

H.231

An act relating to technical corrections to fish and wildlife statutes

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

Sec. 1. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

* * *

(6) ~~Pickerel: the great northern pike, chain pickerel, or muskellunge.~~

[Repealed.]

(7) ~~Pike perch: walleyed or yellow pike.~~ [Repealed.]

* * *

Sec. 2. 10 V.S.A. § 4905 is amended to read:

§ 4905. BIRDS' NESTS AND EGGS; DESTROYING OR ROBBING

A person shall not take or ~~wilfully~~ willfully destroy the nests or eggs of wild birds, other than rock pigeons, the English sparrow, starling, or purple grackle house sparrows, or European starlings, except when necessary to protect buildings and the nests to be removed contain no eggs or chicks and are no longer being used by birds for feeding, or when taken as provided in section 4152 of this title.

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in this title of the Vermont Statutes Annotated):

(2) Ten points shall be assessed for:

* * *

(I) ~~§ 4706. Snaring animals~~ [Repealed.]

* * *

1 (Y) Appendix § 2; ~~Appendix § 33, section 14.3.~~ Reporting of big
2 game

3 * * *

4 (II) Appendix § 37, ~~as it applies to annual deer limits~~ section 10.
5 Novice season

6 (JJ) § 4742a. Youth deer hunting weekend. The points shall be
7 assessed solely against the adult who is accompanying the youth hunter.

8 (KK) § 4908. Youth turkey hunting weekend. The points assessed
9 against the adult accompanying the youth hunter.

10 (LL) § 4256. Mentored hunting license. The points shall be assessed
11 against the licensed adult who is accompanying the individual holding the
12 mentored hunting license.

13 (MM) § 4827a. Feeding a black bear

14 (NN) § 4826. Taking deer doing damage

15 (OO) § 22a. Taking turkey doing damage

16 (PP) § 35. Taking moose doing damage

17 (QQ) ~~Appendix § 22, section 6.7; Appendix § 33, section 13.1(g);~~

18 ~~Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or~~
19 ~~on a motor vehicle, motorboat, airplane, snowmobile, or other motor propelled~~
20 ~~vehicle~~ [Repealed.]

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1 (W) ~~§ 4711. Crossbow hunting~~ [Repealed.]

2 (X) ~~Appendix § 4. Hunting with a crossbow without a permit or~~
3 ~~license~~ [Repealed.]

4 * * *

5 (Z) Appendix § 44, ~~section 4.6.~~ Use of tooth jawed traps

6 (AA) Appendix § 44, ~~section 4.11.~~ Taking furbearers with poison

7 (BB) Appendix § 44, ~~section 4.12.~~ Taking furbearers from a den

8 (CC) § 4716. Holding or conducting a coyote-hunting competition

9 (DD) § 4706. Snaring animals

10 * * *

11 Sec. 4. 10 V.S.A. § 4705 is amended to read:

12 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

13 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

14 (a) A person shall not take or attempt to take a wild animal by shooting
15 from a motor vehicle, motorboat, airplane, snowmobile, or other motor-
16 propelled craft or any vehicle drawn by a motor-propelled vehicle except as
17 permitted under subsection (e) of this section.

18 (b)(1) A person shall not carry or possess while in or on a vehicle propelled
19 by mechanical power or drawn by a vehicle propelled by mechanical power
20 within the right-of-way of a public highway any of the following:

1 (A) a rifle, air rifle, arrow rifle, pre-charged pneumatic rifle, or
2 shotgun containing a loaded cartridge ~~or~~, shell, or other projectile in the
3 chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, ~~or~~;

4 (B) a muzzle-loading rifle or muzzle-loading shotgun that has been
5 charged with powder and projectile and the ignition system of which has been
6 enabled by having an affixed or attached percussion cap, primer, battery, or
7 priming powder, except as permitted under subsections (d) and (e) of this
8 section; and

9 (C) unless it is uncocked, a crossbow in or on a motor vehicle,
10 motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle
11 drawn by a motor-propelled vehicle except as permitted under subsection (e) of
12 this section.

13 (2) A person who possesses a rifle, crossbow, or shotgun, including a
14 muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled
15 by mechanical power, or drawn by a vehicle propelled by mechanical power
16 within a right-of-way of a public highway shall upon demand of an
17 enforcement officer exhibit the firearm for examination to determine
18 compliance with this section.

19 (3) As used in this subsection:

20 (A) “Air rifle” means a .22 or larger caliber device that fires a bullet
21 solely by the use of unignited compressed gas as the propellant.

(C) “Pre-charged pneumatic rifle” means an air rifle or arrow rifle for which the propellant is supplied or introduced by means of a source that is physically separate from the air gun or arrow gun.

Sec. 5. 23 V.S.A. § 3317(b) is amended to read:

* * *

(4) A Vermont resident who is a veteran of the U.S. Armed Forces and who is, or ever has been, 60 percent disabled as a result of a service-connected disability may receive a free fishing, hunting, or combination hunting and fishing license that shall include all big game licenses, except for a moose license, upon presentation of a certificate issued by the veterans' administration so certifying. A resident of a state that provides a reciprocal privilege for Vermont veterans and who would qualify for a free license under this subdivision if the person were a Vermont resident may receive a free one-year fishing, hunting, or combination hunting and fishing license.

* * *

(8) A person with developmental disabilities who is a Vermont resident may receive a free permanent fishing license upon submission to the Commissioner of a statement signed by the person’s treating health care provider, as that term is defined in 18 V.S.A. § 9402, certifying that the person meets the definition of a person with development disabilities. “A person with developmental disabilities” has the same meaning as in 18 V.S.A. § 9302.

* * *

(n) The Commissioner shall maintain an accounting of lost revenue due to the issuance of free licenses. The Commissioner annually on or before January 15 shall submit to the Senate Committees on Appropriations and on Finance and the House Committees on Appropriations and on Ways and Means an accounting of lost revenue from the previous calendar year due to the issuance of free licenses.

1 Sec. 8. 10 V.S.A. § 4251 is amended to read:

2 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

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

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

12 (c) The Commissioner of Fish and Wildlife may designate Labor Day
13 weekend each year as “free mentored fishing weekend,” during which up to
14 four unlicensed anglers aged 15 years or older can fish with one licensed
15 angler throughout this three-day period.

16 Sec. 9. 10 V.S.A. § 4613 is amended to read:

17 § 4613. FISHING TOURNAMENTS

18 (a) No person or organization shall hold a fishing tournament on the waters
19 of the State without first obtaining a permit from the Department of Fish and
20 Wildlife. Tournaments held on the Connecticut River, excluding Moore and

1 Comerford Reservoirs, that do not utilize an access area in Vermont are not
2 required to obtain a permit from the Department of Fish and Wildlife.

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

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

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

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

2 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED
3 SPECIES; SUSPENSION; VIOLATIONS

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

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

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

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

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

1 (4) violations of chapter 124 of this title relating to the trade in covered
2 animal parts or products;
3 (5) interference with hunting, fishing, or trapping in violation of section
4 4708 of this title; or
5 (6) illegal commercial importation or possession of wild animals in
6 violation of section 4709 of this title.

7 Sec. 11. 10 V.S.A. § 4552 is amended to read:

8 § 4552. JURISDICTION; VENUE

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

15 Sec. 12. 10 V.S.A. § 4572 is amended to read:

16 § 4572. DEFINITIONS

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

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

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

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

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

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

7 (6) [Repealed.]

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

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

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

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

15 (C) a criminal warrant was not used in relation to the

16 violation; and

17 (D) there is no possibility of forfeiture.

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

1 Sec. 13. 10 V.S.A. § 4085 is added to read:

2 § 4085. REPTILES AND AMPHIBIANS; TAKING; POSSESSION

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

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

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

9 (2) the taking of reptiles or amphibians that have been classified as
10 common, widespread, and abundant, known as S5 ranked species, with stable
11 or increasing populations indicated by data collected or compiled by the
12 Department of Fish and Wildlife;

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

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

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

1 Sec. 14. IMPORT, POSSESSION, AND SALE OF REPTILES AND
2 AMPHIBIANS; ENDORSEMENTS

3 (a)(1) A person shall not import, possess, or sell in the State a pond slider
4 turtle (Trachemys scripta), provided that:

5 (A) a person may continue to possess a turtle that was legally
6 acquired as a pet prior to July 1, 2025 or that was legally acquired from a pet
7 dealer or commercial collection permittee authorized to sell turtles under
8 subdivision (1)(B) of this subsection; or

9 (B) a person with a valid pet dealer permit or commercial collection
10 permit may possess and sell a turtle that the person can document they had
11 possession of prior to July 1, 2025.

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

16 (b) Subsection (a) of this section shall be repealed on the effective date of a
17 rule adopted by the Commissioner of Fish and Wildlife under 10 V.S.A.
18 § 4085 regulating the import, possession, or sale of the pond slider turtle
19 (Trachemys scripta).

20 (c) When the Commissioner of Fish and Wildlife under 10 V.S.A.
21 § 4085(b) authorizes the taking of a reptile or amphibian by hunting, a hunting

1 license issued under 10 V.S.A. part 4 that authorizes the taking of reptiles and
2 amphibians under the license shall include an endorsement indicating the
3 authorized taking.

4 Sec. 15. 10 V.S.A. § 4709 is amended to read:

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

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

19 (b) No person shall bring into the State from another country, state, or
20 province wildlife illegally taken, transported, or possessed contrary to the laws
21 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) Any person who violates this section may be subject to the penalties set
9 forth in section 4518 of this title and also may be required to pay additional
10 penalties based on reasonable mitigation and potential economic benefit
11 associated with commercial trade.

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

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

18 ~~(f)~~(h)(1) The Commissioner shall not issue a permit under this section for
19 the importation or possession of the following live species, a hybrid or genetic
20 variant of the following species, offspring of the following species, or
21 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. 16. 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. 17. 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

1 necessary to carry out the purposes of this chapter, the taking of a threatened or
2 endangered species, the destruction of or adverse impact on critical habitat, or
3 any act otherwise prohibited by this chapter if done for any of the following
4 purposes:

- 5 (1) scientific purposes;
- 6 (2) to enhance the propagation or survival of a threatened or endangered
7 species;
- 8 (3) zoological exhibition;
- 9 (4) educational purposes;
- 10 (5) noncommercial cultural or ceremonial purposes; or
- 11 (6) special purposes consistent with the purposes of the federal
12 Endangered Species Act.

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

- 18 (1) the taking is necessary to conduct an otherwise lawful activity;
- 19 (2) the taking is attendant or secondary to, and not the purpose of, the
20 lawful activity;

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

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

4 * * *

5 (k) Public notice. ~~Prior~~ Except for threatened and endangered species
6 listed by the Secretary in accordance with subsection 5410(b) of this title, prior
7 to issuing a permit for an incidental taking and prior to the initial issuance or
8 amendment of a general permit under this section, the Secretary shall provide
9 for public notice of ~~no~~ not fewer than 30 days; opportunity for written
10 comment; and opportunity to request a public informational hearing. The
11 Except for threatened and endangered species listed by the Secretary in
12 accordance with subsection 5410(b) of this title, the Secretary shall post permit
13 applications, permit decisions, and the initial or amended general permits on
14 the website of the Agency of Natural Resources. ~~The~~ Except for threatened and
15 endangered species listed by the Secretary in accordance with subsection
16 5410(b) of this title, the Secretary also shall provide notice to interested
17 persons who request notice of permit applications, permit decisions, and
18 proposed general permits or proposed amendments to general permits.

19 (l) General permits.

20 (1) The Secretary may issue general permits for activities that will not
21 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. 18. 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~~

1 ~~Secretary shall disclose information regarding the location of the threatened or~~
2 ~~endangered species to:~~

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

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

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

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

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

15 The subset list shall include threatened or endangered species for which the
16 species names and locations shall not be disclosed because of the risk that the
17 species will be significantly harmed by unauthorized take, such as illegal
18 collection, commercial trade, human-caused mortality, or destruction of
19 habitat. The list shall be based on the rarity of the species, known collection
20 and commercial trade activities in Vermont and other states or countries.

1 incidents of human-caused mortality or destruction of habitat, and other factors
2 that present a threat to the continued existence of the species.

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

12 Sec. 19. 10 V.S.A. § 4829 is amended to read:

13 § 4829. ~~PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

14 ~~(a) A person engaged in the business of farming who suffers damage by~~
15 ~~deer to the person's crops, fruit trees, or crop-bearing plants on land not posted~~
16 ~~against the hunting of deer, or a person engaged in the business of farming who~~
17 ~~suffers damage by black bear to the person's cattle, sheep, swine, poultry, or~~
18 ~~bees or bee hives on land not posted against hunting or trapping of black bear~~
19 ~~is entitled to reimbursement for the damage up to an amount not to exceed~~
20 ~~\$5,000.00 per year, and may apply to the Department of Fish and Wildlife~~
21 ~~within 72 hours of the occurrence of the damage for reimbursement for the~~

1 ~~damage. As used in this section, “post” means any signage that would lead a~~
2 ~~reasonable person to believe that hunting is prohibited on the land.~~

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

7 Sec. 20. 10 V.S.A. § 599a is amended to read:

8 § 599a. REPORTS; RULEMAKING

9 (a) On or before January 15, 2025, the Agency, in consultation with the
10 State Treasurer, shall submit a report to the General Assembly detailing the
11 feasibility and progress of carrying out the requirements of this chapter,
12 including any recommendations for improving the administration of the
13 Program.

14 (b) The Agency shall adopt rules necessary to implement the requirements
15 of this chapter, including:

16 (1) adopting methodologies using available science and publicly
17 available data to identify responsible parties and determine their applicable
18 share of covered greenhouse gas emissions; and

19 (2) requirements for registering entities that are responsible parties and
20 issuing notices of cost recovery demands under the Program; ~~and~~

- 1 ~~(3) the Resilience Implementation Strategy, which shall include:~~
- 2 ~~(A) practices utilizing nature-based solutions intended to stabilize~~
- 3 ~~floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~
- 4 ~~(B) practices to adapt infrastructure to the impacts of climate change;~~
- 5 ~~(C) practices needed to build out early warning mechanisms and~~
- 6 ~~support fast, effective response to climate-related threats;~~
- 7 ~~(D) practices that support economic and environmental sustainability~~
- 8 ~~in the face of changing climate conditions; and~~
- 9 ~~(E) criteria and procedures for prioritizing climate change adaptation~~
- 10 ~~projects eligible to receive monies from the Climate Superfund Cost Recovery~~
- 11 ~~Program.~~
- 12 (c) On or before September 15, 2025, the Secretary shall submit to the
- 13 House Committee on Environment and the Senate Committee on Natural
- 14 Resources and Energy a report summarizing the Agency of Natural Resources'
- 15 adoption of the Resilience Implementation Strategy. The Strategy shall
- 16 include:
- 17 (1) practices utilizing nature-based solutions intended to stabilize
- 18 floodplains, riparian zones, lake shoreland, wetlands, and similar lands;
- 19 (2) practices to adapt infrastructure to the impacts of climate change;
- 20 (3) practices needed to build out early warning mechanisms and support
- 21 fast, effective response to climate-related threats;

1 (4) practices that support economic and environmental sustainability in
2 the face of changing climate conditions; and

3 (5) criteria and procedures for prioritizing climate change adaptation
4 projects eligible to receive monies from the Climate Superfund Cost Recovery
5 Program.

6 (d) In adopting the Strategy, the Agency shall:

7 (1) consult with the Environmental Justice Advisory Council;

8 (2) in consultation with other State agencies and departments, including
9 the Department of Public Safety's Division of Vermont Emergency
10 Management, assess the adaptation needs and vulnerabilities of various areas
11 vital to the State's economy, normal functioning, and the health and well-being
12 of Vermonters;

13 (3) identify major potential, proposed, and ongoing climate change
14 adaptation projects throughout the State;

15 (4) identify opportunities for alignment with existing federal, State, and
16 local funding streams;

17 (5) consult with stakeholders, including local governments, businesses,
18 environmental advocates, relevant subject area experts, and representatives of
19 environmental justice focus populations;

1 (6) consider components of the Vermont Climate Action Plan required
2 under section 592 of this title that are related to adaptation or resilience, as
3 defined in section 590 of this title; and

4 (7) conduct public engagement in areas and communities that have the
5 most significant exposure to the impacts of climate change, including
6 disadvantaged, low-income, and rural communities and areas.

7 ~~(d)~~(e) Nothing in this section shall be construed to limit the existing
8 authority of a State agency, department, or entity to regulate greenhouse gas
9 emissions or establish strategies or adopt rules to mitigate climate risk and
10 build resilience to climate change.

11 Sec. 21. 2024 Acts and Resolves No. 122, Sec. 3 is amended to read:

12 Sec. 3. IMPLEMENTATION

13 (a) ~~On or before July 1, 2025, the Agency of Natural Resources pursuant to~~
14 ~~3 V.S.A. § 837 shall file with the Interagency Committee on Administrative~~
15 ~~Rules the proposed rule for the adoption of the Resilience Implementation~~
16 ~~Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1,~~
17 ~~2026, the Agency of Natural Resources shall adopt the final rule establishing~~
18 ~~the Resilience Implementation Strategy required pursuant to 10 V.S.A.~~
19 ~~§ 599a(b)(3). [Repealed.]~~

20 (b) On or before July 1, ~~2026~~ 2027, the Agency of Natural Resources
21 pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on

1 Administrative Rules the proposed rules required pursuant to 10 V.S.A. §
2 599a(b)(1) and (b)(2). On or before January 1, ~~2027~~ 2028, the Agency of
3 Natural Resources shall adopt the final rule rules required pursuant to 10
4 V.S.A. § 599a(b)(1) and (b)(2).

5 Sec. 22. 10 V.S.A. § 596 is amended to read:

6 § 596. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (7) “Covered greenhouse gas emissions” means the total quantity of
10 greenhouse gases released into the atmosphere ~~during the covered period~~,
11 expressed in metric tons of carbon dioxide equivalent, resulting from the use of
12 fossil fuels extracted or refined by an entity during the covered period.

13 * * *

14 (22) “Responsible party” means any entity or a successor in interest to
15 an entity that during any part of the covered period was engaged in the trade or
16 business of extracting fossil fuel or refining crude oil and is determined by the
17 Agency attributable to for more than one billion metric tons of covered
18 greenhouse gas emissions ~~during the covered period~~. The term responsible
19 party does not include any person who lacks sufficient connection with the
20 State to satisfy the nexus requirements of the U.S. Constitution.

21 * * *

1 Sec. 23. 10 V.S.A. § 598(b) is amended to read:

2 (b) With respect to each responsible party, the cost recovery demand shall
3 be equal to an amount that bears the same ratio to the cost to the State of
4 Vermont and its residents, as calculated by the State Treasurer pursuant to
5 section 599c of this title, from ~~the emission of covered greenhouse gases~~
6 ~~during the covered period~~ gas emissions as the responsible party's applicable
7 share of covered greenhouse gas emissions bears to the aggregate applicable
8 shares of covered greenhouse gas emissions ~~resulting from the use of fossil~~
9 ~~fuels extracted or refined during the covered period.~~

10 Sec. 24. 10 V.S.A. § 599c is amended to read:

11 § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF
12 COVERED GREENHOUSE GAS EMISSIONS

13 On or before January 15, ~~2026~~ 2027, the State Treasurer, after consultation
14 with the Interagency Advisory Board to the Climate Action Office, and with
15 any other person or entity whom the State Treasurer decides to consult for the
16 purpose of obtaining and utilizing credible data or methodologies that the State
17 Treasurer determines may aid the State Treasurer in making the assessments
18 and estimates required by this section, shall submit to the Senate Committees
19 on Appropriations, on Finance, on Agriculture, and on Natural Resources and
20 Energy and the House Committees on Appropriations; on Ways and Means; on
21 Agriculture, Food Resiliency, and Forestry; and on Environment ~~and Energy~~

1 an assessment of the cost to the State of Vermont and its residents ~~of the~~
2 ~~emission~~ of covered greenhouse gases ~~for the period that began on January 1,~~
3 ~~1995 and ended on December 31, 2024~~ gas emissions. The assessment shall
4 include:

5 * * *

6 (3) a categorized calculation of the costs that have been incurred and are
7 projected to be incurred in the future within the State of Vermont to abate the
8 effects of covered greenhouse gas emissions ~~from between January 1, 1995~~
9 ~~and December 31, 2024~~ on the State of Vermont and its residents.

10 Sec. 25. EFFECTIVE DATES

11 (a) This section and Secs. 20–24 (climate superfund act) shall take effect
12 on passage.

13 (b) All other sections shall take effect on July 1, 2025, except that:

14 (1) Sec. 7 (free fishing license; person with developmental disabilities)
15 shall take effect on January 1, 2026; and

16 (2) in Sec. 13, 10 V.S.A. § 4085(a) (related to the taking of reptiles and
17 amphibians) shall take effect on January 1, 2027.