

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred House Bill No. 292 entitled “An act relating to town banners over
4 highway rights-of-way” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 10 V.S.A. § 494 is amended to read:

9 § 494. EXEMPT SIGNS

10 The following signs are exempt from the requirements of this chapter
11 except as indicated in section 495 of this title:

12 * * *

13 (18)(A) A sign that is a banner erected over a highway right-of-way for
14 not more than 21 days if the bottom of the banner is not less than 16 feet 6
15 inches above the surface of the highway and is securely fastened with
16 breakaway fasteners.

17 (B) As used in this subdivision (18), “banner” means a sign that is
18 constructed of soft cloth or fabric or flexible material such as vinyl or plastic
19 cardboard.

1 (b) Exemptions. The following activities in a protected shoreland area do
2 not require a permit under section 1444 or 1445 of this title:

3 * * *

4 (18) Removal of constructed feature. Temporary cutting or removal of
5 vegetation to remove an existing constructed feature, provided that the area of
6 removal is revegetated according to the requirements for the management of
7 vegetative cover under section 1447 of this title and all cutting and removal of
8 vegetation complies with the Agency's low-risk site handbook for erosion
9 prevention and sediment control.

10 * * *

11 Sec. 5. 10 V.S.A. § 4254 is amended to read:

12 § 4254. FISHING AND HUNTING LICENSES; ELIGIBILITY, DESIGN,
13 DISTRIBUTION, SALE, AND ISSUE

14 * * *

15 (i)(1) If the Board establishes a moose hunting season, ~~up to five moose~~
16 ~~permits shall be set aside to be auctioned~~ not more than 10 percent of the total
17 number of annual moose permits authorized by the Board shall be set aside to
18 be auctioned. The total number of annual moose permits set aside to be
19 auctioned shall not exceed six. The moose permits, if any, set aside for auction
20 shall be in addition to the included in the total number of annual moose permits
21 authorized by the Board. The Board shall adopt rules necessary for the

1 Department to establish, implement, and run the auction process. The
2 Commissioner annually may establish a minimum dollar amount of not less
3 than \$1,500.00 for any winning bid for a moose permit auctioned under this
4 subdivision. Proceeds from the auction shall be deposited in the Fish and
5 Wildlife Fund and used for conservation education programs run by the
6 Department. Successful bidders must have a Vermont hunting or combination
7 license in order to purchase a moose permit.

8 (2) If the Board establishes a moose hunting season, ~~there shall be~~
9 ~~established a program to~~ the Commissioner shall set aside five moose permits
10 not more than 10 percent of the total number of annual moose permits
11 authorized by the Board for Vermont residents who have served on active duty
12 in any branch of the U.S. Armed Forces provided that he or she has not
13 received a dishonorable discharge. The total number of annual moose permits
14 set aside for Vermont veterans shall not exceed six. Veterans awarded a
15 moose permit under this subsection shall possess a valid Vermont hunting
16 license or combination license in order to purchase a moose permit. The
17 Department of Fish and Wildlife shall coordinate with the Office of Veterans
18 Affairs to provide notice to eligible veterans of the moose permits set aside
19 under this subsection.

20 (3) The Department of Fish and Wildlife shall adopt a procedure to
21 implement the set-aside program for auction and for veterans, including a

1 method to award applicants ~~preference~~ bonus points and a method by which
2 auction participants and veterans who applied for but failed to receive a permit
3 in one hunting season are awarded priority in the subsequent moose hunting
4 season. The procedure adopted under this subdivision ~~shall be consistent with~~
5 ~~the preference system for the permit auction authorized under subdivision (1)~~
6 ~~of this subsection. Veterans awarded a moose permit under this subsection~~
7 ~~must possess a valid Vermont hunting or combination license in order to~~
8 ~~purchase a moose permit. The Department of Fish and Wildlife shall~~
9 ~~coordinate with the Office of Veterans Affairs to provide notice to eligible~~
10 ~~veterans of the moose permits set aside under this subsection~~ may include a
11 provision for freezing bonus points in the event that the Board does not
12 approve a moose hunting season or approves a small number of permits for the
13 moose hunting season.

14 Sec. 6. 10 App. V.S.A. § 33 is amended to read:

15 § 33. MOOSE MANAGEMENT RULE

16 * * *

17 3.6 ~~“Bonus point” means: 1) a point accrued for successfully applying~~
18 ~~for a permit, but not being drawn, or 2) a point accrued by indicating on the~~
19 ~~application that the person should not be entered into that year’s drawing, but~~
20 ~~wishes to accrue a point. [Repealed.]~~

21 * * *

1 Sec. 7. 10 V.S.A. § 4255 is amended to read:

2 § 4255. LICENSE FEES

3 * * *

4 (j) If the Board determines that a moose season will be held in accordance
5 with the rules adopted under sections 4082 and 4084 of this title, the
6 Commissioner annually may issue three no-cost moose licenses to a person
7 who has a life-threatening disease or illness and who is sponsored by a
8 qualified charitable organization, provided that at least one of the no-cost
9 annual moose licenses awarded each year shall be awarded to a child or young
10 adult 21 years of age or under who has a life-threatening illness. The child or
11 adult shall comply with all other requirements of this chapter and the rules of
12 the Board. Under this subsection, a person may receive only one no-cost
13 moose license in his or her lifetime. ~~The Commissioner shall adopt rules in~~
14 ~~accordance with 3 V.S.A. chapter 25 to implement this subsection. The rules~~
15 ~~shall define the child or adult qualified to receive the no cost license, shall~~
16 ~~define a qualified sponsoring charitable organization, and shall provide the~~
17 ~~application process and criteria for issuing the no cost moose license.~~

18 * * *

1 Sec. 8. REPEAL; SPECIAL OPPORTUNITY YOUTH MOOSE LICENSE
2 RULE

3 The Vermont Department of Fish and Wildlife Commissioner Rule entitled
4 Special Opportunity Youth Moose License Rule, 12-010-072 Vt. Code R. § 1,
5 effective September 13, 2005, and amended May 18, 2010, is hereby repealed.

6 Sec. 9. AMENDMENTS TO AIR POLLUTION CONTROL

7 RULES REGARDING WOOD HEATERS; COMMENCEMENT;
8 ADOPTION; INSTITUTIONAL, COMMERCIAL, AND
9 INDUSTRIAL WOOD HEATING APPLIANCES

10 (a)(1) The Secretary of Natural Resources, in consultation with interested
11 parties and parties having expertise in wood heating and wood heating
12 appliances, shall adopt amendments to the provisions of the Vermont Air
13 Pollution Control Regulations governing the manufacture, sale, purchase,
14 installation, and operation of wood heating appliances for use in institutional,
15 commercial, or industrial applications in Vermont. These rules shall allow for
16 alternative methods of demonstrating compliance with applicable air quality
17 and efficiency standards as determined by the Air Pollution Control Officer.

18 (2) On or before July 1, 2019, the Secretary of Natural Resources shall
19 submit to the Senate Committee on Natural Resources and Energy and the
20 House Committees on Energy and Technology and on Natural Resources, Fish,

1 and Wildlife a copy of the draft rule amendments to Vermont Air Pollution
2 Control Regulations required in subsection (a) of this section.

3 (3) The Secretary of Natural Resources shall commence the rulemaking
4 required under this subsection on or before October 1, 2019 and shall adopt the
5 rules on or before May 1, 2020.

6 (b)(1) Until such time that a rule amendment as required in subsection (a)
7 of this section is adopted, and notwithstanding VT ADC 12-031-001:5-204,
8 manufacturers of wood heating appliances that are equipped with oxygen trim
9 systems for use in institutional, commercial, or industrial applications shall be
10 subject to a certification process conducted by the Agency of Natural
11 Resources wherein each discrete model to be installed in Vermont shall be
12 certified by the Air Pollution Control Officer before installation occurs, unless
13 such appliance has been certified by the U.S. Environmental Protection
14 Agency as meeting the requirements of 40 C.F.R. Part 60, Subparts AAA and
15 QQQQ as published in the Federal Register on March 16, 2015. Units that
16 do not meet the requirements for certification will remain subject to VT ADC
17 12-031-001:5-204.

18 (2) Certification process.

19 (A) The Secretary shall develop a certification process in accordance
20 with this section by July 10, 2019. As part of the certification process, the
21 Secretary shall:

1 (i) accept test data pursuant to the European Standard EN 303-5
2 adjusted for higher heat value and condensable particulate matter fraction or
3 other similar methods approved by the Air Pollution Control Officer; and

4 (ii) require emissions standards no more stringent than those levels
5 established under 40 C.F.R. §§ 60.5474(b)(2) and 60.532(b) as published in the
6 Federal Register on March 16, 2015.

7 (B) A fee of \$1,000.00 shall be due the Agency for each certification
8 application that is submitted in accordance with the certification process.

9 (C) Certification of a particular unit model issued by the Air
10 Pollution Control Officer is not subject to the procedures and requirements of
11 10 V.S.A. chapter 170.

12 (c) Notwithstanding subsection (b) of this section, prior to September 1,
13 2019, new wood heating appliances that are equipped with oxygen trim
14 systems for use in institutional, commercial, or industrial applications may be
15 installed in Vermont.

16 (d)(1) Notice to buyers. No persons shall sell or distribute any new wood
17 heating appliance for installation in an institutional, commercial, or industrial
18 application as allowed in subsections (b) or (c) of this section unless, prior to
19 any retail sales or lease agreement, the seller or dealer provides the prospective
20 buyer or lessee with written notice stating that:

1 (A) only allowed fuels, as specified in VT ADC 12-031-001:5-
2 204(c)(3)(ii), may be burned in a new wood heating appliance; and

3 (B) all new wood heating appliances must be operated in
4 conformance with the manufacturer’s operating and maintenance instructions.

5 (2) The written notice shall be signed and dated by the prospective
6 buyer or lessee to verify timely receipt of the notice prior to the sale or lease
7 and shall contain the name, address, and telephone number of both the seller or
8 dealer and the prospective buyer or lessee, the location where the new wood
9 heating appliance will be installed, the wood fuel type to be used, and the make
10 and model of the new wood heating appliance. Prior to delivery of a new
11 wood heating appliance to any buyer or lessee, the seller or dealer shall mail or
12 otherwise provide a copy of the signed notice to the Secretary.

13 (e)(1) Requirements for installers, owners, and operators. No person shall
14 install any new wood heating appliance allowed pursuant to subsections (b) or
15 (c) of this section that is also an outdoor hydronic heater that does not meet the
16 setback requirements of VT ADC 12-031-001:5-204(c)(2)(iv).

17 (2) No person shall cause, allow, or permit the operation of a new wood
18 heating appliance allowed pursuant to subsections (b) and (c) of this section
19 that is not in accordance with the requirements of VT ADC 12-031-001:5-
20 204(c)(3)(ii)-(iii).

1 Sec. 10. 10 V.S.A. § 4081 is amended to read:

2 § 4081. POLICY.

3 * * *

4 (g) If the Board finds that an antlerless season is necessary to maintain the
5 health and size of the herd, the Department shall administer an antlerless deer
6 program. Annually, the Board shall determine how many antlerless permits to
7 issue in each wildlife management unit. For a nonrefundable fee of ~~\$10.00~~
8 \$15.00 for residents and ~~\$25.00~~ \$30.00 for nonresidents a person may apply
9 for a permit. Each person may submit only one application for a permit. The
10 Department shall allocate the permits in the following manner:

11 (1) A Vermont landowner, as defined in section 4253 of this title, who
12 owns 25 or more contiguous acres and who applies shall receive a permit for
13 antlerless hunting in the management unit on which the land is located before
14 any are given to people eligible under subdivision (2) of this subsection. If the
15 land is owned by more than one individual, corporation, or other entity, only
16 one permit shall be issued. Landowners applying for antlerless permits under
17 this subdivision shall not, at the time of application or thereafter during the
18 regular hunting season, post their lands except under the provisions of section
19 4710 of this title. As used in this section, “post” means any signage that would
20 lead a reasonable person to believe that hunting is restricted on the land. If the
21 number of landowners who apply exceeds the number of permits for that

1 district, the Department shall award all permits in that district to landowners
2 by lottery.

3 (2) Permits remaining after allocation pursuant to subdivision (1) of this
4 subsection shall be issued by lottery.

5 (3) Any permits remaining after permits have been allocated pursuant to
6 subdivisions (1) and (2) of this subsection shall be issued by the Department
7 for a ~~\$10.00~~ \$15.00 fee for residents. Ten percent of the remaining permits
8 may be issued to nonresident applicants for a ~~\$25.00~~ \$30.00 fee.

9 Sec. 11. 10 V.S.A. § 4252 is amended to read:

10 § 4252. ACTIVITIES PERMITTED UNDER LICENSES.

11 (a) Subject to provisions of this part and rules of the Board:

12 (1) A fishing license shall entitle the holder to take fish.

13 (2) A hunting license shall entitle the holder to take wild animals, other
14 than fish, except by trapping and for those species that require a separate big
15 game license, and to shoot and spear pickerel.

16 (3) A trapping license shall entitle the holder to take animals other than
17 fish with the use of traps.

18 (4) A combination fishing and hunting license shall entitle the holder to
19 take fish and wild animals, except by trapping and for those species that
20 require a separate big game license, and to shoot and spear pickerel.

- 1 (1) a gun fired at arm's length;
- 2 (2) a bow and arrow; or
- 3 (3) a crossbow as ~~authorized under section 4711 of this title or as~~
4 authorized by the rules of the Board.

5 (b) A person shall not take game between one-half hour after sunset and
6 one-half hour before sunrise unless otherwise provided by statute or by the
7 rules of the Board.

8 (c) A person may take game and fur-bearing animals during the open season
9 therefor, with the aid of a dog, unless otherwise prohibited by statute or by the
10 rules of the Board.

11 Sec. 13. 10 V.S.A. § 4711 is amended to read:

12 § 4711. ~~CROSSBOW HUNTING; PERMIT.~~

13 ~~A person who is impaired to the degree that he or she cannot operate a~~
14 ~~standard bow may obtain a permit to take game with a crossbow. The permit~~
15 ~~fees shall be \$25.00 for a permanent permit and \$5.00 for a temporary permit.~~
16 ~~A person who has lost a crossbow permit may request a new permit from the~~
17 ~~agent of original issue. The fee shall be \$5.00. All fees shall be deposited in~~
18 ~~the Fish and Wildlife Fund. A person applying for this permit must personally~~
19 ~~appear before the Commissioner of Fish and Wildlife, or his or her designee,~~
20 ~~with certification from a licensed physician that he or she is so disabled. The~~
21 ~~Commissioner may obtain a second medical opinion to verify the disability.~~

1 ~~Upon satisfactory proof of the disability, the Commissioner may issue a permit~~
2 ~~under this section. The permit shall set forth whether it was issued because of~~
3 ~~an inability to use a standard bow, and be attached to the license. The holder of~~
4 ~~the permit shall carry it at all times while hunting, and produce it on demand~~
5 ~~for inspection by any game warden or other law enforcement officer authorized~~
6 ~~to make arrests. Unless it is uncocked, a person shall not possess or transport a~~
7 ~~crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other~~
8 ~~motor propelled craft or any vehicle drawn by a motor propelled vehicle~~
9 ~~except as permitted under subsection 4705(e) of this title. [Repealed.]~~

10 Sec. 14. 10 V.S.A. § 4742a is amended to read:

11 § 4742a. YOUTH DEER HUNTING WEEKEND.

12 (a) ~~The Saturday and Sunday Board shall designate by rule a youth deer~~
13 ~~hunting weekend~~ prior to opening day of the regular deer season ~~established by~~
14 ~~Board rule shall be youth deer hunting weekend.~~

15 (b) A person who is 15 years of age or under on the weekend of the hunt,
16 and who has successfully completed a hunter safety course, may take one wild
17 deer during youth deer hunting weekend in accordance with the rules of the
18 Board. In order to hunt under this section, a young person shall also hold a
19 valid hunting license under section 4255 of this title, hold a youth deer hunting
20 tag, and be accompanied by an unarmed adult who holds a valid Vermont
21 hunting license and who is over 18 years of age. An adult accompanying a

1 youth under this section shall accompany no more than two young people at
2 one time.

3 (c) Each year, the Board shall determine whether antlerless deer may be
4 taken under this section in any deer management unit or units. A
5 determination under this subsection shall be made by rule, shall be based on
6 the game management study conducted pursuant to section 4081 of this title,
7 and, notwithstanding subsection (g) of that section, may allow taking of
8 antlerless deer.

9 (d) No person shall hunt under this section on privately owned land without
10 first obtaining the written permission of the owner or occupant.

11 * * *

12 Sec. 15. EFFECTIVE DATES

13 (a) This section, Sec. 4 (lake shoreland; removal of constructed features),
14 and Sec. 9 (air pollution rules; wood heating) shall take effect on passage.

15 (b) All other sections shall take effect on July 1, 2019.

16 and that after passage the title of the bill be amended to read: “An act relating
17 to miscellaneous natural resources and energy subjects”

18

19

20

21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE