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H.336

Introduced by Representatives McCullough of Williston and Deen of
Westminster

Referred to Committee on

Date:

Subject: Fish and wildlife; Wildlife Management Advisory Board; Fish and
Wildlife Board; members; nonconsumptive members

Statement of purpose of bill as introduced: This bill would establish a Wildlife
Management Advisory Board to advise the Commissioner of Fish and Wildlife
and the General Assembly on issues involving the protection, propagation,
management, and conservation of all fish and wildlife in the State. The bill
would rename the Fish and Wildlife Board as the Fish and Game Board. The
bill also would require the appointment of six nonconsumptive users of
wildlife to the Fish and Game Board.

An act relating to membership of the Fish and Wildlife Board

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. FINDINGS

3 The General Assembly finds and declares that:

4 (1) The Vermont Constitution provides that the fish and wildlife of
5 Vermont are held in trust by the State for the benefit of the citizens of
6 Vermont.

7 (2) Under 10 V.S.A. § 4081:

8 (A) The protection, propagation control, management, and
9 conservation of fish, wildlife, and fur-bearing animals in this State are in the
10 interest of the public welfare.

11 (B) The State, through the Commissioner of Fish and Wildlife, shall
12 safeguard the fish, wildlife, and fur-bearing animals of the State for the people
13 of the State, and the State shall fulfill this duty with a constant and continual
14 vigilance.

15 (3) The Commissioner of Fish and Wildlife is directed to manage and
16 regulate the fish and wildlife of Vermont in accordance with the requirements
17 of this part and the rules of the Fish and Wildlife Board.

18 (4) However, the Fish and Wildlife Board is primarily focused on the
19 regulation of fish and wild game for the purposes of hunting, trapping, or
20 fishing.

1 (5) The State should amend the membership of the Fish and Wildlife
2 Board to include nonconsumptive members and should establish a board to
3 advise the Commissioner of Fish and Wildlife on the protection, propagation,
4 management, and conservation of all fish and wildlife in the State, not just
5 those fish or game subject to hunting, trapping, or fishing.

6 Sec. 2. 10 V.S.A. § 4041 is amended to read:

7 § 4041. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE
8 GAME BOARD; MEMBERS, TERM, CHAIR

9 (a) There is hereby established a Department of Fish and Wildlife which
10 shall be administered by the Commissioner.

11 (b) There is hereby established a Fish and ~~Wildlife~~ Game Board. The
12 Board shall consist of ~~14~~ 20 members, ~~one from each county~~, appointed by the
13 Governor with the advice and consent of the Senate. The members of the
14 Board shall ~~be appointed for a term of six years, or unexpired portion thereof,~~
15 ~~and during their terms shall reside in the county from which they are appointed~~
16 consist of:

17 (1) Fourteen members, one from each county of the State.

18 (2) Six nonconsumptive users of wildlife, one from each of the
19 following geographic areas of the State:

20 (A) North of Rt. 2 and West of Rt. 100;

21 (B) North of Rt. 2 and East of Rt. 100;

1 (C) North of Rt. 4 and West of Rt. 100;

2 (D) North of Rt. 4 and East of Rt. 100;

3 (E) South of Rt. 4 and West of Rt. 100; and

4 (F) South of Rt. 4 and East of Rt. 100.

5 (c) The members of the Board shall be appointed for a term of six years, or
6 unexpired portion thereof. During their terms, each member of the Board shall
7 reside in the county or geographic area from which he or she is appointed. In
8 the event a member no longer resides in the county or geographic area from
9 which he or she was appointed, the Governor shall appoint a member from that
10 county or geographic area for the unexpired portion of the term. Appointments
11 shall be made in such manner that either two or three terms shall expire each
12 year. A member serving a full six-year term shall not be eligible for
13 reappointment. The Governor ~~shall~~ biennially shall designate a chair.

14 (d) As used in this section, “nonconsumptive use of wildlife” means any
15 use of wildlife other than hunting, fishing, trapping, or other extraction,
16 including photography, bird watching, and wildlife photography.

17 Sec. 3. 10 V.S.A. § 4098 is added to read:

18 § 4098. WILDLIFE MANAGEMENT ADVISORY BOARD

19 (a) A Wildlife Management Advisory Board is created within the
20 Department of Fish and Wildlife to advise the Commissioner of Fish and
21 Wildlife and the General Assembly on issues involving the protection,

1 propagation, management, and conservation of all fish and wildlife in the
2 State. The Board shall review any issue on which the Commissioner or the
3 Fish and Game Board proposes to regulate under rule, procedure, or
4 Department policy. The Board shall comprise the following members,
5 appointed by the Governor:

6 (1) one representative of a group or association representing hunters,
7 anglers, or trappers;

8 (2) two members representing nonconsumptive users of fish and
9 wildlife;

10 (3) one wildlife biologist not employed by the Department;

11 (4) one fisheries biologist not employed by the Department; and

12 (5) one member of law enforcement not employed by the Department.

13 (b) The first meeting of the Board shall be called by the Commissioner of
14 Fish and Wildlife on or before January 1, 2018. At its first meeting, the Board
15 shall elect a chair and a vice chair, which shall rotate among the various
16 member representatives. Each member shall serve a term of two years. After
17 its initial meeting, the Board shall meet at the call of the Chair. A quorum
18 shall consist of three members, and decisions of the Board shall require the
19 approval of a majority of those members present and voting.

20 (c) The Board shall undertake an ongoing formal review process of the
21 Department's management of fish and wildlife to ensure that Department

1 administration and implementation of law regarding the protection,
2 propagation control, management, and conservation of fish, wildlife, and
3 fur-bearing animals in this State are in the interests of and for the welfare of all
4 users of fish and wildlife in the State. After completion of the review process,
5 the Board may recommend to the General Assembly or the Department
6 adoption of or amendment to statutes, rules, policies, practices, or other actions
7 related to the protection, propagation control, management, and conservation
8 of fish, wildlife, and fur-bearing animals. The Board shall also provide
9 educational resources, other than materials related to hunting, trapping, or
10 fishing, to Vermonters about propagation control, management, and
11 conservation of fish, wildlife, and fur-bearing animals in this State.

12 (d) The Board shall meet no fewer than six times a year to conduct a
13 review of the Department and develop recommendations for the Commissioner
14 and the General Assembly. The Board shall present its findings and
15 recommendations in brief summary to the House Committee on Natural
16 Resources, Fish and Wildlife and the Senate Committee on Natural Resources
17 and Energy annually on or before January 15.

18 (e) As used in this section, “nonconsumptive use of wildlife” means any
19 use of wildlife other than hunting, fishing, trapping, or other extraction,
20 including photography, bird watching, and wildlife photography.

1 Sec. 4. 10 V.S.A. § 4082(a) is amended to read:

2 (a) The Board may adopt rules, under 3 V.S.A. chapter 25, to be known as
3 the “Vermont Fish and Wildlife Regulations for the regulation of the taking of
4 fish and wild game ~~and the taking thereof~~ except as otherwise specifically
5 provided by law. The rules shall be designed to maintain the best health,
6 population, and utilization levels of the regulated species and of other
7 necessary or desirable species which are ecologically related to the regulated
8 species. The rules shall be supported by investigation and research conducted
9 by the Department on behalf of the Board.

10 Sec. 5. APPOINTMENT

11 (a) The Governor shall appoint the six members of the Fish and Game
12 Board required under 10 V.S.A. § 4041(b)(2) on or before July 1, 2017.

13 (b) The appointments required under 10 V.S.A. § 4098 (Wildlife
14 Management Advisory Board) shall be made on or before July 1, 2017.

15 Sec. 6. REPLACEMENT

16 When preparing the Vermont Statutes Annotated for publication in 2017
17 and thereafter, the Office of Legislative Council shall replace the phrase “Fish
18 and Wildlife Board” where it appears with the phrase “Fish and Game Board.”

19 Sec. 7. EFFECTIVE DATE

20 This act shall take effect on passage.