

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.

15                   (3) This section and any rules adopted under it shall not be construed to  
16                   mean that a conflict exists between an aquatic nuisance inspection station and a  
17                   higher priority use when an operator of an aquatic inspection station informs  
18                   the user of a vessel of the requirement to:

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