

**From:** Mears, David <David.Mears@audubon.org>

**Sent:** Thursday, February 20, 2020 5:08 PM

**To:** Amy Sheldon <ASheldon@leg.state.vt.us>

**Cc:** Kari Dolan <KDolan@leg.state.vt.us>; Marc Grimes <MGrimes@leg.state.vt.us>; Ellen Czajkowski <ECzajkowski@leg.state.vt.us>

**Subject:** [External] H. 683 -- Revision from Commissioner Porter

[External]

Dear Chair Sheldon: Commissioner Porter shared the revised language that he developed with his team and that I understand has been provided to the Committee. I also understand that you are hoping to bring the bill to a vote tomorrow (Friday), which would be terrific. I will be in New Hampshire for a meeting so will not be available to testify, but wanted you to know that Audubon Vermont is comfortable with the changes the Department has offered. I remain grateful for your leadership in moving this bill forward and am available to assist in any way helpful. I will have my cell phone with me and can be reached at (802) 371-8933.

On a related note, just in case the issue arises, I have given some thought to Representative Hill's suggestion to add language sun-setting the authority in H.683 that would be triggered in the event that the national MBTA prohibition against incidental take is restored. I do not think that such language is needed. Having duplicative authority should not create confusion. There is a long history of good collaboration between VT DFW and USFWS on enforcement over overlapping state and federal wildlife laws, of which there are many. Having dual state and federal authority gives the two agencies flexibility to tier the response in accordance with the significance of the bird impacts. For that reason, if asked, I would recommend that the committee not include a sunset provision. With that said, this issue is not a critical one for Audubon and I would continue to support the bill even if such a provision were added. Sincerely, David

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Pronouns: he, him, his

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