

Sec. 1. 29 V.S.A. § 410 is amended to read:

§ 410. RULEMAKING; ENCROACHMENTS ON PUBLIC WATERS

The Department ~~may~~ shall adopt rules to implement the requirements of this chapter. The rules shall address:

(1) criteria for what adversely affects the public good under section 405 of this title, including what constitutes an approved public use of the waters and lands of lakes and ponds under the jurisdiction of the Department, provided that the criteria shall be designed to:

(A) enhance and conserve fishery resources to the maximum extent practicable;

(B) facilitate access and utilization by recreational and commercial user groups or establish or protect historical resources;

(C) minimize conflicts among competing uses of waters;

(D) minimize environmental risks and risks to personal and public health and property; and

(E) not create any unreasonable obstructions to navigation;

(2) criteria for the creation of artificial reefs or sinking of vessels within the waters under the jurisdiction of the Department, including the requirement that any creation of an artificial reef or sinking of a vessel complies with federal rules or guidance for such activities.

(3) criteria for private docks, commercial marinas, private breakwaters, and private flood control walls or projects; and

(4) criteria for transmission lines, suction lines, and other similar encroachments.

Sec. 2. ANR ENCROACHMENT RULES; IMPLEMENTATION

(a) On or before January 1, 2022, the Agency of Natural Resources shall initiate the rulemaking required under 29 V.S.A. § 410.

(b) On or before July 1, 2022, the Agency of Natural Resources shall file a final proposal of the rules required under 29 V.S.A. § 410 with the Secretary of State under 3 V.S.A. § 841.

Sec. 3. EFFECTIVE DATE

The act shall take effect on passage.