

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 230
3 entitled “An act relating to the management of fish and wildlife” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

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

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

18 (c) The Commissioner of Fish and Wildlife may designate Labor Day
19 weekend each year as “free mentored fishing weekend,” during which one
20 unlicensed angler can fish with one licensed angler throughout this three-day
21 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 of
20 participants for each permit issued under this section and shall deposit the fee
21 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 V.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 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);

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, any fish
13 and wildlife violation as defined by 10 V.S.A § 4551 and not otherwise listed
14 in this section shall be charged as a minor violation, provided that:

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

16 (B) There is no need to seize evidence in order to further investigate
17 the violation;

18 (C) there is no need for a criminal warrant to further investigate the
19 violation; and;

20 (D) there is no possibility of forfeiture.

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

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

2 § 4085. REPTILES AND AMPHIBIANS

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

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

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

10 (3) prohibit the taking and collection of specified reptiles and
11 amphibians;

12 (4) establish open seasons for common species;

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

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

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

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

19 (9) designate Wildlife Management Units for various species or
20 varieties.

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

2 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
3 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL
4 SWINE

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

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

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

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

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

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

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

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

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

* * *

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

(2) destroy or adversely impact critical habitat;

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

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

2 § 5408. AUTHORIZED TAKINGS; INCIDENTAL TAKINGS;

3 DESTRUCTION OF CRITICAL HABITAT

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

11 (1) scientific purposes;

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

14 (3) zoological exhibition;

15 (4) educational purposes;

16 (5) noncommercial cultural or ceremonial purposes; or

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

19 (b) Incidental taking. After obtaining the advice of the Endangered Species
20 Committee, the Secretary may permit, under such terms and conditions as
21 necessary to carry out the purposes of this chapter, the incidental taking of a

1 threatened or endangered species or the destruction of or adverse impact on
2 critical habitat if:

- 3 (1) the taking is necessary to conduct an otherwise lawful activity;
4 (2) the taking is attendant or secondary to, and not the purpose of, the
5 lawful activity;
6 (3) the impact of the permitted incidental take is minimized; and
7 (4) the incidental taking will not impair the conservation or recovery of
8 any endangered species or threatened species.

9 * * *

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

* * *

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

2 § 5410. LOCATION CONFIDENTIAL

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

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

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

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

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

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

19 The subset list shall include threatened or endangered species for which the
20 species names and locations shall not be disclosed because of the risk that the
21 species will be significantly harmed by unauthorized take, such as illegal

1 collection, commercial trade, human-caused mortality, or destruction of
2 habitat. The list shall be based on the rarity of the species, known collection,
3 and commercial trade activities in Vermont and other states or countries,
4 incidents of human-caused mortality or destruction of habitat, and other factors
5 that present a threat to the continued existence of the species.

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

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

16 § 4829. ~~PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

17 ~~(a) A person engaged in the business of farming who suffers damage by~~
18 ~~deer to the person's crops, fruit trees, or crop bearing plants on land not posted~~
19 ~~against the hunting of deer, or a person engaged in the business of farming who~~
20 ~~suffers damage by black bear to the person's cattle, sheep, swine, poultry, or~~
21 ~~bees or bee hives on land not posted against hunting or trapping of black bear~~

1 is entitled to reimbursement for the damage up to an amount not to exceed
2 \$5,000.00 per year, and may apply to the Department of Fish and Wildlife
3 within 72 hours of the occurrence of the damage for reimbursement for the
4 damage. As used in this section, “post” means any signage that would lead a
5 reasonable person to believe that hunting is prohibited on the land.

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

10 Sec. 12. EFFECTIVE DATE

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

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19 (Committee vote: _____)

1

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Representative _____

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FOR THE COMMITTEE