

1 H.462

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; public waters; docks and
6 encroachments

7 Statement of purpose: This bill would expand the jurisdiction of the agency of
8 natural resources to permit encroachments, such as docks and piers. The bill
9 would expand jurisdiction to include encroachments on all public waters, not
10 just lakes and ponds. Public waters are the navigable waters of the state.

11 An act relating to encroachments on public waters

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

13 Sec. 1. 29 V.S.A. § 403 is amended to read:

14 § 403. ENCROACHMENT PROHIBITED

15 (a) Except as provided in subsection (b) of this section, no person shall
16 encroach on any ~~of those waters and lands of lakes and ponds~~ public waters
17 under the jurisdiction of the board without first obtaining a permit under this
18 chapter. No permit shall be granted if the encroachment adversely affects the
19 public good.

1 (b) A permit shall not be required for the following uses provided that
2 navigation or boating is not unreasonably impeded:

3 (1) Wooden or metal docks for noncommercial use mounted on piles or
4 floats provided that:

5 (A) the combined horizontal distance of the proposed encroachment
6 and any existing encroachments located within 100 feet thereof which are
7 owned or controlled by the applicant do not exceed 50 feet and their aggregate
8 surface areas do not exceed 500 square feet; and

9 (B) concrete, masonry, earth or rock fill, sheet piling, bulkheading,
10 cribwork, or similar construction does not form a part of the encroachment;

11 (2) A water intake pipe not exceeding two inches inside diameter;

12 (3) Temporary extensions of existing structures added for a period not to
13 exceed six months, if required by low water;

14 (4) Ordinary repairs and maintenance to existing commercial and
15 noncommercial structures;

16 (5) Duck blinds, floats, rafts, and buoys.

17 (c) Existing encroachments shall not be enlarged, extended, or added to
18 without first obtaining a permit under this chapter, except as provided in
19 subsection (b) of this section.

1 (d) This chapter shall not apply to encroachments subject to the provisions
2 of 10 V.S.A. chapter 43, concerning dams, or regulations adopted under the
3 provisions of 10 V.S.A. § 1424, concerning public waters.

4 (e) This section shall not apply to the installation on lake bottoms of small
5 filtering devices not exceeding nine square feet of disturbed area on the end of
6 water intake pipes less than two inches in diameter for the purpose of zebra
7 mussel control.