



Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier VT 05620-3522

Agency of Natural Resources
[phone] 802-828-1535
[fax] 802-828-1544

2015 Interim Report on Implementation of Shoreland Protection Act (Act 172 of 2014)

March 19, 2015

Since early summer of 2014 Lakes and Ponds Shoreland Permitting has focused heavily on administering the Shoreland Protection Act with the goal of maintaining the best possible customer service. As part of this effort, staff created a user friendly webpage, hosted numerous information sessions and outdoor trainings, and conducted site visits throughout the state. Most recently in a continuation of the customer service focused implementation, staff implemented a regional approach to administer both shoreland permit review and lake encroachment permit review and outreach. Three regional permit analysts represent the northwestern counties, the northeastern counties, and the southern counties. The customer service focus has proved successful as property owners, regional planners, municipal officials, and fellow agency partners have complimented the program on its quick response, good communication, and overall successful implementation. Stakeholders have noted during site visits and information sessions that they were initially fearful of the Shoreland Protection Act and how it would be implemented, but have been pleased by the staff's work thus far and feel the implementation to date has allayed their fears.

Regional contact information and guidance material on the Shoreland Protection Act can be found online http://www.watershedmanagement.vt.gov/permits/htm/pm_shoreland-regionalcontacts.htm.

- 1) **Staffing and Fee Income:** The Lakes and Ponds Program hired two new staff members on a temporary basis in April 2014 to help develop the program. Although three permanent staff positions were approved through the legislature to implement Shoreland Permitting, only two of those positions were filled in August 2014 in light of anticipated work load, budget constraints, and incoming fee revenue. Lakes and Ponds continues to work closely with the Department's business office to evaluate fee revenue and staffing demands and will have a more complete understanding of on-going fee revenue after the 2015 field season.
- 2) **Outreach (since approximately June 1, 2014):**
 - a) 60 site visits
 - b) 32 information sessions/presentations/community outreach
 - c) 7 outdoor training sessions
 - d) Staff continues outreach efforts into 2015 with a variety of information sessions and site visits throughout the state, including a concerted regional focus on contractors, real estate agents, and shoreland residents.
 - e) A variety of educational materials have been created to clarify and enhance the public's understanding of the Act, including a handbook explaining shoreland development.

- 3) Number of permits/registrations:**
 - a) In 2014, the Lakes and Ponds Program received 35 permit applications and 29 registrations applications. In 2015, through March 18, 2015, an additional 18 permit applications, 4 Registration applications were received.
Total since July 1: 53 permit applications, 33 Registration applications.
 - b) The Lakes and Ponds Program expects the number of Permit Applications to rise in 2015 in response to movement out of the Section 9 transition period, meaning fewer projects will be “grandfathered” due to local, state, and federal permitting prior to the effective date of the Act.
 - c) To date, the Lakes and Ponds Program has received Registrations and Permit Applications for a variety of projects, including new development, redevelopment, and expansion.
 - d) Nearly all permit applications received, processed, and issued within 45 days; nearly all registration applications processed and issued within 15-20 days, which include the necessary time for required public notice.
- 4) Interface with other permit programs and stakeholders:** The Shoreland Permitting staff have coordinated project and permit review with intra-agency programs and external partners, including:
 - a) Wastewater: In an effort to coordinate efforts and clarify jurisdictions the Drinking Water and Groundwater Protection Division notifies Shoreland Permitting staff of wastewater permit applications within 250 feet of a lake or pond (the Act’s jurisdictional area). In turn, Shoreland Permitting notifies wastewater permit application of the Act’s jurisdiction and provides contact information should they have questions. Additionally, the Drinking Water and Groundwater Protection Division, in consultation with Shoreland Permitting staff, has published a *Fact Sheet for Wastewater System and Potable Water Supply Designers and Installers* (available online: <http://www.drinkingwater.vt.gov/ro/pdf/shorelandfactsheet2014.06.25.pdf>).
 - b) Wetlands: Shoreland Permitting staff notifies the Wetlands Program and Shoreland permit applicants alike of Shoreland projects that may fall within wetland areas and coordinates regulatory efforts with the Wetlands Program on co-jurisdictional projects.
 - c) Municipalities: Shoreland Permitting staff coordinates permitting efforts with local municipal officials, often town clerks and zoning administrators, through outreach and information sessions and through notifying permit applicants of applicable local permits. Municipalities are noticed of all shoreland permit and registration applications under review.
- 5) Delegation:**
 - a) Delegated: Colchester and Greensboro
 - b) Delegation request under review/in process: Elmore and Burlington
 - c) In discussion: Wilmington
- 6) Legislative Reporting:** The Lakes and Ponds Program anticipates providing a more detailed report on the progress of the Lake Shoreland Protection Program on or before January 15, 2016 in accordance with Section 7 of the Shoreland Protection Act.

Kevin Burke, Environmental Analyst
Lakes and Ponds Management and Protection Program