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H.230

Introduced by Representative Satcowitz of Randolph

Referred to Committee on

Date:

Subject: Fish and wildlife; fish and game; hunting; conservation

Statement of purpose of bill as introduced: This bill proposes to amend multiple provisions related to hunting, fishing, and trapping and related to the conservation of threatened and endangered species. The bill would authorize the Commissioner of Fish and Wildlife to designate Labor Day weekend as a free mentored fishing weekend. The bill would adjust the fees for fishing tournaments based on the number of participants. The bill also increases the penalties for big game violations. In addition, the bill would allow for enforcement of a fish and wildlife violation in the Judicial Bureau based on the determination of the enforcing warden. The bill authorizes the Commissioner of Fish and Wildlife to adopt rules for the protection, conservation, and taking of amphibians and reptiles. The bill would clarify that a person could not take, collect, or possess a wild bird, wild animal, reptile, or amphibians with a permit from the Commissioner. The bill also clarifies the authority of the Commissioner of Fish and Wildlife to not disclose the location of specific endangered or threatened species. In addition, the bill would repeal the statute

1 requiring the Department of Fish and Wildlife to reimburse farmers whose
2 crops are damaged by black bear.

3 An act relating to the management of fish and wildlife

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

5 Sec. 1. 10 V.S.A. § 4251 is amended to read:

6 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

7 (a) Except as provided in sections 4253 and 4254b of this title, a person
8 shall not take wild animals or fish without first having procured a license
9 therefor; provided, however, that a person under 15 years of age may take fish
10 in accordance with this part and regulations of the Board, without first having
11 procured a license therefor.

12 (b) The Commissioner of Fish and Wildlife may designate two days each
13 calendar year as “free fishing days” for which no license shall be required.
14 One day shall occur in the open water fishing season and one day shall occur
15 during the ice fishing season.

16 (c) The Commissioner of Fish and Wildlife may designate Labor Day
17 weekend each year as “free mentored fishing weekend,” during which one
18 unlicensed angler can fish with one licensed angler throughout this three-day
19 period.

20 Sec. 2. 10 V.S.A. § 4613 is amended to read:

1 § 4613. FISHING TOURNAMENTS

2 (a) No person or organization shall hold a fishing tournament on the waters
3 of the State without first obtaining a permit from the Department of Fish and
4 Wildlife. Tournaments held on the Connecticut River, excluding Moore and
5 Comerford Reservoirs, that do not utilize an access area in Vermont are not
6 required to obtain a permit from the Department of Fish and Wildlife.

7 (b) A fishing tournament means a contest in which anglers pay a fee to
8 enter and in which the entrants compete for a prize based on the quality or size
9 of the fish they catch. A contest may run multiple days, but the days must be
10 consecutive for that contest to be considered a single event. A tournament that
11 limits the entrants to people below 15 years of age or a tournament held as part
12 of a Special Olympics program shall be exempt from paying the fee required
13 under subsection (d) of this section.

14 (c) The Commissioner shall adopt rules that establish the procedure for
15 implementation of this section. The rules shall include a provision that an
16 angler may not enter a fish that was caught and confined to an enclosed area
17 prior to the beginning of the tournament.

18 (d) The Commissioner shall charge a fee ~~of \$50.00~~ based on the number of
19 participants for each permit issued under this section and shall deposit the fee
20 collected into the Fish and Wildlife Fund. Tournaments with up to 25
21 participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants

1 shall pay a fee of \$30.00; and tournaments with more than 50 participants shall
2 pay a fee of \$100.00.

3 Sec. 3. 10 V.S.A. § 4518 is amended to read:

4 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED
5 SPECIES; SUSPENSION; VIOLATIONS

6 (a) Whoever violates a provision of this part or orders or rules of the Board
7 relating to taking, possessing, transporting, buying, or selling of big game;
8 relating to threatened or endangered species; or relating to the trade in covered
9 animal parts or products that constitutes a big game violation shall be fined not
10 more than ~~\$1,000.00~~ \$2,000.00 nor less than ~~\$400.00~~ \$500.00 or imprisoned
11 for not more than 60 days, or both. Upon a second and all subsequent
12 convictions or any conviction while under license suspension related to the
13 requirements of part 4 of this title, the violator shall be fined not more than
14 ~~\$4,000.00~~ \$5,000.00 nor less than \$2,000.00 or imprisoned for not more than
15 ~~60~~ 180 days, or both.

16 (b) A “big game violation” means:

17 (1) violations relating to taking, possessing, transporting, buying, or
18 selling of big game;

19 (2) violations of chapter 123 of this title and the rules related to
20 threatened and endangered species;

1 (3) violation of section 4280 of this title relating to criminal
2 suspensions;

3 (4) violations of chapter 124 of this title relating to the trade in covered
4 animal parts or products;

5 (5) interference with hunting, fishing, or trapping in violation of section
6 4708 of this title; or

7 (6) illegal commercial importation or possession of wild animals in
8 violation of section 4709 of this title.

9 Sec. 4. 10 V.S.A. § 4552 is amended to read:

10 § 4552. JURISDICTION; VENUE

11 The Vermont Criminal Division of the Superior Court shall have exclusive
12 jurisdiction over fish and wildlife violations with the exception of violations
13 related to section 4152 and chapters 123 and 124 of this title. Venue for
14 adjudicating fish and wildlife violations shall be the unit of the Criminal
15 Division of the Superior Court having jurisdiction over the geographical area
16 where the offense is stated to have occurred.

17 Sec. 5. 10 V.S.A. § 4572 is amended to read:

18 § 4572. DEFINITIONS

19 (a) As used in this subchapter, a minor fish and wildlife violation means:

20 (1) a violation of 10 V.S.A. § 4145 (violation of access and landing area
21 rules);

1 (2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish
2 without a license);

3 (3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person
4 or failure to exhibit license);

5 (4) a violation of 10 V.S.A. § 4267 (false statements in license
6 application; altering license; transferring license to another person; using
7 another person's license; or guiding an unlicensed person);

8 (5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); ~~or~~

9 (6) [Repealed.]

10 (7) a violation of a biological collection rule adopted by the Board under
11 part 4 of this title; or

12 (8) except for big game offenses and under revocation offenses, a
13 warden may determine that a fish and wildlife violation not listed in this
14 section should be charged as a minor violation based on factors such as:

15 (A) the offender has no prior history of violations;

16 (B) the offender was cooperative and forthcoming or reported the
17 violation;

18 (C) there are mitigating circumstances;

19 (D) the totality of circumstances would lead a reasonable person to
20 believe that the offense is minor in nature;

21 (E) there is no possibility of forfeiture; and

1 (F) there is no need for a criminal warrant to investigate the violation.

2 (b) “Bureau” means the Judicial Bureau as created in 4 V.S.A. § 1102.

3 Sec. 6. 10 V.S.A. § 4085 is added to read:

4 § 4085. REPTILES AND AMPHIBIANS

5 The Commissioner may adopt rules related to the protection, conservation,
6 and taking of reptiles and amphibians. The rules may:

7 (1) prohibit the possession and importation of species that pose a threat
8 to species and ecosystems in Vermont and allow the Department to establish a
9 list of prohibited or restricted species;

10 (2) allow for waivers for possession of prohibited species legally
11 acquired as a pet prior to July 1, 2025;

12 (3) prohibit the taking and collection of specified reptiles and
13 amphibians;

14 (4) establish open seasons for common species;

15 (5) establish daily, season, and possession limits for common species;

16 (6) establish territorial limits for any rule under this subchapter;

17 (7) prescribe the manner and means of taking any species or variety,
18 including reporting and tagging of game;

19 (8) establish restrictions on taking based upon sex, maturity, or other
20 physical distinction of the species or variety pursued; and

1 (9) designate Wildlife Management Units for various species or
2 varieties.

3 Sec. 7. 10 V.S.A. § 4709 is amended to read:

4 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
5 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL
6 SWINE

7 (a) A person shall not bring into, transport into, transport within, transport
8 through, or possess in the State any live wild bird or animal of any kind,
9 including reptiles, amphibians, or any manner of feral swine, without
10 authorization from the Commissioner or ~~his or her~~ the Commissioner's
11 designee. The importation permit may be granted under ~~such regulations~~
12 ~~therefor as~~ rules, requirements, or conditions that the Commissioner shall
13 prescribe and only after the Commissioner has made such investigation and
14 inspection of the birds or animals as ~~she or he~~ the Commissioner may deem
15 necessary. The Department may dispose of unlawfully possessed or imported
16 wildlife as it may judge best, and the State may collect treble damages from the
17 violator of this subsection for all expenses incurred.

18 (b) No person shall bring into the State from another country, state, or
19 province wildlife illegally taken, transported, or possessed contrary to the laws
20 governing the country, state, or province from which the wildlife originated.

1 (c) No person shall place a Vermont-issued tag on wildlife taken outside
2 the State. No person shall report big game in Vermont when the wildlife is
3 taken outside the State.

4 (d) Nothing in this section shall prohibit the Commissioner or duly
5 authorized agents of the Department of Fish and Wildlife from bringing into
6 the State for the purpose of planting, introducing, or stocking or from planting,
7 introducing, or stocking in the State any wild bird or animal.

8 (e) A person shall not take, collect, possess, sell, import, or export any wild
9 bird or animal, or parts thereof, dead or alive, for commercial purposes unless
10 authorized by the rules of the Board, rules of the Commissioner, or a permit
11 from the Commissioner.

12 (f) A person shall not take, collect, or possess any reptile or amphibian, or
13 parts thereof, dead or alive, for personal use unless authorized by the rules of
14 the Commissioner or a permit from the Commissioner.

15 (g) Any person who violates this section may be subject to the penalties set
16 forth in section 4518 of this title and also may be required to pay additional
17 penalties based on reasonable mitigation and potential economic benefit
18 associated with commercial trade.

19 (h) The Commissioner may bring an action in the unit of the Criminal
20 Division of the Superior Court having jurisdiction over the geographical area
21 where the offense is stated to have occurred, or the Environmental Division of

1 the Superior Court, to compel reasonable mitigation and recover economic
2 benefits for commercial collection and trade violations under this subsection.

3 (i) Applicants shall pay a permit fee of \$100.00.

4 ~~(j)~~(1) The Commissioner shall not issue a permit under this section for
5 the importation or possession of the following live species, a hybrid or genetic
6 variant of the following species, offspring of the following species, or
7 offspring or a hybrid of a genetically engineered variant of the following
8 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral
9 hog, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus*
10 *scrofa* Linnaeus). A feral swine is:

11 * * *

12 Sec. 8. 10 V.S.A. § 5403(a) is amended to read:

13 (a) Except as authorized under this chapter, a person shall not:

14 (1) take, possess, or transport wildlife or wild plants that are members of
15 a threatened or endangered species; ~~or~~

16 (2) destroy or adversely impact critical habitat;

17 (3) sell or offer for sale in intrastate commerce a threatened or
18 endangered species;

19 (4) deliver, receive, carry, transport, or ship a threatened or endangered
20 species in intrastate commerce; or

1 (5) import a threatened or endangered species into or export a threatened
2 or endangered species from Vermont.

3 Sec. 9. 10 V.S.A. § 5408 is amended to read:

4 § 5408. AUTHORIZED TAKINGS; INCIDENTAL TAKINGS;

5 DESTRUCTION OF CRITICAL HABITAT

6 (a) Authorized taking. Notwithstanding any provision of this chapter, after
7 obtaining the advice of the Endangered Species Committee, the Secretary may
8 permit, under such terms and conditions as the Secretary may require as
9 necessary to carry out the purposes of this chapter, the taking of a threatened or
10 endangered species, the destruction of or adverse impact on critical habitat, or
11 any act otherwise prohibited by this chapter if done for any of the following
12 purposes:

13 (1) scientific purposes;

14 (2) to enhance the propagation or survival of a threatened or endangered
15 species;

16 (3) zoological exhibition;

17 (4) educational purposes;

18 (5) noncommercial cultural or ceremonial purposes; or

19 (6) special purposes consistent with the purposes of the federal

20 Endangered Species Act.

1 (b) Incidental taking. After obtaining the advice of the Endangered Species
2 Committee, the Secretary may permit, under such terms and conditions as
3 necessary to carry out the purposes of this chapter, the incidental taking of a
4 threatened or endangered species or the destruction of or adverse impact on
5 critical habitat if:

6 (1) the taking is necessary to conduct an otherwise lawful activity;

7 (2) the taking is attendant or secondary to, and not the purpose of, the
8 lawful activity;

9 (3) the impact of the permitted incidental take is minimized; and

10 (4) the incidental taking will not impair the conservation or recovery of
11 any endangered species or threatened species.

12 * * *

13 (k) Public notice. ~~Prior~~ Except for threatened and endangered species
14 listed by the Secretary in accordance with subsection 5410(b) of this title, to
15 issuing a permit for an incidental taking and prior to the initial issuance or
16 amendment of a general permit under this section, the Secretary shall provide
17 for public notice of ~~no~~ not fewer than 30 days, opportunity for written
18 comment, and opportunity to request a public informational hearing. ~~The~~
19 Except for threatened and endangered species listed by the Secretary in
20 accordance with subsection 5410(b) of this title, the Secretary shall post permit
21 applications, permit decisions, and the initial or amended general permits on

1 the website of the Agency of Natural Resources. ~~The~~ Except for threatened and
2 endangered species listed by the Secretary in accordance with subsection
3 5410(b) of this title, the Secretary also shall provide notice to interested
4 persons who request notice of permit applications, permit decisions, and
5 proposed general permits or proposed amendments to general permits.

6 (l) General permits.

7 (1) The Secretary may issue general permits for activities that will not
8 affect the continued survival or recovery of a threatened or endangered species.

9 * * *

10 (6) ~~Prior~~ Except for threatened and endangered species listed by the
11 Secretary in accordance with subsection 5410(b) of this title, prior to issuing an
12 initial or amended general permit under this subsection, the Secretary shall:

13 (A) post a draft of the general permit on the Agency website;

14 (B) provide public notice of at least 30 days; and

15 (C) provide for written comments or a public hearing, or both.

16 (7) For applications for coverage under the terms of an issued general
17 permit, the applicant shall provide notice on a form provided by the Secretary.

18 ~~The~~ Except for threatened and endangered species listed by the Secretary in
19 accordance with subsection 5410(b) of this title, the Secretary shall post notice
20 of the application on the Agency website and shall provide an opportunity for
21 written comment, regarding whether the application complies with the terms

1 and conditions of the general permit, for ~~ten~~ 10 days following receipt of the
2 application.

3 * * *

4 Sec. 10. 10 V.S.A. § 5410 is amended to read:

5 § 5410. LOCATION CONFIDENTIAL

6 (a) The Secretary shall not disclose information regarding the specific
7 location of threatened or endangered species sites or habitats except ~~that the~~
8 ~~Secretary shall disclose information regarding the location of the threatened or~~
9 ~~endangered species to:~~

10 (1) to the owner of land upon which the species is located;

11 (2) to a potential buyer of land upon which the species is located who
12 has a bona fide contract to buy the land and applies to the Secretary for
13 disclosure of threatened or endangered species information; ~~or~~

14 (3) to qualified individuals or organizations, public agencies, and
15 nonprofit organizations for scientific research or for preservation and planning
16 purposes when the Secretary determines that the preservation of the species is
17 not further endangered by the disclosure; or

18 (4) during regulatory processes with the exception of threatened or
19 endangered species listed under subsection (b) of this section.

20 (b) The Secretary shall maintain a subset list of threatened and endangered
21 species whose specific names shall not be included in regulatory planning.

1 The subset list shall include threatened or endangered species for which the
2 species names and locations shall not be disclosed because of the risk that the
3 species will be significantly harmed by unauthorized take, such as illegal
4 collection, commercial trade, human-caused mortality, or destruction of
5 habitat. The list shall be based on the rarity of the species, known collection,
6 and commercial trade activities in Vermont and other states or countries,
7 incidents of human-caused mortality or destruction of habitat, and other factors
8 that present a threat to the continued existence of the species.

9 (c) When the Secretary issues a permit under this chapter to take a
10 threatened or endangered species or destroy or adversely impact critical habitat
11 and when the Secretary designates critical habitat by rule under section 5402a
12 of this title, the Secretary shall disclose only the municipality and general
13 location where the threatened or endangered species or designated critical
14 habitat is located. When the Secretary designates critical habitat under section
15 5402a of this title, the Secretary shall notify the municipality in which the
16 critical habitat is located and shall disclose the general location of the
17 designated critical habitat.

18 Sec. 11. 10 V.S.A. § 4829 is amended to read:

19 § 4829. ~~PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

20 ~~(a) A person engaged in the business of farming who suffers damage by~~
21 ~~deer to the person's crops, fruit trees, or crop bearing plants on land not posted~~

1 ~~against the hunting of deer, or a person engaged in the business of farming who~~
2 ~~suffers damage by black bear to the person's cattle, sheep, swine, poultry, or~~
3 ~~bees or bee hives on land not posted against hunting or trapping of black bear~~
4 ~~is entitled to reimbursement for the damage up to an amount not to exceed~~
5 ~~\$5,000.00 per year, and may apply to the Department of Fish and Wildlife~~
6 ~~within 72 hours of the occurrence of the damage for reimbursement for the~~
7 ~~damage. As used in this section, "post" means any signage that would lead a~~
8 ~~reasonable person to believe that hunting is prohibited on the land.~~

9 ~~(b) As used in this section, a person is "engaged in the business of farming"~~
10 ~~if he or she earns at least one half of the farmer's annual gross income from the~~
11 ~~business of farming, as that term is defined in the Internal Revenue Code, 26~~
12 ~~C.F.R. § 1.175-3. [Repealed.]~~

13 Sec. 12. EFFECTIVE DATE

14 This act shall take effect on July 1, 2025.