

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 224 entitled “An act relating to the management of the State’s
4 lakes” respectfully reports that it has considered the same and recommends that
5 the bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Wakeboats; Home Lake; Registration * * *

8 Sec. 1. 10 V.S.A. § 1422 is amended to read:

9 § 1422. DEFINITIONS

10 In this chapter, ~~unless the context clearly requires otherwise~~:

11 (1) “Agency” means the Agency of Natural Resources.

12 * * *

13 (3) “Department” means Department of Environmental Conservation.

14 (4) “Navigable water” or “navigable waters” means Lake Champlain,
15 Lake Memphremagog, the Connecticut River, all natural inland lakes within
16 Vermont, and all streams, ponds, flowages, and other waters within the
17 territorial limits of Vermont, including the Vermont portion of boundary
18 waters, that are boatable under the laws of this State.

19 * * *

(6) "Public waters" means navigable waters excepting those waters in private ponds and private preserves as set forth in sections 5204, 5205, 5206, and 5210 of this title.

4 (7) "Secretary" means the Secretary of Natural Resources or the
5 Secretary's duly authorized representative.

6 * * *

13 * * *

14 (21) "Motorboat" has the same meaning as in 23 V.S.A. § 3302.

15 (22) "Wakeboat" means a motorboat that has one or more ballast tanks,
16 ballast bags, or other devices or design features used to increase the size of the
17 motorboat's wake.

18 Sec. 2. 10 V.S.A. § 1424b is added to read:

19 § 1424b. WAKEBOATS: USE OF WATERS

20 (a) A person shall operate a wakeboat only on a lake authorized by the

21 Department under the Department of Environmental Conservation's Vermont

1 Use of Public Waters Rules and only in that area of the lake identified for use
2 by wakeboats.

3 (b) In order to operate a wakeboat in Vermont, the person who owns or
4 controls the wakeboat shall on the vessel registration or validation form
5 required under 23 V.S.A. § 3305 annually or biennially identify a home lake
6 for the wakeboat for the calendar years for which the registration or validation
7 is valid. A wakeboat's home lake is the only lake on which that wakeboat
8 shall be used in Vermont for the calendar year, unless the wakeboat is
9 decontaminated according to the requirements of subsection (c) of this section.

10 (c)(1) Prior to entering a Vermont lake other than the wakeboat's home
11 lake, and prior to reentering a home lake after use of the wakeboat at any other
12 lake or waterbody, the person who owns or controls the wakeboat shall
13 decontaminate the wakeboat at an Agency-approved decontamination service
14 provider. Boat washing stations shall not be considered an Agency-approved
15 decontamination service provider unless approved by the Agency to provide
16 decontamination services.

17 (2) Prior to entering a lake, a law enforcement officer, an employee of
18 the Agency, or a person staffing an authorized aquatic nuisance species
19 inspection station may request that the person who owns, controls, or is using
20 the wakeboat provide proof of decontamination of the wakeboat by an Agency-
21 approved decontamination service provider.

6 (d) All provisions of section 1454 of this title regarding aquatic nuisance
7 species inspection apply to wakeboats, and wakeboat users shall drain the
8 ballast tanks of their boats to the fullest extent practicable immediately before
9 or immediately after leaving a water of the State.

10 (e) Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought
11 in the Judicial Bureau by any law enforcement officer, as that term is defined
12 in 23 V.S.A. § 3302(3), or, pursuant to section 8007 or 8008 of this title, a
13 violation of this section may be brought in the Environmental Division of the
14 Superior Court. If a violation of this section is adjudicated in the Judicial
15 Bureau or the Environmental Division, the violation shall not be addressed or
16 adjudicated a second time in the other court.

17 Sec. 3. 4 V.S.A. § 1102(b) is amended to read:

18 (b) The Judicial Bureau shall have jurisdiction of the following matters:

19 * * *

20 (19) Violations of 10 V.S.A. § 1424b or rules adopted under 10 V.S.A.
21 § 1424, relating to the use of public waters.

1

* * *

2 Sec. 4. 10 V.S.A. § 1454(d) is amended to read:

3 (d) Draining of vessel; transport.

4 (1)(A) ~~When Immediately before or immediately after~~ leaving a water
5 of the State and prior to transport away from the area where the vessel left the
6 water, a person operating a vessel shall drain the vessel, trailer, and other
7 equipment of water, including water in live wells, ballast tanks, and bilge
8 areas. A person is not required to drain:

9 (i) baitboxes when authorized under 10 App. V.S.A. § 122(5) to
10 transport bait in a baitbox away from a water; or
11 (ii) vehicles and trailers specifically designed and used for water
12 hauling.

13 (B) A person operating a vessel shall drain the vessel, trailer, and
14 other equipment of water in a manner to avoid a discharge to the water of the
15 State. This subdivision (d)(1) does not authorize a person to discharge waste,
16 as defined in section 1251 of this title, to waters of the State. A person shall
17 dispose of waste in the manner required by law.

18 (2) When a person transports a vessel, the person shall remove or open
19 the drain plugs, bailers, valves, and other devices that are used to control the
20 draining of water from ballast tanks, bilge areas, and live wells of the vessel,
21 trailer, and other equipment, except for vehicles and trailers specifically

1 designed and used for water hauling and emergency response vehicles and
2 equipment.

3 Sec. 5. 23 V.S.A. § 3302 is amended to read:

4 § 3302. DEFINITIONS

5 As used in this chapter, unless the context clearly requires a different
6 meaning:

7 * * *

8 (6) "Motorboat" means any vessel equipped with machinery capable of
9 propelling the vessel, whether or not such machinery is the principal source of
10 propulsion.

11 * * *

12 (8) "Owner" means a person, other than a lienholder, having the
13 property in or title to a vessel. The term includes a person entitled to the use or
14 possession of a vessel subject to an interest in another person, reserved or
15 created by agreement and securing payment or performance of an obligation,
16 but the term excludes a lessee under a lease not intended as security.

17 * * *

21 * * *

1

2 (17) “Vessel” means every description of watercraft, other than a
3 seaplane on the water or a racing shell or rowing scull occupied exclusively by
4 individuals over 12 years of age, used or capable of being used as a means of
5 transportation on water.

6 * * *

7 (19) “Waters of this State” means any waters within the territorial limits
8 of this State.

9 (20) “Wakeboat” means a motorboat that has one or more ballast tanks,
10 ballast bags, or other devices or design features used to increase the size of the
11 motorboat’s wake.

12 Sec. 6. 23 V.S.A. § 3305 is amended to read:

13 § 3305. FEES; REGISTRATION

14 (a) An individual shall not operate a motorboat on the public waters of this
15 State unless the motorboat has a valid marine document issued by U.S.
16 Customs and Border Protection or any successor federal agency or is registered
17 in accordance with this chapter.

18 (b) Annually or biennially, the owner of each motorboat required to be
19 registered by this State shall file an application for a number with the
20 Commissioner of Motor Vehicles on forms approved by him or her the
21 Commissioner. The application shall be signed by the owner of the motorboat

1 and shall be accompanied by an annual fee of \$31.00, or a biennial fee of
2 \$57.00, for a motorboat in class A; by an annual fee of \$49.00, or a biennial
3 fee of \$93.00, for a motorboat in class 1; by an annual fee of \$80.00, or a
4 biennial fee of \$155.00, for a motorboat in class 2; or by an annual fee of
5 \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3. Upon receipt
6 of the application in approved form, the Commissioner shall enter the
7 application upon the records of the Department of Motor Vehicles and issue to
8 the applicant a registration certificate stating the number awarded to the
9 motorboat and the name and address of the owner. The owner shall paint on or
10 attach to each side of the bow of the motorboat the identification number in
11 such manner as may be prescribed by rules of the Commissioner in order that it
12 may be clearly visible. The registration shall be void one year from the first
13 day of the month following the month of issue in the case of annual
14 registrations or void two years from the first day of the month following the
15 month of issue in the case of biennial registrations. A motorboat of less than
16 10 horsepower used as a tender to a registered motorboat shall be deemed
17 registered, at no additional cost, and shall have painted or attached to both
18 sides of the bow the same registration number as the registered motorboat with
19 the number “1” after the number. The number shall be maintained in legible
20 condition. The registration certificate shall be pocket size and shall be
21 available at all times for inspection on the motorboat for which issued,

1 whenever the motorboat is in operation. A duplicate registration may be
2 obtained upon payment of a fee of \$3.00 to the Commissioner. Registration
3 fees shall be allocated in accordance with section 3319 of this title.

4 * * *

5 (d)(1) Registration of a motorboat ends when the owner transfers title to
6 another. The former owner shall immediately return directly to the
7 Commissioner the registration certificate previously assigned to the transferred
8 motorboat with the date of sale and the name and residence of the new owner
9 endorsed on the back of the certificate.

10 (2) When a person transfers the ownership of a registered motorboat to
11 another, files a new application, and pays a fee of \$6.00, ~~he or she~~ the person
12 may have registered in his or her name another motorboat of the same class for
13 the remainder of the registration period without payment of any additional
14 registration fee. However, if the fee for the registration of the motorboat
15 sought to be registered is greater than the registration fee for the transferred
16 motorboat, the applicant shall pay the difference between the fee first paid and
17 the fee for the class motorboat sought to be registered.

18 * * *

19 (k) The application forms that the Commissioner of Motor Vehicles
20 provides for the registration of vessels under subsection (b) of this section shall
21 include a checkbox for an owner to designate a motorboat as a wakeboat. If

1 the owner designates a motorboat a wakeboat, the owner shall designate the
2 home lake of the wakeboat on the application form. The Commissioner of
3 Motor Vehicles annually shall compile the number of motorboats registered as
4 wakeboats and the home lake designations of wakeboats and shall submit the
5 compiled information to the Secretary of Natural Resources.

6 * * * Fish and Wildlife Access Areas * * *

7 Sec. 7. 10 V.S.A. § 4145 is amended to read:

8 § 4145. ACCESS, LANDING AREA RULES

19 (b) The Commissioner may enter into agreements with owners of land,
20 which shall not involve payment to the landowner, in order to allow public
21 access for launching of nonmotorized vessels in public waters. The

1 Commissioner may agree to upgrade the land area in a minor way; for
2 example, the Commissioner may agree to build a footpath to the water, build
3 and maintain a small parking area, or perform minor grading to improve boat
4 access. The Commissioner may not agree to major upgrading, such as building
5 a launching ramp or paving a parking area. A landowner who enters into an
6 agreement under this subsection shall be afforded the landowner liability
7 protections of 12 V.S.A. § 5793. The Commissioner shall post signs in these
8 areas, inviting private contributions to the Fish and Wildlife Fund for the
9 purpose of building and maintaining nonmotorized vessel access areas; and
10 shall issue to any person contributing, a sticker that may be placed on a vessel
11 and that identifies the person as a contributor to the nonmotorized vessel
12 access area program.

13 (c) The Commissioner shall keep account of funds, including private
14 donations and State appropriations, that are deposited into the Fish and
15 Wildlife Fund for the purpose of building and maintaining access areas and
16 shall annually, on or before January 15, report to the House Committee on
17 Environment, the Senate Committee on Natural Resources and Energy, and the
18 Senate and House Committees on Appropriations; concerning the use of those
19 funds in the past year and plans for use of the funds for the coming year. The
20 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
21 to the report to be made under this subsection.

1 (d) The ~~Board shall allow the~~ Commissioner of Environmental
2 Conservation to shall post aquatic nuisance signs in access areas pursuant to
3 subdivision 1453(b)(6) of this title.

4 (e)(1) Upon issuance of a permit by the Commissioner of Fish and
5 Wildlife, a fishing access area may be used by an approved aquatic nuisance
6 inspection station in order to allow for decontamination of wakeboats under
7 section 1424b of this title or inspection of vessels entering lakes as required
8 under section 1454 of this title.

19 (A) decontaminate a wakeboat under section 1424b of this title; or
20 (B) inspect a vessel for aquatic nuisance species and drain a vessel
21 under section 1454 of this title.

1 Sec. 8. 10 App. V.S.A. § 115 is amended to read:

2 § 115. USE OF STATE CONTROLLED FISHING ACCESS AREAS

3 1.0 Authority 1.1 This rule is adopted pursuant to 10 V.S.A. § 4145(a)
4 which authorizes the board to make rules to “regulate the use by the public of
5 access areas, landing areas, parking areas or of other lands or waters acquired
6 or maintained pursuant to 10 V.S.A. § 4144.”

7 1.2 This rule applies to use of ~~state~~ State controlled fishing access areas
8 and to persons, businesses, or entities that use the fishing access areas.

9 2.0 Purpose

10 The purpose of this rule is to:

11 2.1 Ensure current and future uses are orderly, sustainable, and in
12 accordance with ~~state~~ State and federal statutes and guidelines.

13 2.2 Manage conflict between users by clarifying authorized and
14 prohibited activities and ensuring users share in the burdens and benefits of
15 use.

16 2.3 Protect the fishing access areas for statutorily approved uses.

17 3.0 Definitions 3.1 Commercial Activity is any activity or service that
18 produces income to any entity or individual.

19 3.2 Nonprofit Charitable Organization means an entity organized and
20 operated exclusively for exempt purposes set forth in Section 501(c)(3) of the
21 Internal Revenue Code.

1 3.3 Picnicking includes but is not limited to any activity that involves,
2 cooking, grilling, food preparation, and, set-up associated with eating
3 (including setting blankets or table cloths laid on the ground).

4 3.4 Camping includes any activity using a tent, camper, or motor home,
5 any activity involving preparation of an area for sleeping or, any overnight
6 sleeping.

7 3.5 Group use is use actually or potentially involving 10 or more people
8 or two or more vehicles at a time.

9 3.6 Parking is the leaving of motor vehicles or trailers unattended in an
10 access area.

11 3.7 Motor vehicles are all vehicles propelled or drawn by power other
12 than muscle power.

13 3.8 Vessel means motor boats, boats, kayaks, canoes and sail boats.

14 4.0 Authorized Activities

15 The following are authorized activities in order of priority:

16 4.1 Angling, ice fishing and the launching of any vessel to be used for
17 fishing and parking of vehicles and trailers necessary for and contemporaneous
18 with these purposes.

19 4.2 The launching of inboard and outboard motorboats engaging in any
20 activity and parking of vehicles and trailers necessary for and
21 contemporaneous with that purpose.

1 4.3 Trapping, hunting and parking of vehicles and boat trailers
2 necessary for and contemporaneous with that purpose.

3 4.4 Launching of all non-motorized vessels not used for commercial
4 purposes and parking of vehicles and boat trailers necessary for and
5 contemporaneous with that purpose. Users shall launch from the designated
6 non-motorized launch site, when such a site is identified. Authorized
7 nonmotorized vessels include canoes, kayaks, row boats, and standup
8 paddleboards.

9 4.5 ATV's ATVs and snowmobiles when being used solely for the
10 purposes of ice fishing.

11 4.6 Permitted special uses, including the establishment of approved
12 aquatic nuisance inspection stations for boat washing or to decontaminate
13 wakeboats pursuant to 10 V.S.A. § 1424b or inspection of vessels entering
14 lakes pursuant to 10 V.S.A. § 1454, as approved and permitted by the
15 Commissioner.

16 5.0 Prohibited Activities 5.1 Discarding of bottles, glass, cans, paper,
17 junk, litter, food, or any other garbage or trash.

18 5.2 Discarding of dead fish, wildlife or portions thereof.

19 5.3 Washing or cleaning of vehicles and equipment other than for the
20 purpose of removing aquatic plants and organisms.

21 5.4 Washing or cleaning of fish or wildlife.

- 1 5.5 Camping.
- 2 5.6 Picnicking.
- 3 5.7 Making or maintaining fire of any kind.
- 4 5.8 Water skiing.
- 5 5.9 Swimming.
- 6 5.10 Use of snowmobiles and ATVs, except for those being utilized
7 solely for the purpose of ice fishing.
- 8 5.11 Parking of vehicles and or trailers while the vehicle owner or user
9 is not present at the access area or on the adjacent public waters except as
10 otherwise permitted by the Commissioner.
- 11 5.12 Storage of vehicles and or trailers or placing of vehicles or trailers
12 for sale.
- 13 5.13 Withdrawal of water except as authorized under paragraph 6.0.
- 14 5.14 Parking in excess of 72 consecutive hours except that the
15 Commissioner may issue permits for longer parking when the Commissioner
16 determines that there will be no adverse impact on authorized uses found in 4.0
17 above.
- 18 5.15 Commercial activity except as authorized by paragraph 7.0 below.
- 19 5.16 Activity that interferes with a priority use, such as, but not limited
20 to the mooring or beaching of boats, using the ramp to rig a boat or boats thus

1 obstructing use of the ramp, and the storing of boats or trailers at an access
2 area.

3 5.17 Group use not specifically authorized by the Commissioner.

4 5.18 Launching and recovery of **sailboards**, rafts, snow kites, and the
5 parking of vehicles and trailers supporting these activities.

6 5.19 All other activity that is not specifically permitted by this rule
7 unless specifically authorized by the Commissioner.

8 6.0 Authorized Users.

9 6.1 Any person who is engaged in any authorized activity.

10 6.2 Any group that has received approval for group use in accordance
11 with this rule.

12 6.3 Fire departments that have executed a Memorandum Of Agreement
13 (MOA) with the Commissioner for the installation and use of a dry hydrant.
14 And then, only in accordance with their MOA. Fire departments may also use
15 Access Areas without dry hydrants as emergency water sources to fight fires
16 and will notify the local warden as soon as practicably possible.

17 6.4 Individuals participating in a fishing tournament permitted under
18 10 V.S.A. § 4613.

19 7.0 Limited Commercial Activity 7.1 Commercial activity at fishing
20 access areas is limited to entities and persons taking part in activities
21 authorized by 4.1, 4.2 and 4.3 above.

1 8.0 Special Permits 8.1 The Commissioner may authorize special permits
2 for entities or persons to use an access area for group use when the
3 Commissioner determines that there will be no adverse impact on authorized
4 priority uses.

5 8.2 The Commissioner may authorize the use of access areas by an
6 educational institution or a nonprofit charitable organization conducting a
7 fundraising event of limited duration, provided that the event will not conflict
8 with a priority use of the access area.

9 8.3 Special permits shall not be issued and may be revoked immediately
10 for activities that substantially interfere with authorized uses.

11 8.4 Permit fees shall be in accordance with the schedule of fees
12 established under 10 V.S.A. § 4132(e).

13 9.0 Speed Limit

14 The maximum speed on access areas shall be 15 miles per hour.

15 * * * Fishing Tournaments * * *

16 Sec. 9. 10 V.S.A. § 4613 is amended to read:

17 § 4613. FISHING TOURNAMENTS

18 (a)(1) No person or organization shall hold a fishing tournament on the

19 waters of the State without first obtaining a permit from the Department of

20 Fish and Wildlife. Tournaments held on the Connecticut River, excluding

1 Moore and Comerford Reservoirs, that do not utilize an access area in Vermont
2 are not required to obtain a permit from the Department of Fish and Wildlife.

3 (2) If the Department of Fish and Wildlife receives an application for a
4 fishing tournament on a water of the State that serves as a municipality's
5 public drinking water source and the municipality owns or controls all of the
6 land surrounding the water, the Department shall notify the municipality of the
7 application. The legislative body of the municipality shall review and vote to
8 approve or disapprove the application at its next regularly scheduled meeting.
9 The Department shall issue the permit required under subdivision (1) of this
10 section only if the legislative body of the municipality approves use of the
11 water for the proposed tournament. The Department of Fish and Wildlife shall
12 not issue a permit if the legislative body of the municipality did not approve
13 the tournament.

14 (b) A fishing tournament means a contest in which anglers pay a fee to
15 enter and in which the entrants compete for a prize based on the quality or size
16 of the fish they catch. A contest may run multiple days, but the days must be
17 consecutive for that contest to be considered a single event. A tournament that
18 limits the entrants to people individuals below 15 years of age or a tournament
19 held as part of a Special Olympics program shall be exempt from paying the
20 fee required under subsection (d) of this section.

17 (e) Applications to hold a fishing tournament on the waters of the State
18 shall be submitted on a form issued by the Commissioner. The form shall
19 require the applicant to identify an access point to waters for participants in the
20 tournament and, if the access point is on a private right-of-way, whether the

1 applicant has secured permission to use the right-of-way for the proposed
2 tournament.

3 * * * Effective Dates * * *

4 Sec. 10. EFFECTIVE DATES

5 This act shall take effect on passage, except that Secs. 5 and 6 (wakeboat
6 registration) and 10 V.S.A. § 1424b(b) (operation of wakeboat on home lake)
7 shall take effect January 1, 2027.

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(Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE