

1 H.283

2 Introduced by Representatives Harple of Glover, Priestley of Bradford, Burke
3 of Brattleboro, Burkhardt of South Burlington, Campbell of St.
4 Johnsbury, Dodge of Essex, Hunter of Manchester, Labor of
5 Morgan, Lalley of Shelburne, Masland of Thetford, McCann of
6 Montpelier, Nelson of Derby, Nugent of South Burlington,
7 Olson of Starksboro, Pouech of Hinesburg, Southworth of
8 Walden, and Wells of Brownington

9 Referred to Committee on

10 Date:

11 Subject: Conservation and development; use of State waters; municipal
12 delegation; wake boats

13 Statement of purpose of bill as introduced: This bill proposes to require the
14 Secretary of Natural Resources to delegate authority to regulate the use of
15 State waters to a municipality when the municipality is adjacent to the water
16 subject to delegation, the municipality requests the delegation to promote the
17 public good by restricting or prohibiting wake boats on the water for which it
18 is seeking delegation, and the municipality accepts the delegation by creating
19 or amending a bylaw or ordinance for regulation of the water.

20 An act relating to delegation of authority to regulate use of State waters

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. § 1424 is amended to read:

3 § 1424. USE OF PUBLIC WATERS

4 (a) The Secretary may establish rules to implement the provisions of this
5 chapter, including:

6 (1) Rules to regulate the use of public waters of the State by:

7 (A) defining areas on public waters wherein certain uses may be
8 conducted;

9 (B) defining the uses which may be conducted in the defined areas;

10 (C) regulating the conduct in these areas, including the size of motors
11 allowed, size of boats allowed, allowable speeds for boats, and prohibiting the
12 use of motors or houseboats; and

13 (D) regulating the time various uses may be conducted.

14 (2) Rules to govern the surface levels of lakes, ponds, and reservoirs that
15 are public waters of the State.

16 (b) The Secretary in establishing rules under subdivision (a)(2) of this
17 section shall consider the size and flow of the navigable waters; the
18 predominant use of adjacent lands; the depth of the water; the predominant
19 use of the waters prior to regulation; the uses for which the water is
20 adaptable; the availability of fishing, boating, and bathing facilities; the
21 scenic beauty; and recreational uses of the area.

1 (c) The Secretary shall attempt to manage the public waters so that the
2 various uses may be enjoyed in a reasonable manner, in the best interests of all
3 the citizens of the State. To the extent possible, the Secretary shall provide for
4 all normal uses.

5 (d) [Repealed.]

6 (e) On receipt of a written request that the Secretary adopt, amend, or
7 repeal a rule with respect to the use of public waters signed by not less than
8 one person, the Secretary shall consider the adoption of rules authorized under
9 this section and take appropriate action as required under 3 V.S.A. § 806.

10 (f)(1) By rule, the Secretary ~~may~~ shall delegate authority under this section
11 for the regulation of public waters where:

12 ~~(1)(A)~~ The the delegation is to a municipality that is adjacent to or
13 which contains the water; ~~and~~

14 (B) the municipality requests the delegation to promote the public
15 good by restricting or prohibiting wake boats on the water for which it is
16 seeking delegation; and

17 ~~(2)(C)~~ The the municipality accepts the delegation by creating or
18 amending a bylaw or ordinance for regulation of the water.

19 (2) Appeals from a final act of the municipality under the bylaw or
20 ordinance shall be taken to the Environmental Division. The Secretary may

1 terminate a delegation for cause or without cause upon six months' notice to
2 the municipality.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.