

1 H.763

2 Introduced by Committee on Fish, Wildlife and Water Resources

3 Date:

4 Subject: Conservation and development; protection of navigable rivers and  
5 shorelands; river corridor management

6 Statement of purpose: This bill proposes to require the agency of natural  
7 resources to establish a river corridor management program. As part of the  
8 river corridor management program, the agency of natural resources shall  
9 provide municipalities with maps delineating river corridors in order to  
10 encourage municipal adoption of river corridor or buffer bylaws. The bill  
11 would also require the agency of natural resources to establish a shoreland  
12 protection program. The bill would also require the state to offer financial  
13 incentives for the municipal adoption of river corridor, shoreland, or buffer  
14 bylaws. The bill also requires the agency of natural resources to report to the  
15 general assembly by February 1, 2011, the extent to which financial incentives  
16 for municipal adoption of river corridor, shoreland, or buffer bylaws have been  
17 established.

18 An act relating to establishment of an agency of natural resources' river  
19 corridor management program

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

1       Sec. 1. FINDINGS

2           The general assembly finds that:

3           (1) The surface waters of Vermont are an invaluable resource to the  
4           state and its citizens.

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

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

12          (4) Under current law, the potential exists for uncoordinated, unplanned,  
13          and piecemeal development along the state's surface waters, which could result  
14          in significant negative impacts on the waters of Vermont and upon public  
15          welfare and safety.

16          (5) Buffers consisting of trees and other vegetation adjacent to the lakes  
17          of the states and protected river corridors consisting of vegetated buffers and  
18          undeveloped lands along rivers and streams help sustain the social, economic,  
19          and ecological sustainability of Vermont communities.

1 Sec. 2. 10 V.S.A. § 1421 is amended to read:

2 § 1421. POLICY

3 To aid in the fulfillment of the state's role as trustee of its navigable waters  
4 and to promote public health, safety, convenience, and general welfare, it is  
5 declared to be in the public interest to make studies, establish policies, make  
6 plans, make rules, encourage and promote buffers adjacent to lakes, ponds,  
7 reservoirs, rivers, and streams of the state, encourage and promote protected  
8 river corridors adjacent to rivers and streams of the state, and authorize  
9 municipal shoreland and river corridor protection zoning bylaws for the  
10 efficient use, conservation, development, and protection of the state's water  
11 resources. The purposes of the rules shall be to further the maintenance of safe  
12 and healthful conditions; prevent and control water pollution; protect spawning  
13 grounds, fish, and aquatic life; control building sites, placement of structures,  
14 and land uses; reduce property loss and damage; preserve shore cover, ~~and~~  
15 natural beauty, and natural stability; and provide for multiple use of the waters  
16 in a manner to provide for the best interests of the citizens of the state.

17 Sec. 3. 10 V.S.A. § 1422 is amended to read:

18 § 1422. DEFINITIONS

19 In this chapter, unless the context clearly requires otherwise:

20 (1) "Agency" means the agency of natural resources.

21 (2) "Board" means the water resources panel of the natural resources  
22 board.

1 (3) "Department" means department of environmental conservation.

2 (4) "Navigable water" or "navigable waters" means Lake Champlain,  
3 Lake Memphremagog, the Connecticut River, all natural inland lakes within  
4 Vermont and all streams, ponds, flowages, and other waters within the  
5 territorial limits of Vermont, including the Vermont portion of boundary  
6 waters, which are boatable under the laws of this state.

7 (5) "Public shorelands" means state-owned lands adjacent to navigable  
8 waters.

9 (6) "Public waters" means navigable waters excepting those waters in  
10 private ponds and private preserves as set forth in sections 5204, 5205, 5206,  
11 and 5210 of this title.

12 (7) "Secretary" means the secretary of natural resources or the  
13 secretary's duly authorized representative.

14 (8) "Shorelands" means the lands being between the normal mean water  
15 ~~mark level~~ of a lake, pond, or impoundment exceeding ~~twenty~~ 20 acres and a  
16 line not less than ~~five hundred~~ 500 feet nor more than ~~one thousand~~ 1,000 feet  
17 from such mean water ~~mark level~~.

18 (9) "Outstanding resource waters" mean waters of the state designated  
19 by the board as having exceptional natural, recreational, cultural, or scenic  
20 values.

21 (10) "Buffer" means an undisturbed area consisting of trees, shrubs,  
22 ground cover plants, duff layer, and generally uneven ground surface that

1 extends a specified distance horizontally across the surface of the land from the  
2 mean water level of an adjacent lake or from the top of the bank of an adjacent  
3 river or stream, as determined by the secretary of natural resources.

4 (11) "Lake" means a body of standing water, including a pond or a  
5 reservoir, which may have natural or artificial water level control. Private  
6 ponds as defined under section 5210 of this title, and reservoirs specifically  
7 constructed for the following purposes shall not be considered lakes:  
8 snowmaking storage, golf course irrigation, stormwater management, and fire  
9 suppression.

10 (12) "River corridor" means the land area adjacent to a river that is  
11 required to accommodate the dimensions, slope, planform, and buffer of the  
12 naturally stable channel, and necessary to maintain or restore fluvial  
13 equilibrium conditions and minimize fluvial erosion hazards, as delineated by  
14 the agency of natural resources in accordance with river corridor protection  
15 procedures.

16 (13) "River" means the full length and width, including the bed and  
17 banks, of any watercourse, including rivers, streams, creeks, brooks, and  
18 branches, which experience perennial flow. "River" does not mean  
19 constructed drainageways, including water bars, swales, and roadside ditches.

1 Sec. 4. 10 V.S.A. § 1425 is amended to read:

2 § 1425. SHORELAND PROTECTION BYLAWS

3 (a) ~~To assist~~ The secretary of natural resources shall establish a shoreland  
4 management program to aid and support municipalities in ~~complying~~ adopting  
5 municipal shoreland bylaws that comply with section 4411 of Title 24, ~~the~~.  
6 The secretary shall prepare and provide general recommended standards and  
7 criteria for shoreland bylaws utilizing the criteria set forth in section 1423 of  
8 this title. On or before February 2011, the secretary shall develop best  
9 management practices for the management of shorelands, including buffers  
10 within shorelands, and other management techniques designed to protect the  
11 quality of public waters. The secretary shall assist the regional planning  
12 commissions in preparing appropriate sample bylaws which conform to the  
13 intent of this section.

14 (b) The secretary, the municipalities and all state agencies shall mutually  
15 cooperate to accomplish the objectives of this section. To that end, the  
16 secretary shall consult with the governing bodies of municipalities and shall  
17 extend all possible assistance. The secretary shall provide appropriate sample  
18 bylaws by September 1, 1974. By September 1, 1974 the secretary shall also  
19 contact every municipality with shorelands:

20 (1) commenting on their existing shoreland bylaws; and

21 (2) providing them with a detailed and specific program as to the steps  
22 necessary to adopt shoreland bylaws. In contacting municipalities the

1 secretary shall send copies of his correspondence by certified mail to the  
2 selectmen, town clerk, and planning commission. Copies of this  
3 correspondence should also be sent to the regional planning commission for  
4 that municipality, the state planning office and the agency of commerce and  
5 community development.

6 (c) On or before January 15, 1975 and again on or before January 15, 1976  
7 the secretary shall make a complete and definitive report to the general  
8 assembly on the status of shoreland zoning in Vermont. This report shall  
9 contain a municipality by municipality analysis of which municipalities have  
10 received appropriate sample bylaws and what actions, if any, have been taken  
11 thereon by the municipalities.

12 (d) This section and section 4411 of Title 24 shall be construed together to  
13 accomplish the purposes and objectives of this section.

14 (e) Beginning February 1, 2011, the secretary of administration, after  
15 consultation with the state agencies of relevant jurisdiction, shall offer  
16 financial incentives to municipalities through existing grants and pass-through  
17 funding programs which encourage municipal adoption and implementation of  
18 zoning bylaws that protect shorelands and buffers.

19 Sec. 5. 10 V.S.A. § 1427 is added to read:

20 § 1427. RIVER CORRIDORS AND BUFFERS

21 (a) The secretary of natural resources shall establish a river corridor  
22 management program to aid and support the municipal adoption of river

1 corridor and buffer bylaws. Under the river corridor management program, the  
2 secretary shall:

3 (1) upon request, provide municipalities with maps of designated river  
4 corridors within the municipality. A river corridor map provided to a  
5 municipality shall delineate a recommended buffer that is based on  
6 site-specific conditions. The secretary shall provide maps under this  
7 subdivision based on a priority schedule established by the secretary in  
8 procedure; and

9 (2) develop recommended best management practices for the  
10 management of river corridors and buffers.

11 (b) No later than February 1, 2011, the secretary of administration, after  
12 consultation with the state agencies of relevant jurisdiction, shall offer  
13 financial incentives to municipalities through existing grants and pass-through  
14 funding programs which encourage municipal adoption and implementation of  
15 zoning bylaws that protect river corridors and buffers.

16 (c) No later than February 1, 2011, the agency of natural resources shall  
17 define minimum standards for municipal eligibility for any financial incentives  
18 established under subsection (b) of this section.

19 Sec. 6. 24 V.S.A. § 4411 is amended to read:

20 § 4411. ZONING BYLAWS

21 (a) A municipality may regulate land development in conformance with its  
22 adopted municipal plan and for the purposes set forth in section 4302 of this

1 title to govern the use of land and the placement, spacing, and size of structures  
2 and other factors specified in the bylaws related to public health, safety, or  
3 welfare. Zoning bylaws may permit, prohibit, restrict, regulate, and determine  
4 land development, including the following:

5 (1) Specific uses of land and shoreland facilities;

6 (2) Dimensions, location, erection, construction, repair, maintenance,  
7 alteration, razing, removal, and use of structures;

8 (3) Areas and dimensions of land to be occupied by uses and structures,  
9 as well as areas, courts, yards, and other open spaces and distances to be left  
10 unoccupied by uses and structures;

11 (4) Timing or sequence of growth, density of population, and intensity  
12 of use;

13 (5) Uses within a river corridor and buffer, as those terms are defined in  
14 10 V.S.A. §§ 1422 and 1427.

15 (b) All zoning bylaws shall apply to all lands within the municipality other  
16 than as specifically limited or exempted in accordance with specific standards  
17 included within those bylaws and in accordance with the provisions of this  
18 chapter. The provisions of those bylaws may be classified so that different  
19 provisions may be applied to different classes of situations, uses, and structures  
20 and to different and separate districts of the municipality as may be described  
21 by a zoning map made part of the bylaws. The land use map required pursuant  
22 to subdivision 4382(a)(2) of this title of any municipality may be designated as

1 the zoning map except in cases in which districts are not deemed by the  
2 planning commission to be described in sufficient accuracy or detail by the  
3 municipal plan land use map. All provisions shall be uniform for each class of  
4 use or structure within each district, except that additional classifications may  
5 be made within any district for any or all of the following:

6 (1) To make transitional provisions at and near the boundaries of  
7 districts.

8 (2) To regulate the expansion, reduction, or elimination of certain  
9 nonconforming uses, structures, lots, or parcels.

10 (3) To regulate, restrict, or prohibit uses or structures at or near any of  
11 the following:

12 (A) Major thoroughfares, their intersections and interchanges, and  
13 transportation arteries.

14 (B) Natural or artificial bodies of water.

15 (C) Places of relatively steep slope or grade.

16 (D) Public buildings and public grounds.

17 (E) Aircraft and helicopter facilities.

18 (F) Places having unique patriotic, ecological, historical,  
19 archaeological, or community interest or value, or located within scenic or  
20 design control districts.

21 (G) Flood, fluvial erosion, or other hazard areas and other places  
22 having a special character or use affecting or affected by their surroundings.

1           (H) River corridors and buffers, as those terms are defined in  
2           10 V.S.A. §§ 1422 and 1427.

3           (4) To regulate, restrict, or prohibit uses or structures in overlay  
4           districts, as set forth in subdivision 4414(2) of this title.

5           Sec. 7. 24 V.S.A. § 4414 is amended to read:

6           § 4414. ZONING; PERMISSIBLE TYPES OF REGULATION

7           Any of the following types of regulations may be adopted by a municipality  
8           in its bylaws in conformance with the plan and for the purposes established in  
9           section 4302 of this title.

10           (1) Zoning districts. A municipality may define different and separate  
11           zoning districts, and identify within these districts which land uses are  
12           permitted as of right, and which are conditional uses requiring review and  
13           approval, including the districts set forth in this subdivision (1).

14           (A) Downtown, village center, new town center, and growth center  
15           districts. The definition or purpose stated for local downtown, village center,  
16           new town center, or growth center zoning districts should conform with the  
17           applicable definitions in section 2791 of this title. Municipalities may adopt  
18           downtown, village center, new town center, or growth center districts without  
19           seeking state designation under chapter 76A of this title. A municipality may  
20           adopt a manual of graphic or written design guidelines to assist applicants in  
21           the preparation of development applications. The following objectives should

1 guide the establishment of boundaries, requirements, and review standards for  
2 these districts:

3 \* \* \*

4 (D) Shorelands.

5 (i) A municipality may adopt bylaws to regulate shorelands as  
6 defined in section 1422 of Title 10 to prevent and control water pollution;  
7 preserve and protect wetlands and other terrestrial and aquatic wildlife habitat;  
8 conserve the scenic beauty of shorelands; minimize shoreline erosion; reserve  
9 public access to public waters; and achieve other municipal, regional, or state  
10 shoreland conservation and development objectives.

11 (ii) Shoreland bylaws may regulate the design and maintenance of  
12 sanitary facilities; regulate filling of and other adverse alterations to wetlands  
13 and other wildlife habitat areas; control building location; require the provision  
14 and maintenance of vegetation; require provisions for access to public waters  
15 for all residents and owners of the development; and impose other  
16 requirements authorized by this chapter.

17 \* \* \*

(G) River corridors and buffers. In accordance with section 4424 of  
this title, a municipality may adopt bylaws to protect river corridors and  
buffers, as those terms are defined in 10 V.S.A. §§ 1422 and 1427, in order to  
protect public safety; prevent and control water pollution; prevent and control  
stormwater runoff; preserve and protect wetlands and waterways; maintain and

protect natural channel, streambank, and floodplain stability; minimize fluvial erosion and damage to property and transportation infrastructure; preserve and protect the habitat of terrestrial and aquatic wildlife; promote open space and aesthetics; and achieve other municipal, regional, or state conservation and development objectives for river corridors and buffers. River corridor and buffer bylaws may regulate the design and location of development; control the location of buildings; require the provision and maintenance or reestablishment of vegetation, including no net loss of vegetation; require screening of development or use from waters; ~~require provisions for access to public waters for all residents and owners of the development;~~ *reserve existing public access to public waters* and impose other requirements authorized by this chapter.

1 \* \* \*

2 Sec. 8. AGENCY OF NATURAL RESOURCES REPORT

3 Beginning January 15, 2011 and biennially thereafter, the agency of natural  
4 resources shall report to the house committee on fish, wildlife and water  
5 resources and the senate committee on natural resources and energy regarding  
6 the status of river corridor, shoreland, and buffer zoning within Vermont. The  
7 report shall include:

8 (1) The priority schedule for providing river corridor and buffer maps  
9 required by 10 V.S.A. § 1427 and a summary of the implementation of the  
10 priority schedule;

1           (2) A summary of the status of best management practices required  
2           under 10 V.S.A. §§ 1425 and 1427 for management of river corridors,  
3           shorelands, and buffers;

4           (3) A summary of the municipalities that have adopted river corridor,  
5           shoreland, or buffer zoning bylaws and a summary of the content of such  
6           bylaws;

7           (4) A description of the financial incentives that have been established  
8           according to the requirements of 10 V.S.A. §§ 1425 and 1427 for municipal  
9           adoption and implementation of zoning bylaws that protect and preserve river  
10           corridors, shorelands, and buffers; and

11           (5) The agency of natural resources' recommendations for statutory  
12           changes, regulatory changes, or additional practices that, based on information  
13           available to the agency of natural resources, will improve the efficacy of the  
14           river corridor management and shoreland management programs and improve  
15           the quality of the waters of the state.

16           ~~Sec. 9. EFFECTIVE DATES~~

17           ~~This act shall take effect July 1, 2010, except that 10 V.S.A. § 1427(a) shall~~  
18           ~~take effect February 1, 2011.~~

*Sec. 9. 6 V.S.A. § 4821(a) is amended to read:*

*(a) Program created. A program is created to provide state financial assistance to Vermont farmers in support of their voluntary construction of on-farm improvements and maintenance of acceptable operating standards designed to abate nonpoint source agricultural waste discharges into the waters of the state of Vermont, consistent with goals of the federal Water Pollution Control Act and with state water quality standards. The program*

*shall be conducted in a manner which makes maximum use of federal financial aid for the same purpose, as provided by this subchapter, and which seeks to use the least costly methods available to accomplish the abatement required. The construction of temporary fencing intended to exclude livestock from entering surface waters of the state shall be an on-farm improvement eligible for assistance under this subchapter when subject to a maintenance agreement entered into with the agency of agriculture, food and markets.*

*Sec. 10. 6 V.S.A. § 4900 is amended to read:*

**§ 4900. VERMONT AGRICULTURAL BUFFER PROGRAM**

*(a) The secretary of agriculture, food and markets is authorized to develop a Vermont agricultural buffer program in addition to the federal conservation reserve enhancement program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative buffers and installing conservation practices in ditch networks on ~~annual cropland~~ agricultural land adjacent to the surface waters of the state.*

*(b) The establishment and annual incentive payments from the agency of agriculture, food and markets under the Vermont agricultural buffer program shall not exceed ~~40 percent~~ of the combined federal and state payment that the relevant ~~cropland~~ agricultural land or conservation practice would be eligible for under the federal conservation reserve enhancement program or another approved conservation program. The incentive payment shall be made annually at the end of the cropping season for a nonrenewable five-year period.*

*(c) The secretary of agriculture, food and markets may establish by procedure financial and technical criteria for the implementation and operation of the Vermont agricultural buffer program.*

*(d) Land enrolled in the Vermont agricultural buffer program shall be considered to be in “active use” as that term is defined in 32 V.S.A. § 3752(15).*

*(e) As used in this section, “surface waters” means all rivers, streams, ditches, creeks, brooks, reservoirs, ponds, lakes, and springs which are contained within, flow through, or border upon the state or any portion of it.*

*Sec. 11. 6 V.S.A. § 4951 is amended to read:*

**§ 4951. FARM AGRONOMIC PRACTICES PROGRAM**

*(a) The farm agronomic practices assistance program is created in the agency of agriculture, food and markets to provide the farms of Vermont with state financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize*

*erosion potential, and reduce agricultural waste discharges. The following practices shall be eligible for assistance to farms under the grant program:*

- (1) conservation crop rotation;*
- (2) cover cropping;*
- (3) strip cropping;*
- (4) cross-slope tillage;*
- (5) zone or no-tillage;*
- (6) pre-sidedress nitrate tests;*

*(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a state or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be \$1,000.00 per year; ~~and~~*

*(8) educational and instructional activities to inform the farmers and citizens of Vermont of:*

*(A) the impact on Vermont waters of agricultural waste discharges;*

*(B) the federal and state requirements for controlling agricultural waste discharges;*

*(9) implementing alternative manure application techniques; and*

*(10) additional soil erosion reduction practices.*

*(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.*

*Sec. 12. 10 V.S.A. § 321(d) is amended to read:*

*(d) On behalf of the state of Vermont, the board shall seek and administer federal farmland protection funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection funds under this subsection, the board shall seek to maximize state participation in the federal wetlands reserve program in order to allow for increased or additional implementation of conservation practices on farmland protected or preserved under this chapter.*

*Sec. 13. 10 V.S.A. § 1002 is amended to read:*

*§ 1002. DEFINITIONS*

*Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:*

\* \* \*

*(10) “Watercourse” means any ~~depression two feet or more below the elevation of surrounding land serving to give direction to a current or flow of water having a bed and well defined bank~~ perennial stream. “Watercourse” shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.*

*Sec. 14. 10 V.S.A. § 1021(a) is amended to read:*

*(a) A person shall not change, alter, or modify the course, current, or cross-section of any watercourse ~~with a drainage area greater than ten square miles at the location of the proposed change, alteration or modification,~~ or of designated outstanding resource waters, within or along the boundaries of this state either by movement, fill, or by excavation of ten cubic yards or more in any year, unless authorized by the secretary.*

*Sec. 15. 10 V.S.A. § 7501 is amended to read:*

*§ 7501. GENERAL PERMITS*

*(a) When the secretary deems it to be appropriate and consistent with the purpose of this chapter, the secretary may issue a general permit under the following chapters of this title: chapter 23 (air pollution control) for stationary source construction permits; chapter 37 (water resources management) for aquatic nuisance control permits authorizing chemical treatment by the agency of natural resources, a department within that agency, or an appropriate federal agency; chapter 56 (public water supply) for construction permits; ~~and~~ chapter 159 (waste management) for solid waste transfer station and recycling certifications and categorical certifications; and chapter 41 (regulation of stream flow) for stream alteration permits.*

*(b) A general permit issued under this chapter shall contain those terms and conditions necessary to ensure that the category or class subject to the general permit will comply with the provisions of the statutes and the rules adopted under those statutes applicable to the category or class. These terms and conditions may include providing for specific emission or effluent limitations and levels of treatment technology; monitoring, recording, or reporting; the right of access for the secretary; and any additional conditions or requirements the secretary deems necessary to protect human health and the environment.*

*(c) This chapter is in addition to any other authority granted to the agency or department.*

*(d) The secretary may adopt rules to implement this chapter.*

(e) The secretary may issue a nonreporting general permit for certain specific stream alteration activities under chapter 41 of this title.

**Sec. 16. ANR REPORT ON GENERAL PERMIT PROGRAM FOR STREAM ALTERATION**

(a) On or before January 15, 2011, the secretary of natural resources shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy regarding a proposed general permit program for stream alteration under chapter 41 of Title 10.

(b) The report required under subsection (a) of this section shall:

(1) Define the thresholds, classes of activities, or other categories of activities that will be regulated under the general permit program.

(2) Summarize the requirements or management practices that stream alteration activities will be subject to under a general permit, including whether any activity or class of activities will be subject to a nonreporting general permit.

(3) Summarize the scientific basis for the thresholds, classes of activities, or categories of activities regulated under the proposed general permit program.

**Sec. 17. 19 V.S.A. § 996 is added to read:**

**§ 996. HIGHWAY CONSTRUCTION, MAINTENANCE, AND REPAIR BEST MANAGEMENT PRACTICES**

(a) The agency of transportation shall work with municipal representatives to revise the agency of transportation's town road and bridge standards in order to incorporate 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 shall address activities which have a potential for causing pollutants to enter the groundwater and waters of the state, including stormwater runoff and direct discharges to state waters. The best management practices shall not supersede any requirements for stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that apply to state and town highways. The agency of transportation shall report to the house and senate committees on transportation, the house committee on fish, wildlife and water resources, and the senate committee on natural resources and energy by January 15, 2011, on the best management practices to be incorporated into the agency of transportation's town road and bridge standards.

(b) Beginning January 15, 2013, and every four years thereafter, the secretary in consultation with municipal representatives and with approval

from the agency of natural resources shall review and revise, as appropriate, town road and bridge standards in order to ensure the standards are protective of water quality.

Sec. 18. 19 V.S.A. § 309b is amended to read:

§ 309b. LOCAL MATCH; CERTAIN TOWN HIGHWAY PROGRAMS

(a) Notwithstanding subsection 309a(a) of this title, grants provided to towns under the town highway structures program shall be matched by local funds sufficient to cover 20 percent of the project costs, unless the town has adopted road and bridge standards ~~and~~ has completed a network inventory, and has submitted an annual certification of compliance for town road and bridge standards to the secretary, in which event the local match shall be sufficient to cover 10 percent of the project costs. The secretary may adopt rules to implement the town highway structures program. Town highway structures projects receiving funds pursuant to this subsection shall be the responsibility of the applicant municipality.

(b) Notwithstanding subsection 309a(a) of this title, grants provided to towns under the class 2 town highway roadway program shall be matched by local funds sufficient to cover 30 percent of the project costs, unless the town has adopted road and bridge standards ~~and~~ has completed a network inventory, and has submitted an annual certification of compliance for town road and bridge standards to the secretary, in which event the local match shall be sufficient to cover 20 percent of the project costs. The secretary may adopt rules to implement the class 2 town highway roadway program. Class 2 town highway roadway projects receiving funds pursuant to this subsection shall be the responsibility of the applicant municipality, and a municipality shall not receive a grant in excess of \$175,000.00.

\* \* \*

Sec. 19. REPEAL OF SUNSET OF VERMONT AGRICULTURAL BUFFER PROGRAM

Sec. 56 of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (sunset on Vermont agricultural buffer program) is repealed.

Sec. 20. Sec. 14 of No. 31 of the Acts of 2009 is amended to read:

Sec. 14. EFFECTIVE DATE

(a) This section and Secs. 1 (findings), 12 (ANR wetlands report), and 13 (Bristol Pond) of this act shall take effect July 1, 2009.

(b) Secs. 2 (retitling 10 V.S.A. chapter 37), 3 (wetlands definitions), 4 (ANR wetlands authority), 5 (wetlands permitting), 6 (recodification of aquatic nuisance control authority), 7 (water resources panel rulemaking authority), 8 (ANR enforcement authority), 9 (appeals), and 10 (marketability of title), ~~and~~

~~11 (transition)~~ of this act shall take effect 45 days after such time as the water resources panel has issued both a rule updating the Vermont significant wetlands inventory maps and a rule updating the Vermont wetland rules.

(c) Sec. 11 (transition) of this act shall take effect January 1, 2010.

*Sec. 21. EFFECTIVE DATES*

(a) This section and Secs. 9 (livestock fencing; best management practices), 10 (Vermont agricultural buffer program), 11 (farm agronomic practices program), 12 (VHCB; agricultural land preservation), 16 (ANR report on general permit program), 17 (agency of transportation best management practices), 19 (repeal of sunset on Vermont agricultural buffer program), and 20 (effective date of wetlands transition) of this act shall take effect upon passage.

(b) Secs. 1 (river corridor findings), 2 (navigable waters and shorelands policy), 3 (navigable waters and shorelands definitions), 4 (shoreland protection bylaws), 5 (river corridor buffers), 6 (zoning bylaws), 7 (zoning permissible types of regulations), and 8 (ANR report on river corridor, shoreland, and buffer zoning) shall take effect July 1, 2010, except that 10 V.S.A. § 1427(a) shall take effect February 1, 2011.

(c) Secs. 13 (definition of watercourse) and 14 (stream alteration permits) of this act shall take effect March 31, 2011.

(c) Sec. 15 (ANR general permit authority) of this act shall take effect February 15, 2011.

(d) Sec. 18 (local match town highway programs) of this act shall take effect July 1, 2011.