

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 231 entitled “An act relating to technical corrections to fish and
4 wildlife statutes” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 4001. DEFINITIONS

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

12 * * *

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

14 [Repealed.]

15 (7) ~~Pike perch: walleyed or yellow pike.~~ [Repealed.]

16 * * *

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

18 § 4905. BIRDS’ NESTS AND EGGS; DESTROYING OR ROBBING

19 A person shall not take or ~~wilfully~~ willfully destroy the nests or eggs of
20 wild birds, other than rock pigeons, ~~the English sparrow, starling, or purple~~
21 ~~grackle~~ house sparrows, or European starlings, except when necessary to

1 protect buildings and the nests to be removed contain no eggs or chicks and are
2 no longer being used by birds for feeding, or when taken as provided in section
3 4152 of this title.

4 Sec. 3. 10 V.S.A. § 4502 is amended to read:

5 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

6 (a) A uniform point system that assigns points to those convicted of a
7 violation of a provision of this part is established. The conviction report from
8 the court shall be prima facie evidence of the points assessed. In addition to
9 other penalties assessed for violation of fish and wildlife statutes, the
10 Commissioner shall suspend licenses issued under this part that are held by a
11 person who has accumulated 10 or more points in accordance with the
12 provisions of subsection (c) of this section.

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

16 (1) Except for biological collection violations determined to be nonpoint
17 violations under the rules of the Board, five points shall be assessed for any
18 violation of statutes or rules adopted under this part except those listed in
19 subdivisions (2) and (3) of this subsection.

20 (2) Ten points shall be assessed for:

21 * * *

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

2 * * *

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

5 * * *

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

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

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

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

15 (MM) § 4827a. Feeding a black bear

16 (NN) § 4826. Taking deer doing damage

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

18 (PP) § 35. Taking moose doing damage

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

20 ~~Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or~~

1 ~~on a motor vehicle, motorboat, airplane, snowmobile, or other motor propelled~~
2 ~~vehicle~~ [Repealed.]

3 (RR) ~~Appendix § 7, section 6.3(b). Hunting bear with any dog not~~
4 ~~listed on the permit~~ [Repealed.]

5 * * *

6 (3) Twenty points shall be assessed for:

7 (A) ~~§ 4192. General powers and duties; failure to obey warden~~
8 [Repealed.]

9 * * *

10 (I) § 4745. Taking ~~deer~~ big game out of season prohibited

11 * * *

12 (O) Appendix § 7, sections 4.2, ~~5.1, 5.2,~~ 5.3, 6.1, 6.2, 6.3(b), 6.3(d),
13 6.3(e), 6.4, 6.5(e), 6.5(d), 7.1, ~~and 7.2, 7.3, and 7.4.~~ Bear, unauthorized taking

14 (P) Appendix § 22. Turkey season, excluding: requirements for
15 youth turkey hunting season; ~~section 6.2,~~ and size of shot used or possessed;
16 ~~and section 6.7, transport of cocked crossbow~~

17 * * *

18 (U) Appendix § 37. Deer management rule, excluding requirements
19 for youth deer hunting weekend; requirements for novice season; limitations
20 on feeding of deer; ~~section 7.7, transport of cocked crossbow;~~ reporting big
21 game; and section 11.0, ban of urine and other natural lures

* * *

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

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

* * *

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

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

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

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

(DD) § 4706. Snaring animals

* * *

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

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

(b)(1) A person shall not carry or possess while in or on a vehicle propelled
by mechanical power or drawn by a vehicle propelled by mechanical power
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.

* * *

(b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or a fine under this chapter, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

* * *

§ 1102. JUDICIAL BUREAU; JURISDICTION

(b) The Judicial Bureau shall have jurisdiction of the following matters:

(19) Violations of rules adopted under 10 V.S.A. § 1424, relating to the
f public waters.

§ 4255. LICENSE FEES

(c) A permanent or free license may be secured on application to the department by a person qualifying as follows:

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(3) A Vermont resident with paraplegia as defined in subdivision 4001(30) of this title or a permanent, severe, physical mobility disability certified by a physician may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free combination hunting and fishing license. A person with paraplegia or a person certified by a physician to have permanent, severe, physical mobility disability who is a resident of a state that provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license or, if the person qualifies for a hunting license, a free one-year combination fishing and hunting license.

(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.

(5) A person participating in a fishing tournament for Special Olympics may receive a free fishing license valid for that event.

* * *

(7) A certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive free of charge one or all of the permanent fishing, hunting, or trapping licenses set forth in subdivisions (1)(A)–(D) of this subsection if qualified for the license and upon submission of a current and valid tribal identification card.

(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.

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

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

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

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

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

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

15 § 4613. FISHING TOURNAMENTS

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

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

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

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

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

19 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED
20 SPECIES; SUSPENSION; VIOLATIONS

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

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

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

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

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

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

20 (5) interference with hunting, fishing, or trapping in violation of section
21 4708 of this title; or

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

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

4 § 4552. JURISDICTION; VENUE

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

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

12 § 4572. DEFINITIONS

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

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

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

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

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

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

5 (6) [Repealed.]

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

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

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

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

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

15 (D) there is no possibility of forfeiture.

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

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

18 § 4085. REPTILES AND AMPHIBIANS; TAKING; POSSESSION

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

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

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

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

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

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

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

18 Sec. 14. IMPORT, POSSESSION, AND SALE OF REPTILES AND
19 AMPHIBIANS; ENDORSEMENTS

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

1 (A) a person may continue to possess a turtle that was legally
2 acquired as a pet prior to July 1, 2025; or

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

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

10 (b) Subsection (a) of this section shall be repealed on the effective date of a
11 rule adopted by the Commissioner of Fish and Wildlife under 10 V.S.A.
12 § 4085 regulating the import, possession, or sale of the pond slider turtle
13 (Trachemys scripta).

14 (c) When the Commissioner of Fish and Wildlife under 10 V.S.A.
15 § 4085(b) authorizes the taking of a reptile or amphibian by hunting, a hunting
16 license issued under 10 V.S.A. part 4 that authorizes the taking of reptiles and
17 amphibians under the license shall include an endorsement indicating the
18 authorized taking.

1 Sec. 15. 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 violation 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) Any person who violates this section may be subject to the penalties set
6 forth in section 4518 of this title and also may be required to pay additional
7 penalties based on reasonable mitigation and potential economic benefit
8 associated with commercial trade.

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

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

15 ~~(f)~~(i)(1) The Commissioner shall not issue a permit under this section for
16 the importation or possession of the following live species, a hybrid or genetic
17 variant of the following species, offspring of the following species, or
18 offspring or a hybrid of a genetically engineered variant of the following
19 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral
20 hog, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus*
21 *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 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

1 any act otherwise prohibited by this chapter if done for any of the following
2 purposes:

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

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

- 16 (1) the taking is necessary to conduct an otherwise lawful activity;
- 17 (2) the taking is attendant or secondary to, and not the purpose of, the
18 lawful activity;
- 19 (3) the impact of the permitted incidental take is minimized; and
- 20 (4) the incidental taking will not impair the conservation or recovery of
21 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.

* * *

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

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

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

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

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

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

15 * * *

16 Sec. 18. 10 V.S.A. § 5410 is amended to read:

17 § 5410. LOCATION CONFIDENTIAL

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

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

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

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

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

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

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

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

11 § 4829. ~~PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

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

Sec. 20. EFFECTIVE DATES

amphibians) shall take effect on January 1, 2027.

FOR THE COMMITTEE