



Vermont Department of Environmental Conservation

Agency of Natural Resources

Commissioner's Office

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To: Senator Tim Ashe, Chair, Senate Finance Committee

From: David Mears, Commissioner, Department of Environmental Conservation

Date: April 15, 2015

Re: Department of Environmental Conservation SFY16 Fee Proposal – *Encroachment Fee Cap*

The Lake Encroachment Permit Program has jurisdiction over work in the public water of lakes, ponds and reservoirs. Permit conditions aim to reduce impact to public trust resources (including water quality, habitat, and recreation/navigation) and to minimize new fill in lakes. Projects typically include retaining walls, marinas, bridges, dredge and fill, and access area work.

The current fee for encroachment permits are \$155 per application for non-structural erosion control. \$250 per application for structural erosion control and \$300 plus one percent of construction costs for all other encroachments. Under our FY16 Fee proposal, we are not proposing an increase to these fees.

The Department is proposing a cap for the category of “all other encroachments” under 3 V.S.A. §2282(j)(2)(10) which would make the fee \$300 per application plus one percent of construction costs, not to exceed \$20,000 per application. While a significant amount of staff time is spent reviewing some of these projects, a fee over \$20,000 would be disproportionate to the amount of service provided by the Department because fees would exceed the cost to the program to review the project.