

## **H.526 – Shoreland Protection – Fact Sheet**

**The Senate Natural Resources Committee has concluded its work on H.526, the shoreland protection bill. As reshaped by the Senate committee, H.526 offers a balanced approach to resource conservation that protects property values, supports Vermont businesses, respects local control, and provides clear but flexible standards for lake-friendly development.**

- *Research performed by the Vermont Agency of Natural Resources and the U.S. Environmental Protection Agency demonstrates that conserving shoreland vegetation is critical to protecting shoreland habitat and water quality.*
- *Peer reviewed studies in New England and across the country demonstrate that healthy lakes and conserved resources support and increase property values and conversely, that property abutting polluted waters lose value.*
- *Healthy lakes draw visitors each year for fishing, hunting, boating, and swimming, and are an important component of Vermont's tourism economy. Conserved shorelands protect the breeding grounds and travel corridors of wildlife for viewing and hunting.*
- *The combination of bright line standards, common sense exemptions and flexibility provisions provides clear guidance to shoreland homeowners to ensure that development will be consistent with Vermont's values, protecting public health, water quality and the natural beauty of our lakes and ponds.*
- *The bill provides for delegation of permitting authority to qualifying municipalities, fostering responsible partnerships between state and local government.*
- *The Agency of Natural Resources is committed to providing technical guidance to shoreland home owners to ensure lake friendly development. The Agency's Shoreland Owners' Handbook will be available in advance of the bill's effective date on July 1, 2014, and Agency staff will be available to provide educational workshops to local groups.*
- *The standards in H.526 are modeled after regulations in Maine and New Hampshire, where decades of experience have demonstrated that state programs for protecting shorelands are an effective means of protecting the public's interest in healthy lakes and ponds while enhancing property values and protecting property rights*
- *Shoreland protection under H.526 represents an important step in a much broader plan to protect and restore surface water quality in lakes and ponds across the state.*

**As revised in the Senate Natural Resources Committee, H.526:**

- *Establishes a jurisdictional area within 250' of the mean water level of lakes and ponds larger than 10 acres of surface area, with standards for development based on proximity to the water, slope, impervious surface and clearing*
- *Grandfathers existing development (unless significant redevelopment is proposed), including maintenance of existing structures, lawns, beaches and gardens, and preserves vested rights for already-permitted projects*
- *Allows without a permit or registration:*
  - *vegetation management, including pruning, cutting and removal of trees, provided a minimum number of trees is retained within 100' of the lake (based on the grid and point system used in Maine and New Hampshire)*
  - *creation of a 6' wide footpath or stairs accessing the waterfront, reconstruction of structures within an existing footprint, and removal of ground cover in a 250 square foot area within 100' of the lake for picnic tables, fire pits or other recreational activities*
- *Requires homeowners to register with the Agency of Natural Resources before creating (a) up to 100 square feet of new impervious surface or clearing within 100' of a lake; or (b) creating up to 500 square feet of new impervious surface or clearing within the jurisdictional area, but more than 100' from the lake*
- *Allows development and redevelopment under an Agency of Natural Resources permit, so long as homeowners retain a 100' buffer of well-distributed trees and ground cover (in areas wooded when the bill takes effect), limit clearing to 40% of the vegetation within the jurisdictional area, limit impervious cover to 20% of the jurisdictional area, and construct improvements on slopes of less than 20%*
- *Allows applicants to propose best management practices that achieve a functional equivalent of the permitting standards where compliance with the standards for clearing, impervious cover and slope are impossible*
- *Requires the Agency of Natural Resources to permit development and redevelopment under a best fit analysis for non-conforming lots (i.e. parcel size, site characteristics or municipal setback requirements make compliance with the standards for slope, clearing and creation of impervious surface impossible)*
- *Exempts activities regulated under other laws or standards (e.g. agricultural AAPs, Act 250 permits, or Section 248 certificates of public good)*
- *Allows delegation of permitting authority to municipalities with functionally equivalent bylaws that achieve equivalent protection outcomes*
- *Increases enforcement of the ban against transporting aquatic invasive species*
- *Allows removal of vegetation for purposes of mosquito control where a public health emergency must be abated*