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S.258

Senator Bray moves that the bill be amended as follows:

First: By striking out Sec. 1, 10 V.S.A. §§ 4041 and 4042, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

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

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

(b)(1) There is hereby established a Fish and Wildlife Board. The purpose of the Board shall be to serve in an advisory capacity to the Department of Fish and Wildlife in the establishment of Department rules and any policies therein regarding the regulation and conservation of fish and wild game and the taking thereof, except as otherwise specifically provided by law.

(2) The Board shall consist of ~~14~~ 16 members, one from each ~~county~~ of the 14 counties in the State, appointed by the Governor with the advice and consent of the Senate and two at large members, one appointed by the Speaker of the House, and one appointed by the Committee on Committees. The members of the Board shall be appointed for a term of six years, or the unexpired portion thereof, and during their terms the 14 members appointed by the Governor by county shall reside in the county from which they are appointed. In the event a member resigns or no longer resides in the county

1 from which ~~he or she~~ the member was appointed, the ~~Governor~~ authority that  
2 appointed the member shall appoint a new member ~~from that county~~ for the  
3 unexpired portion of the term. Appointments shall be made in ~~such~~ a manner  
4 that either two or three terms shall expire each year. A member ~~servng a full~~  
5 ~~six-year term shall not be eligible for reappointment~~ shall be eligible to serve a  
6 maximum of two full six-year terms. The ~~Governor~~ Board shall biennially  
7 ~~designate~~ elect a chair.

8 (3) In order to be appointed to the Board, a person shall apply in writing  
9 to the appointing authority.

10 (4) The appointing authority shall give due consideration to appointing  
11 persons who:

12 (A) have a history of involvement with and dedication to fish and  
13 wildlife, including a knowledge of fish and wildlife biology, ecology, and the  
14 ethics of fish and wildlife management;

15 (B) provide balanced viewpoints; and

16 (C) recognize the challenges to wildlife and habitat caused by climate  
17 change, including an unprecedented loss of biodiversity, and prioritize the  
18 value of science in the work to conserve, protect, and restore natural  
19 ecosystems.

20 (c) Upon appointment, each Board member shall receive training from the  
21 Department on wildlife management and hunting ethics, such as the North

1 American Model of Wildlife Conservation; wildlife biology; coexistence with  
2 wildlife; the reduction of conflict between humans and wildlife; and the  
3 impacts of climate change on fish and wildlife.

4 (d) Upon the filing of a proposed rule regarding the regulation and  
5 conservation of fish and wild game and the taking thereof with the Secretary of  
6 State pursuant to 3 V.S.A. § 838, the Department shall submit the proposed  
7 rule to the Board for its review. After a public hearing and an opportunity for  
8 the public to submit written comments, the Board shall consider whether a  
9 proposed rule is designed to maintain the best health, population, viewing  
10 opportunities, and utilization levels of the regulated species and of other  
11 necessary or desirable species that are ecologically related to the regulated  
12 species and whether the rules are adequately supported by investigation and  
13 research conducted by the Department. If the Board, by majority vote,  
14 determines that a proposed rule should be revised, it shall submit a written  
15 report to the Department setting forth its recommended revisions, and the  
16 reasons therefore, within 60 days following its receipt of a proposed rule. The  
17 Board shall include with its report the public comments it received. The  
18 Department shall consider fully any recommendations by the Board. If the  
19 Board's recommendations are not included in the rule, the Department shall  
20 issue a written explanation of why it did not include the Board's  
21 recommendations in the rule. The Board's written report and the Department's

1 response thereto shall be included with the materials submitted to the  
2 Legislative Committee on Administrative Rules under 3 V.S.A. § 841.

3 Second: In Sec. 3, 10 V.S.A. § 4082, by striking out subsection (a) in its  
4 entirety and inserting in lieu thereof the following:

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

14 Third: In Sec. 4, 10 V.S.A. § 4048(d), by striking out the first sentence in  
15 its entirety and inserting in lieu thereof the following:

16 The Commissioner of Fish and Wildlife, according to the provisions of 3  
17 V.S.A. chapter 25 and after consultation with the Endangered Species  
18 Committee, shall adopt a rule establishing a plan for nongame wildlife.

19 Fourth: By striking out Secs. 9, 10, and 11, Trapping, definitions, and  
20 setbacks, in their entireties

- 1        and by renumbering the remaining sections of the bill to be numerically
- 2        correct