



2010 Legislative Affairs Committee Report

During the 2009-2010 legislative biennium, the Legislative Affairs Committee reviewed 1,092 bills introduced into the Vermont Legislature (794 in the House, 467 in the Senate), tracked the status of 22 bills of particular interest to the Federation's membership, and testified before the House Fish, Wildlife and Water Resources Committee in support of two bills, one regarding aquatic invasive species, and one regarding shoreland and river corridor management programs.

In 2009, three of the bills tracked by the Legislative Affairs Committee were passed into law. These bills were discussed in the Committee's 2009 Legislative Affairs Committee Report, available on the Federation's website: <http://vermontlakes.org>. In 2010, four additional bills tracked by the Committee were passed into law (see summaries below). The remaining 15 bills tracked by the Committee during the 2009-2010 biennium failed to pass the Legislature and are thus "dead." If any of these bills are to be considered again by the Legislature, they must be reintroduced and will have a new bill number.

- H.462: Encroachments on Public Waters – Status: **Passed Into Law - Act 117**

Expands the jurisdiction of the Agency of Natural Resources to permit encroachments to include encroachments of docks and piers on the boatable tributaries of Lake Champlain and Lake Memphremagog upstream to the first barrier to navigation, and on Connecticut River impoundments and their boatable tributaries upstream to the first barrier to navigation. (29 V.S.A. §401 and 403)

- H.477: Lake Champlain Reciprocal Fishing License – Status: **Passed Into Law – Act 64**

Reauthorizes the Lake Champlain reciprocal fishing license with New York. A person holding a New York fishing license may take fish from the Vermont portion of Lake Champlain provided New York grants the right to fish in the New York portion of the lake to a person holding a Vermont fishing license. The Vermont portion of Lake Champlain includes Vermont waters up to the mouth of tributaries, and does not include any waters on the east side of the railroad fills at Malletts Bay, the Gut, and Pelots Point.

- H.488: Use of Felt-soled Boots in Vermont Waters – Status: **Passed Into Law – Act 130**

Prohibits the use of external felt-soled boots or waders in Vermont waters as of April 1, 2011, requires the Agency of Natural Resources to post signs regarding this prohibition at access points, and requires the Agency to include notification of this prohibition and spread prevention information regarding didymo and aquatic nuisance diseases on hunting and fishing license applications or in printed materials made available where licenses are sold. (Didymo, also known as rock snot, is an invasive algae that can be spread by the water that gets soaked into felt-soled boots and waders.)

- H.763: River Corridor and Shoreland Management Programs – Status: **Passed Into Law – Act 110**

Establishes a Shoreland Management Program and a River Corridor Management Program within the Agency of Natural Resources, and requires the Agency to report to the Legislature biennially regarding the status of river corridor, shoreland, and buffer zoning in Vermont. The Shoreland Management Program will aid and support towns in adopting municipal shoreland bylaws. By February 2011, the Agency must develop best management practices for the management of shorelands, including buffers and other techniques designed to protect water quality. The River Corridor Management Program will aid and support towns in adopting river corridor and buffer bylaws. The Agency must provide towns with

designated river corridors maps that delineate a recommended buffer, and develop recommended best management practices for the management of river corridors and buffers. By February 1, 2011, the Agency of Administration must offer financial incentives to towns through existing grants and pass-through funding programs to encourage municipal adoption and implementation of zoning bylaws that protect shorelands, river corridors and buffers. In addition, towns now have the authority to adopt bylaws to protect river corridors and buffers. These bylaws may regulate the design and location of development, control the location of buildings, require the provision and maintenance or reestablishment of vegetation, require screening of development or use from waters, reserve existing public access to public waters, and impose other authorized requirements. The Legislature made several key findings in this legislation, including among others:

The shorelands and floodplains adjacent to the waters of the state harbor some of the most valuable natural resources in the state and serve important functions related to the health and quality of the state's surface waters and to public safety.

The shorelands adjacent to the state's surface waters are often fragile natural resources, and their protection is necessary to maintain the vitality and health of the state's surface waters.

Buffers consisting of trees and other vegetation adjacent to the lakes of the state and protected river corridors consisting of vegetated buffers and undeveloped lands along rivers and streams help sustain the social, economic, and ecological sustainability of Vermont communities.

This law also requires the establishment of a general permit for certain stream alteration activities currently regulated through individual permits under Title 10 Chapter 41. The Agency of Natural Resources must report to the Legislature by January 15, 2011 regarding a proposed general permit program, and define which activities will be regulated by general permits.

This law also requires the Agency of Transportation to include in the Agency's town road and bridge standards a suite of practical and cost-effective best management practices, as approved by the Agency of Natural Resources, for the construction, maintenance and repair of all existing and future state and town highways. These best management practices must address activities that have a potential for causing pollutants to enter groundwater or surface waters. The standards must be reviewed and revised, as appropriate, with approval from the Agency of Natural Resources, every four years to ensure the standards are protective of water quality.

Other Issues:

- S.156, a Senate bill that would have renamed the Fish and Wildlife access area on Big Salem Lake to be the David H. Wood Memorial Access (in honor of Dave Wood, a former Director of the Federation of Vermont Lakes and Ponds and past Chair of the Legislative Affairs Committee who passed away last year), never moved out of the Senate Institutions Committee, as Fish and Wildlife Commissioner Wayne Laroche testified before that Committee that he had decided to grant the request of the Salem Lakes Association to rename the access area. The Fish and Wildlife access area on Big Salem Lake is now called the David H. Wood Memorial Access Area.
- During this past year the Federation of Vermont Lakes and Ponds was successful in obtaining a waiver of Fish and Wildlife access area user fees for Aquatic Invasive Species Greeter Programs that operate at the access areas. We thank Jonathan Wood, Secretary of the Agency of Natural Resources, for waiving the fees and supporting these important programs that help to slow the spread of aquatic invasive species in Vermont.

If you would like to stay informed about the activities of the Legislative Affairs Committee, join FOVLAP's Yahoo discussion group to receive updates or contact Ginny Garrison at ginnyg@together.net