

H552 Threatened and Endangered Species – Amendments to the Bill As Passed the House

- Page 8, Sec. 3 § 5402a. (a) add the underlined highlighted phrase to the beginning of the paragraph. The Secretary may, except as specified in Subsection f of this Section, after the consultation required under 5408(e) of this section,
- Page 9, Sec. 3. 10 V.S.A. § 5402a (b) add the Agency of Commerce and Community Development to the list of agencies that the Secretary is required to consult . . .
- Page 10, Sec. 3. 10 V.S.A. § 5402a (c)(2) add notification to “any municipality where the proposed designation is located.” Require notification at least 60 days prior to commencement of rulemaking. Add the following new paragraph - “if the critical habitat designation is proposed for any New Town Center, Neighborhood Development Area or a Growth Center, notify and consult with the Agency of Commerce and Community Development and any municipality where the designation is located.”
- Page 10, Sec. 3. 10 V.S.A. § 5402a (c)(3) Add the following sentence to the landowner notification section. “The Secretary shall make all reasonable efforts to work cooperatively with affected landowners.”
- Page 11, Sec. 3. 10 V.S.A. § 5402a. Add a new section (d) – “Where appropriate, the Secretary shall include well established mitigation strategies and best management practice references in the critical habitat designation rule.”
- Page 11, Sec. 3. 10 V.S.A. § 5402a. Add a new section (e) – “The Secretary shall not designate critical habitat in development districts or village centers, designated in accordance with Title 24 Chapter 76A.”
- Page 40, Sec. 9. 10 V.S.A. § 5408 (i)(2). Add a new section (D) – “Prior to imposing mitigation for impacts under an incidental permit, the Secretary shall consider the economic impact of avoidance, minimization and compensation on the affected landowner, developer, or applicant, and whether the benefits of the project outweigh the value of the habitat and the recovery of the threatened or endangered species.”

HOUSEKEEPING

- Pages 41 and 43. Sec. 9. 10 V.S.A. § 5408 (k) and (l)(6). Clarify notice requirements for incidental and general permits.