terms of a general
9 permit until the information is furnished and evaluated.

10 (8) The Secretary may require any applicant for coverage under a
11 general permit to seek an individual permit under this section if the applicant
12 does not qualify for coverage.

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

14 § 5410. LOCATION CONFIDENTIAL

15 ~~All~~ Except for critical habitat designated under section 5411 of this title, all
16 information regarding the location of threatened or endangered species sites
17 shall be kept confidential in perpetuity except that the Secretary shall disclose
18 this information to the owner of land upon which the species has been located,
19 or to a potential buyer who has a bona fide contract to buy the land and applies
20 to the Secretary for disclosure of threatened or endangered species information,
21 and to qualified individuals or organizations, public agencies and nonprofit

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1 organizations for scientific research or for preservation and planning purposes
2 when the Secretary determines that the preservation of the species is not
3 further endangered by the disclosure. The Secretary shall also disclose the
4 locations of critical habitat designations to members of the public during the
5 rulemaking process for designation of critical habitat, but only if the Secretary
6 determines that the preservation of the species is not further endangered by the
7 disclosure.

8 **Sec. 11. STATUTORY REVISION**

9 The Office of Legislative Council, in its statutory revision capacity, is
10 directed to renumber the subdivisions of 10 V.S.A. § 5401 in numerical order
11 and to correct any cross references in statute to 10 V.S.A. § 5410 to reflect the
12 renumbered subdivisions.

13 **Sec. 12. EFFECTIVE DATE**

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

15

16

17 (Committee vote: _____)

18

19

Representative _____

20

FOR THE COMMITTEE