

House Shoreland discussion points 3/21/14

1. The bill should not take a zoning approach such as structural setbacks and the non-conforming uses approach in 1445 in the Senate version. Performance based outcomes is what the House endorsed and could be put in place as per 2 below.
2. Since shoreland science is not static, the bill should allow for rule making to establish and modify the criteria for development along the shoreland otherwise making responsible changes needed in the future will require legislative action. ANR could operate under the legislative criteria or referenced standards in the NH, Maine shoreland requirements or other existing VT guidance until ANR adopts final rules. We could require that the rules could not be more restrictive than the legislated criteria or referenced standards unless there was scientific justification to do so. The point system etc in 1447 should not part of the bill.
3. The bill should not include or at the very least minimize individual permits relying instead on a certification or general permit approach that allows the landowner and or their consultant to certify compliance with the law and rules. The current version does not include any outside third party expertise for determining what the BMPs for shoreland protection are suitable for a particular project.
4. The bill should allow for off-site mitigation as a last method to make all existing shoreland lots developable. The intention of the pay to pollute provision is intended to be a last option to make all lots developable. This is a well established practice within VT environmental regulation that has not lead to abuse.
5. The bill should require municipal delegation by ANR to municipalities if they have local by laws that are functionally equivalent in place January 2015 and offer state back up for enforcement of state rules and local shoreland protection standards.