

1 H.218

2 Introduced by Representatives Partridge of Windham and Trieber of

3 Rockingham

4 Referred to Committee on

5 Date:

6 Subject: Conservation; water resources; public trust doctrine

7 Statement of purpose of bill as introduced: This bill proposes to provide that
8 the public trust doctrine that applies to the navigable rivers, streams, brooks,
9 and creeks of the State shall extend to the 10-year high-water mark. It
10 proposes to require the Department of Environmental Conservation to act to
11 protect the public's interests in these waters by providing information to
12 municipalities, law enforcement personnel, and landowners with respect to the
13 interests of the general public in these waters and by recommending a process
14 by which a landowner may apply for an abatement of taxes for those lands that
15 are subject to this policy and whereby a municipality would compute the
16 acreage that would be subject to the abatement and grant the abatement.
17 Finally, it proposes to require the Agency of Natural Resources to provide each
18 town with a notice with respect to the rights of the general public in these
19 waters, and it requires the towns to include a copy of the notice in each tax bill
20 mailed during 2014 and every five years thereafter to property owners in the
21 towns.

1 An act relating to the application of the public trust doctrine to rivers and
2 streams

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

4 Sec. 1. 10 V.S.A. § 901 is amended to read:

5 § 901. WATER RESOURCES MANAGEMENT POLICY

6 It is hereby declared to be the policy of the ~~state~~ State that the water
7 resources of the ~~state~~ State shall be protected, regulated, and, where necessary,
8 controlled under authority of the ~~state~~ State in the public interest and to
9 promote the general welfare. The navigable rivers, streams, brooks, and creeks
10 of the State extending up to the 10-year high-water mark are declared to be
11 public trust resources.

12 Sec. 2. 10 V.S.A. § 905b is amended to read:

13 § 905b. DUTIES; POWERS

14 The ~~department~~ Department shall protect and manage the water resources of
15 the ~~state~~ State in accordance with the provisions of this subchapter and shall:

16 * * *

17 (21) act as the Vermont ~~secretary of natural resources~~ Secretary of
18 Natural Resources mentioned in the act of Congress, entitled “An act
19 authorizing the construction of certain public works on rivers and harbors for
20 flood control and for other purposes,” approved December 22, 1944. In this
21 connection, the ~~department~~ Department shall carry out the policy of the ~~state~~
22 State as defined by section 1100 of this title;

1 (22) act to protect the public's interests in the navigable rivers, streams,
2 brooks, and creeks of the State, up to the 10-year high-water mark; provide
3 information to municipalities, law enforcement personnel, and landowners
4 with respect to the rights of riparian landowners and the rights of the general
5 public in these lands; and make recommendations for a process by which a
6 landowner may apply for an abatement of taxes for these lands and whereby a
7 municipality would compute the acreage that would be subject to the
8 abatement and award the abatement.

9 Sec. 3. NOTICE OF PUBLIC TRUST DOCTRINE

10 The Secretary of Natural Resources prior to June 1, 2014 and every fifth
11 year thereafter shall prepare and supply to each town in the State a notice of
12 the public trust doctrine as it applies to the navigable rivers, streams, brooks,
13 and creeks of the State. A town shall include the notice in each tax bill and
14 notice of delinquent taxes which it mails during 2014 and every fifth year
15 thereafter to a taxpayer of that town. The notice to property owners shall
16 explain that the public trust doctrine extends to the 10-year high-water mark in
17 the navigable rivers, streams, brooks, and creeks of the State, and that the
18 public has a right to pass through these lands without harassment from a
19 riparian landowner.

20 Sec. 4. EFFECTIVE DATE

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