

The Department provides the following comments on Draft 3.1 of S.75:

Sec. 1, p. 3-4

- The **definition of “water access site”** used for purposes of **requiring signage at all areas where a vessel can access a water of the State** is problematic because:
 - Identifying all areas where a vessel can access a water of the State would be a huge undertaking requiring significant resources, which are not provided for under this bill; and
 - The Department does not have jurisdiction over non-state accesses and would need to obtain permission from municipalities and private landowners to access and post signage at all areas where a vessel can access a water of the State.
- The Department proposes adding the defined term **“decontaminate,”** and replacing the word “wash” with “decontaminate” wherever the term “wash” appears in the bill because simply washing a boat might not kill or remove all aquatic invasive species.

Sec. 2, p. 4 and 5

- For clarity and ease of reading, the Department proposes **merging the inspection requirements** for both entering and leaving a water under one subsection, subsection 1454(b), rather than having the requirement for entering the water under a different subsection than the requirement for leaving the water.
- On page 5 line 8, the Department proposes that the inspection requirement be associated with whether an aquatic nuisance species inspection station is maintained **“at the access area,” rather than “for that water”** because on large bodies of water, such as Lake Champlain, there may be many different access areas.
- On page 5 line 9, the Department proposes striking **“for public use”** because the language is unnecessary and could cause confusion.

Sec. 3, p. 11

- The Department proposes **deleting subsection (n)** of section 1455 because installation of bottom barriers is an activity that should receive prior permit approval, since such activities may impact animal and plant species other than the targeted nuisance species. Instead of including subsection (n), the Department supports the session law requirement that the Department adopt an aquatic nuisance control general permit by February 1, 2018.
- If the Committee decides to keep subsection (n), which the Department does not support, the Department proposes including a sunset date of February 1, 2018 and that subdivision (n)(3) be added in order to avoid adverse impacts to the extent possible:

“(3) the bottom barriers are not installed in areas where they create a hazard to public health and they do not unreasonably impede boating or navigation; and

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(4) the bottom barriers and all associated weighting devices are installed after July 1 and are removed within 90 days of installation.

By requiring installation after July 1, nontarget impacts to spring spawning would be avoided, and by requiring removal within 90 days, the nontarget environment could recover after the bottom barrier has been removed.

Sec. 4, p. 11-12

- The Department proposes changes to the **authorized aquatic nuisance inspection training program** section to require in-person training for an individual who wishes to conduct decontamination activities because safely and properly conducting such activities requires more technical hands-on training.

Sec. 7, p. 14

- The Department proposes cross referencing the **rapid response** provisions in 10 V.S.A. § 1456(a) and (c)-(f) to make clear that those are the standards that would apply to a lake association or individual seeking to take rapid response activities under the general permit.

Sec. 8, p. 14

- The Department manages roughly 200 signs at all state-managed public accesses. The signs were updated in 2011.
- As stated previously, the Department believes the requirement to post signage at *all* areas where a vessel can access a water of the State would be problematic because of the difficulties associated with identifying all areas and getting permission to post signs at municipally- and privately-owned accesses. There are also costs associated with procuring and installing the signs. Each sign takes approximately 1.5 hours to install (posting and travel time); each sign, including installation hardware, costs approximately \$45; and labor is approximately \$25/hour plus vehicle and gas use.

Sec. 9, p. 14-15

- The Department requests that the **due date for the report** be moved from November 1, 2017 to **December 1, 2017**, so as not to conflict with the field season, which goes through the end of October.

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