

Report on the Progress of Lake Protection Permitting – Summary

House Committee on Fish, Wildlife and Water Resources

January 15, 2016

Administrative Efficiencies and Public Outreach: Since the inception of the Shoreland Protection Act DEC's Lakes & Ponds Management and Protection Program (Lakes & Ponds) has merged 29 V.S.A. Chapter 11 ("lake encroachment") permit and Shoreland Protection Act duties, created three regions for lake encroachment and shoreland permit review, developed guidance materials and a webpage, and conducted 72 outreach presentations, meetings, and field trainings.

Delegation: The Agency has delegated authority to implement the Shoreland Protection Act to four Vermont municipalities; Colchester, Greensboro, Burlington, and Elmore.

Permit Issuance: In the first fiscal year of the Shoreland Protection Act, July 1, 2014 to June 30, 2015 (SFY 2015), Lakes & Ponds:

- Issued 87 shoreland permits and 46 shoreland registrations
- Applicants withdrew 10 shoreland permit applications and 2 shoreland registration applications
- Issued 32 lake encroachment permits

For the portion of the subsequent fiscal year evaluated for the purposes of this report, July 1, 2015 through November 1, 2015 (first five months of SFY 2016), Lakes & Ponds:

- Issued 42 shoreland permits and 23 shoreland registrations
- Applicants withdrew 1 shoreland permit application and 3 shoreland registration applications
- Issued 21 lake encroachment permits

Issued shoreland permits and shoreland registrations were evenly distributed throughout the state. In the first year of implementation, 69.8% of issued shoreland permits were for redevelopment outside of existing footprint or for expansions to existing development, 25.6% for conforming development, and 4.7% for public recreation areas.

Permit Application Review: Lakes & Ponds has successfully completed public notice, review, and issuance within established review periods:

- 45 day review period for shoreland permits (internal permit application review procedure)
- 15 day review period for shoreland registrations (internal permit application review procedure)
- 90 day review period for lake encroachment applications (PEP standard)

Compliance & Enforcement: In cooperation with DEC's Compliance Division and Lakes & Ponds' draft Compliance and Enforcement Procedure, Lakes & Ponds has investigated 35 Shoreland Protection Act complaints/incidents and 11 lake encroachment complaints/incidents.

Revenue and Costs: In the first fiscal year, the Shoreland Protection Act permit and registration revenue totaled \$57,634.56. For the same period, the estimated cost of implementation to Lakes & Ponds was \$180,000, which accounts for staffing of two Environmental Analysts and supporting resources.