

1
2
3
4
5
6
7
8
9
10
11
12
13

14
15
16
17
18
19
20

H.159

Introduced by Representatives McCullough of Williston, Deen of Westminster,
and Webb of Shelburne

Referred to Committee on

Date:

Subject: Conservation; regulation of stream flow; definition of watercourse

Statement of purpose of bill as introduced: This bill proposes to amend the
definition of watercourse for the purpose of the regulation of stream alteration
to clarify that it includes perennial streams mapped by the U.S. Geologic
Survey. The bill would also require agricultural and silvicultural activities to
obtain a stream alteration permit if a permit would otherwise be required. The
bill also repeals the exemption from a stream alteration permit for gravel
extraction by riparian land owners.

An act relating to the regulation of stream alteration

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

Sec. 1. 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:

* * *

1 (10) “Watercourse” means any perennial stream, and shall include any
2 stream in the State that the U.S. Geologic Survey designated or mapped as a
3 perennial stream. “Watercourse” shall not include ditches or other constructed
4 channels primarily associated with land drainage or water conveyance through
5 or around private or public infrastructure.

6 * * *

7 Sec. 2. 10 V.S.A. § 1021 is amended to read:

8 § 1021. ALTERATION PROHIBITED; EXCEPTIONS

9 (a) A person shall not change, alter, or modify the course, current, or cross
10 section of any watercourse or of designated outstanding resource waters,
11 within or along the boundaries of this ~~state~~ State either by movement, fill, or
12 by excavation of ten cubic yards or more in any year, unless authorized by the
13 ~~secretary~~ Secretary.

14 * * *

15 (c) ~~No~~ A person shall not remove gravel from any watercourse primarily
16 for construction or for sale.

17 (d) ~~Notwithstanding subsection (c) of this section, a riparian owner may~~
18 ~~remove up to 50 cubic yards of gravel per year from that portion of a~~
19 ~~watercourse running through or bordering on the owner's property, provided:~~

20 (1) ~~the material shall be removed only for the owner's use on the~~
21 ~~owner's property;~~

1 ~~(2) the material removed shall be above the waterline; and~~

2 ~~(3) at least 72 hours prior to the removal of 10 cubic yards, or more, the~~
3 landowner shall notify the secretary;

4 ~~(4) however, if the portion of the watercourse in question has been~~
5 ~~designated as outstanding resource waters, then the riparian owner may so~~
6 ~~remove no more than 10 cubic yards of gravel per year, and must notify the~~
7 ~~secretary at least 72 hours prior to the removal of any gravel. [Repealed.]~~

8 (e) This subchapter does not apply to dams subject to chapter 43 of this title
9 nor to highways or bridges subject to 19 V.S.A. § 10(12).

10 ~~(f) This subchapter shall not apply to accepted agricultural or silvicultural~~
11 ~~practices, as defined by the secretary of agriculture, food and markets, or the~~
12 ~~commissioner of forests, parks and recreation, respectively. [Repealed.]~~

13 * * *

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on July 1, 2013.