

## Current Language:

### **3 V.S.A. §2809. Reimbursement of Agency Cost**

(a)(2) The Secretary may require an applicant under 10 V.S.A. chapter 151 to pay for the time of Agency of Natural Resources personnel providing research, scientific, or engineering services or for the cost of expert witnesses when Agency personnel or expert witnesses are required for the processing of the permit application.

(b) Prior to commencing or contracting for research, scientific, or engineering expertise or services or contracting for expert witnesses for which the Secretary intends to seek cost reimbursement under subdivisions (a)(1) and (2) of this section, the Secretary shall notify the applicant for a permit, license, certification, or order of the Secretary's authority to assess costs under this section.

(d)(1)(A) The Secretary may require reimbursement only of costs in excess of \$3,000.00 except as provided in subdivision (B) of this subdivision (1).

(d)(4) All funds collected from applicants under the provisions of this section shall be paid into the Environmental Permit Fund established pursuant to section 2805 of this title, except that funds collected under provisions of subdivision (a)(2) of this section shall be paid into the Natural Resources Management Fund established pursuant to 23 V.S.A. § 3106(d).

## Proposed Language:

### **10 V.S.A. §6094. Allocation of Costs; Department of Fish and Wildlife**

(a) Notwithstanding any other provision of law, the Department of Fish and Wildlife shall have the authority to bill the applicant for the costs of participating in any permit application before a District Commission, including the costs of employee application review, submissions, comments, and testimony before a District Commission related to impacts on natural resources under subsection 6086(a) of this title, including on wildlife or necessary wildlife habitat. The Department may recover those costs from the applicant after notice to the applicant, including an estimate of the costs of the personnel or services.

(b) From time to time, the Department shall provide the applicant with detailed statements showing the amount of money contracted for or expended on personnel and services. All funds for services under this section shall be paid directly to the Department.

c) An applicant to which costs are allocated under this section may appeal costs assessed by the Commissioner to the Environmental Division pursuant to 10 V.S.A. chapter 220.