

1 H.230

2 Introduced by Representative Satcowitz of Randolph

3 Referred to Committee on

4 Date:

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

6 Statement of purpose of bill as introduced: This bill proposes to amend
7 multiple provisions related to hunting, fishing, and trapping and related to the
8 conservation of threatened and endangered species. The bill would authorize
9 the Commissioner of Fish and Wildlife to designate Labor Day weekend as a
10 free mentored fishing weekend. The bill would adjust the fees for fishing
11 tournaments based on the number of participants. The bill also increases the
12 penalties for big game violations. In addition, the bill would allow for
13 enforcement of a fish and wildlife violation in the Judicial Bureau based on the
14 determination of the enforcing warden. The bill authorizes the Commissioner
15 of Fish and Wildlife to adopt rules for the protection, conservation, and taking
16 of amphibians and reptiles. The bill would clarify that a person could not take,
17 collect, or possess a wild bird, wild animal, reptile, or amphibians with a
18 permit from the Commissioner. The bill also clarifies the authority of the
19 Commissioner of Fish and Wildlife to not disclose the location of specific
20 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.~~

1 ~~Sec. 2-10 V.S.A. § 4613 is amended to read:~~

2 § 4613. FISHING TOURNAMENTS

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

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

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

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

1 ~~participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants~~
2 shall pay a fee of \$30.00; and tournaments with more than 50 participants shall
3 pay a fee of \$100.00.

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

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

7 (a) Whoever violates a provision of this part or orders or rules of the Board
8 ~~relating to taking, possessing, transporting, buying, or selling of big game;~~
9 ~~relating to threatened or endangered species; or relating to the trade in covered~~
10 ~~animal parts or products that constitutes a big game violation~~ shall be fined not
11 more than ~~\$1,000.00~~ \$2,000.00 nor less than ~~\$400.00~~ \$500.00 or imprisoned
12 for not more than 60 days, or both. Upon a second and all subsequent
13 convictions or any conviction while under license suspension related to the
14 requirements of part 4 of this title, the violator shall be fined not more than
15 ~~\$4,000.00~~ \$5,000.00 nor less than \$2,000.00 or imprisoned for not more than
16 ~~60~~ 180 days, or both.

17 (b) A “big game violation” means:

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

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

(3) violation of section 4280 of this title relating to criminal

suspensions;

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

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

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

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

§ 4552. JURISDICTION; VENUE

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

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

§ 4572. DEFINITIONS

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

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

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

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

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

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

(6) [Repealed.]

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

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

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

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

(C) there are mitigating circumstances;

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

(E) there is no possibility of forfeiture, and

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

3 (b) "Bureau" means the Judicial Bureau as created in 4 V.S.A. § 1102.

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

5 § 4085. REPTILES AND AMPHIBIANS

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

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

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

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

15 (4) establish open seasons for common species;

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

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

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

20 (8) establish restrictions on taking based upon sex, maturity, or other
21 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
17 the 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
10 (Sus 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
15 of 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~~
2 ~~threatened 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
10 or endangered species, the destruction of or adverse impact on critical habitat,
11 or 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~~
2 Species Committee, the Secretary may permit, under such terms and
3 conditions as necessary to carry out the purposes of this chapter, the incidental
4 taking of a threatened or endangered species or the destruction of or adverse
5 impact on 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~~
2 ~~and 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
9 species.

10 * * *

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

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

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

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

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

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

1 ~~written comment, regarding whether the application complies with the terms~~
2 and conditions of the general permit, for ~~ten~~ 10 days following receipt of the
3 application.

4 * * *

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

6 § 5410. LOCATION CONFIDENTIAL

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

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

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

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

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

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

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

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

21 ~~§ 4829. PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

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

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

15 Sec. 12. EFFECTIVE DATE

16 ~~This act shall take effect on July 1, 2025.~~

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

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

(a) Except as provided in sections 4253 and 4254b of this title, a person shall not take wild animals or fish without first having procured a license therefor; provided, however, that a person under 15 years of age may take fish

in accordance with this part and regulations of the Board, without first having procured a license therefor:

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

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

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

§ 4613. FISHING TOURNAMENTS

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

(b) A fishing tournament means a contest in which anglers pay a fee to enter and in which the entrants compete for a prize based on the quality or size of the fish they catch. A contest may run multiple days, but the days must be consecutive for that contest to be considered a single event. A tournament that

limits the entrants to people below 15 years of age or a tournament held as part of a Special Olympics program shall be exempt from paying the fee required under subsection (d) of this section.

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

(d) The Commissioner shall charge a fee ~~of \$50.00~~ based on the number of participants for each permit issued under this section and shall deposit the fee collected into the Fish and Wildlife Fund. Tournaments with up to 25 participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants shall pay a fee of \$30.00; and tournaments with more than 50 participants shall pay a fee of \$100.00.

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

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED

SPECIES; SUSPENSION; VIOLATIONS

(a) Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game; relating to threatened or endangered species; or relating to the trade in covered animal parts or products that constitutes a big game violation shall be fined not more than ~~\$1,000.00~~ \$2,000.00 nor less than ~~\$400.00~~ \$500.00 or

imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than ~~\$4,000.00~~ \$5,000.00 nor less than \$2,000.00 or imprisoned for not more than ~~60~~ 180 days, or both.

(b) As used in this section, “big game violation” means:

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

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

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

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

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

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

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

§ 4552. JURISDICTION; VENUE

The Vermont Criminal Division of the Superior Court shall have exclusive jurisdiction over fish and wildlife violations with the exception of violations related to section 4572 and chapters 123 and 124 of this title. Venue for adjudicating fish and wildlife violations shall be the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred.

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

§ 4572. DEFINITIONS

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

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

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

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

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

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

(6) [Repealed.]

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

(8) except for big game offenses and under revocation offenses, any fish and wildlife violation as defined by 10 V.S.A § 4551 and not otherwise listed in this section shall be charged as a minor violation, provided that:

(A) the offender has no prior history of fish and wildlife violations;

(B) no evidence was seized in relation to the violation;

(C) a criminal warrant was not used in relation to the violation; and

(D) there is no possibility of forfeiture.

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

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

§ 4085. REPTILES AND AMPHIBIANS; TAKING; POSSESSION

(a) A person shall not intentionally take a reptile or amphibian in the State unless authorized by rules adopted under subsection (b) of this section.

(b) The Commissioner may establish requirements for the following by rule:

(1) the collection or possession for commercial use, export, or sale of reptiles and amphibians specified by the Commissioner;

(2) the taking of reptiles or amphibians that have been classified as common, widespread, and abundant, known as S5 ranked species, with stable

or increasing populations indicated by data collected or compiled by the Department of Fish and Wildlife;

(3) the taking of a reptile or amphibian that due to population, risk to other native species, or risk to ecosystems has been identified as requiring a reduction in population; or

(4) under specified criteria, the taking, collection, or possession of a specified reptile or amphibian for scientific, educational, or noncommercial cultural or ceremonial purposes.

(c) Rules adopted by the Commissioner of Fish and Wildlife under this section shall be designed to maintain the best health, population, and utilization levels of the regulated reptile or amphibian.

Sec. 7. IMPORT, POSSESSION, AND SALE OF REPTILES AND

AMPHIBIANS; ENDORSEMENTS

(a)(1) A person shall not import, possess, or sell in the State a pond slider turtle (*Trachemys scripta*), unless the turtle was legally acquired as a pet prior to July 1, 2025.

(2) A person is prohibited from releasing to the wild a pond slider retained as a pet under this subsection. A violation of the prohibition under this section shall be subject to enforcement as a fish and wildlife violation under Title 10 part 4.

(b) Subsection (a) of this section shall be repealed on the effective date of a rule adopted by the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085 regulating the import, possession, or sale of the pond slider turtle (*Trachemys scripta*).

(c) When the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085(b) authorizes the taking of a reptile or amphibian by hunting, a hunting license issued under 10 V.S.A. part 4 that authorizes the taking of reptiles and amphibians under the license shall include an endorsement indicating the authorized taking.

Sec. 8. 10 V.S.A. § 4709 is amended to read:

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

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, including reptiles, amphibians, or any manner of feral swine, without authorization from the Commissioner or ~~his or her~~ the Commissioner's designee. The importation permit may be granted under ~~such regulations therefor as~~ rules, requirements, or conditions that the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as ~~she or he~~ the Commissioner may deem

necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

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

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

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

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

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

(g) The Commissioner may bring an action in the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred, or the Environmental Division of the Superior Court, to compel reasonable mitigation and recover economic benefits for commercial collection and trade violations under this subsection.

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

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

* * *

Sec. 9. 10 V.S.A. § 5403(a) is amended to read:

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

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

(2) destroy or adversely impact critical habitat;

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

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

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

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

§ 5408. AUTHORIZED TAKINGS; INCIDENTAL TAKINGS;

DESTRUCTION OF CRITICAL HABITAT

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

(1) scientific purposes;

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

(3) zoological exhibition;

(4) educational purposes;

(5) noncommercial cultural or ceremonial purposes; or

(6) special purposes consistent with the purposes of the federal Endangered Species Act.

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

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

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

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

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

** * **

(k) Public notice. ~~Prior~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, prior to issuing a permit for an incidental taking and prior to the initial issuance or amendment of a general permit under this section, the Secretary shall provide for public notice of ~~no~~ not fewer than 30 days, opportunity for written comment, and opportunity to request a public informational hearing. The Except for threatened and endangered species listed by the Secretary in

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

(l) General permits.

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

* * *

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

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

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

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

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

The ~~Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the Secretary shall post notice of the application on the Agency website and shall provide an opportunity for written comment, regarding whether the application complies with the terms and conditions of the general permit, for ten~~ 10 days following receipt of the application.

* * *

Sec. 11. 10 V.S.A. § 5410 is amended to read:

§ 5410. LOCATION CONFIDENTIAL

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

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

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

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

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

(b) The Secretary shall maintain a subset list of threatened and endangered species whose specific names shall not be included in regulatory planning. The subset list shall include threatened or endangered species for which the species names and locations shall not be disclosed because of the risk that the species will be significantly harmed by unauthorized take, such as illegal collection, commercial trade, human-caused mortality, or destruction of habitat. The list shall be based on the rarity of the species, known collection and commercial trade activities in Vermont and other states or countries, incidents of human-caused mortality or destruction of habitat, and other factors that present a threat to the continued existence of the species.

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

Sec. 12. 10 V.S.A. § 4829 is amended to read:

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

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

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

Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except that in Sec. 6, 10 V.S.A. § 4085(a) (related to the taking of reptiles and amphibians) shall take effect on January 1, 2027.