

REPORT ON THE IMPLEMENTATION OF THE GENERAL PERMIT FOR NONCHEMICAL
AQUATIC NUISANCE AND RAPID RESPONSE CONTROL ACTIVITIES

2018 Act 209, Section 1

Submitted to the

Senate Committee on Natural Resources and Energy
House Committee on Natural Resources, Fish, and Wildlife

Department of Environmental Conservation

Vermont Agency of Natural Resources

January 15, 2019

Summary

Section 1 of 2018 Act 209 states:

“On or before January 15, 2019, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the implementation in 2018 of the general permit for the use of nonchemical aquatic nuisance and rapid response control activities issued under 10 V.S.A. § 1455(m) and 2017 Acts and Resolves No. 67, Sec. 9. The report shall include a summary of the implementation of the general permit, the process for approval of notices of intent for coverage under the general permit, the number of persons who applied for coverage under the general permit, the number of persons who were approved for coverage under the general permit, and any recommendations to improve the implementation of the general permit.”

The Aquatic Nuisance Control (ANC) General Permit for the use of nonchemical aquatic nuisance and rapid response control activities pursuant to 10 V.S.A. §1455(m) was issued on May 1, 2018. This permit provides coverage for small, low-impact control activities for aquatic nuisances that had been previously required to be permitted through individual Aquatic Nuisance Control permits. The General Permit also provides coverage to lake associations for rapid response activities targeting new exotic species populations. Prior to issuance of the General Permit, coverage for a Rapid Response Control Activity was limited to the Commissioner of the Department of Environmental Conservation and the Commissioner of the Department of Fish and Wildlife.

To date, there have been no issues with the implementation of this new permit. Notices of Intent for coverage were few in 2018, but it is expected that more will be received in 2019 and beyond as the public becomes more aware of the ANC General Permit.

ANC General Permit Application Processing

When a Notice of Intent (NOI) is received for coverage for an Aquatic Nuisance Control Activity under the ANC General Permit, it is immediately reviewed by permit support staff to ensure that the Notice is completed correctly. It is then reviewed by technical staff to determine that the proposed project meets the following criteria:

- 1). The project is eligible for coverage under the General Permit.
- 2). The project will not impact significant wetlands.
- 3). The project will not impact rare, threatened, or endangered species communities.
- 4). The project does not occur in or immediately adjacent to an area already subject to a jurisdictional control activity.

If all criteria are met, the Notice is considered technically complete and is put on the Environmental Notice Board for the requisite two-week public notice period as specified in 10 V.S.A. Chapter 170. After

public notice, coverage under the General Permit is issued to the applicant. The complete review process, from receipt of the NOI to final coverage issuance, typically takes less than three weeks.

When an NOI is received for coverage for a Rapid Response Control Activity under the ANC General Permit, the review process is similar. However, technical staff must determine that the proposed project meets the following additional criteria prior to issuance of coverage under the General Permit:

- 1). The applicant is a Registered Lake Association.
- 2). The project targets a nonindigenous new aquatic species to the waterbody.
- 3). The Secretary of the Agency of Natural Resources finds that the nonindigenous new aquatic species in the waterbody constitutes an emergency, and that the proposed control technique meets the requirements of the General Permit and is acceptable when considering the emergency situation.

No public notice is required for a Rapid Response Control Activity.

ANC General Permit applications in 2018

In 2019, the Agency received five Notices of Intent for coverage for an Aquatic Nuisance Control Activity under the General Permit. Three were received from applicants on Parker Pond in Glover, one from Shadow Lake in Glover, and one application was received for a project on Neal Pond in Lunenburg. Four of these Notices were approved for coverage, and one is still pending because the application was not administratively complete when submitted. That applicant has yet to provide the information needed for the Notice to be processed.

No Notices of Intent for coverage for a Rapid Response Control Activity were received in 2018.

Recommendations

At this time, the ANC General Permit process is working smoothly, and the Agency has no further recommendations.