

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 * * *

1 (E) removes and disposes aquatic nuisance species found on vessels.

2 (22) “Boat washing unit” means portable equipment capable of cleaning
3 the exterior of a vessel entering or exiting a lake or other water with
4 pressurized water from hoses, but not hot water.

5 (23) “Decontamination service provider” means a site at or in proximity
6 to an access to a lake or other water that is:

7 (A) owned or operated by a private or State entity;

8 (B) designed to remove or prevent the spread of aquatic nuisance
9 species through the use of high pressure and hot water over 140 degrees
10 Fahrenheit; and

11 (C) located in a way to collect runoff or to prevent runoff to surface
12 waters or wetlands.

13 (24) “Motorboat” has the same meaning as in 23 V.S.A. § 3302.

14 (25) “Wakeboat” means a motorboat that has one or more ballast tanks,
15 ballast bags, or other devices or design features used to increase the size of the
16 motorboat’s wake.

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

18 § 1424b. WAKEBOATS; USE OF WATERS

19 (a) A person shall operate a wakeboat only on a lake authorized by the
20 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 as meeting
16 the criteria for a decontamination service provider and provided that the
17 decontamination services do not interfere with or prevent operation of the boat
18 washing services.

19 (2) Prior to entering a lake, a law enforcement officer, an employee of
20 the Agency, or a person staffing an authorized aquatic nuisance species
21 inspection station may request that the person who owns, controls, or is using

1 the wakeboat provide proof of decontamination of the wakeboat by an Agency-
2 approved decontamination service provider.

3 (3) When a wakeboat is operating on a lake authorized by the
4 Department for wakeboat use, law enforcement may require the owner or
5 operator of the wakeboat to produce the following in order to demonstrate
6 compliance with the requirements of this section:

7 (A) A current certificate of registration designating the home lake of
8 a wakeboat;

9 (B) Proof of decontamination of the wakeboat at an Agency-
10 approved decontamination service if the wakeboat is registered out of state or
11 the wake boat has been operated in another lake other than the designated
12 home lake.

13 (4) A person staffing an authorized aquatic nuisance species inspection
14 station is authorized to inform a person who owns or controls a wakeboat
15 whether wakeboats are authorized for use on a lake. Information provided by a
16 person staffing an authorized aquatic nuisance species inspection station shall
17 not be considered an exercise of law enforcement authority.

18 (d) Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought
19 in the Judicial Bureau by any law enforcement officer, as that term is defined
20 in 23 V.S.A. § 3302(3), or, pursuant to section 8007 or 8008 of this title, a
21 violation of this section may be brought in the Environmental Division of the

1 Superior Court. If a violation of this section is adjudicated in the Judicial
2 Bureau or the Environmental Division, the violation shall not be addressed or
3 adjudicated a second time in the other court.

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

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

6 * * *

7 (19) Violations of 10 V.S.A. § 1424b or rules adopted under 10 V.S.A.
8 § 1424, relating to the use of public waters.

9 * * *

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

11 (d) Draining of vessel; transport.

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

17 (i) baitboxes when authorized under 10 App. V.S.A. § 122(5) to
18 transport bait in a baitbox away from a water; or

19 (ii) vehicles and trailers specifically designed and used for water
20 hauling.

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

5 (b) Annually or biennially, the owner of each motorboat required to be
6 registered by this State shall file an application for a number with the
7 Commissioner of Motor Vehicles on forms approved by ~~him or her~~ the
8 Commissioner. The application shall be signed by the owner of the motorboat
9 and shall be accompanied by an annual fee of \$31.00, or a biennial fee of
10 \$57.00, for a motorboat in class A; by an annual fee of \$49.00, or a biennial
11 fee of \$93.00, for a motorboat in class 1; by an annual fee of \$80.00, or a
12 biennial fee of \$155.00, for a motorboat in class 2; or by an annual fee of
13 \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3. Upon receipt
14 of the application in approved form, the Commissioner shall enter the
15 application upon the records of the Department of Motor Vehicles and issue to
16 the applicant a registration certificate stating the number awarded to the
17 motorboat and the name and address of the owner. The owner shall paint on or
18 attach to each side of the bow of the motorboat the identification number in
19 such manner as may be prescribed by rules of the Commissioner in order that it
20 may be clearly visible. The registration shall be void one year from the first
21 day of the month following the month of issue in the case of annual

1 registrations or void two years from the first day of the month following the
2 month of issue in the case of biennial registrations. A motorboat of less than
3 10 horsepower used as a tender to a registered motorboat shall be deemed
4 registered, at no additional cost, and shall have painted or attached to both
5 sides of the bow the same registration number as the registered motorboat with
6 the number “1” after the number. The number shall be maintained in legible
7 condition. The registration certificate shall be pocket size and shall be
8 available at all times for inspection on the motorboat for which issued,
9 whenever the motorboat is in operation. A duplicate registration may be
10 obtained upon payment of a fee of \$3.00 to the Commissioner. Registration
11 fees shall be allocated in accordance with section 3319 of this title.

12 * * *

13 (d)(1) Registration of a motorboat ends when the owner transfers title to
14 another. The former owner shall immediately return directly to the
15 Commissioner the registration certificate previously assigned to the transferred
16 motorboat with the date of sale and the name and residence of the new owner
17 endorsed on the back of the certificate.

18 (2) When a person transfers the ownership of a registered motorboat to
19 another, files a new application, and pays a fee of \$6.00, ~~he or she~~ the person
20 may have registered in his or her name another motorboat of the same class for
21 the remainder of the registration period without payment of any additional

1 registration fee. However, if the fee for the registration of the motorboat
2 sought to be registered is greater than the registration fee for the transferred
3 motorboat, the applicant shall pay the difference between the fee first paid and
4 the fee for the class motorboat sought to be registered.

5 * * *

6 (k) The application forms that the Commissioner of Motor Vehicles
7 provides for the registration of vessels under subsection (b) of this section shall
8 include a checkbox for an owner to designate a motorboat as a wakeboat. If
9 the owner designates a motorboat a wakeboat, the owner shall designate the
10 home lake of the wakeboat on the application form. The Commissioner of
11 Motor Vehicles annually shall compile the number of motorboats registered as
12 wakeboats and the home lake designations of wakeboats and annually shall
13 submit the compiled information to the Secretary of Natural Resources.

14 Sec. 7. 23 V.S.A. § 3317(b) is amended to read:

15 (b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who
16 violates a requirement under 10 V.S.A. § 1454 or § 1424b shall be subject to
17 enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter,
18 provided that the person shall be assessed a penalty or fine of not more than
19 \$1,000.00 for each violation. A person who violates a rule adopted under 10
20 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or
21 a fine under this chapter, provided that the person shall be assessed a penalty of

1 not more than \$300.00 for each violation. A person who violates any of the
2 following sections of this title shall be subject to a penalty of not more than
3 \$300.00 for each violation:

4 § 3306(e) marine toilet

5 § 3312a operation of personal watercraft

6 **Sec. 8. PUBLIC OUTREACH REGARDING WAKEBOAT USE AND**
7 **DECONTAMINATION**

8 The Agency of Natural Resources and the Department of Motor Vehicles
9 shall provide education and outreach to the public regarding the requirements
10 under 10 V.S.A. § 1424b that a wakeboat shall only operate on a lake
11 authorized for wakeboat use and shall only operate if the lake is designated on
12 the wakeboat's current registration as the wakeboat's homelake or upon proof
13 by the owner or operator of the wakeboat of decontamination of the wakeboat
14 at an Agency of Natural Resource approved decontamination service provider.

15 To fulfill the education and outreach requirements of this section:

16 (1) the Agency of Natural Resources shall post signage regarding the
17 requirements for the operation of wakeboats at all State fishing access areas
18 and other known public points of access to lakes and ponds in the State;

19 (2) the Agency of Natural Resources shall include a notification
20 regarding the requirements for the operation of wakeboats on hunting and
21 fishing license applications on the Agency website or in Department of Fish

1 and Wildlife printed materials made available where hunting and fishing
2 licenses are sold; and

3 (3) the Department of Motor Vehicles shall include a notification
4 regarding the requirements for the operation of wakeboats on the Department
5 website and with materials for the registration of vessels where such materials
6 are available.

7 * * * Fish and Wildlife Access Areas * * *

8 Sec. 9. 10 V.S.A. § 4145 is amended to read:

9 § 4145. ACCESS, LANDING AREA RULES

10 (a) The ~~Board~~ Commissioner may adopt rules, under 3 V.S.A. chapter 25,
11 to regulate the use by the public of access areas, landing areas, parking areas,
12 or of other lands or waters acquired or maintained pursuant to section 4144 of
13 this title. ~~Such~~ The rules shall be posted in the areas affected and shall permit
14 the launching of all vessels that have a Vermont registration certificate
15 required by 23 V.S.A. chapter 29 and the parking of vehicles and boat trailers
16 used by these vessels. The rules shall not preclude the authorization to launch
17 vessels not registered in Vermont. ~~These~~ The rules also shall permit the
18 launching of all nonmotorized vessels not used for commercial purposes and
19 the parking of vehicles and boat trailers used by these vessels.

20 (b) The Commissioner may enter into agreements with owners of land,
21 which shall not involve payment to the landowner, in order to allow public

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

14 (c) The Commissioner shall keep account of funds, including private
15 donations and State appropriations, that are deposited into the Fish and
16 Wildlife Fund for the purpose of building and maintaining access areas and
17 shall annually, on or before January 15, report to the House Committee on
18 Environment, the Senate Committee on Natural Resources and Energy, and the
19 Senate and House Committees on Appropriations; concerning the use of those
20 funds in the past year and plans for use of the funds for the coming year. The

1 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
2 to the report to be made under this subsection.

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

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

11 (2) Any use of an access area by an aquatic nuisance inspection station
12 shall comply with the requirements of 50 C.F.R. Part 80 and the conditions of
13 a permit issued by the Commissioner of Fish and Wildlife. Consistent with the
14 federal regulation, if the aquatic nuisance inspection station interferes with the
15 authorized used of an access area, the aquatic nuisance inspection station shall
16 relocate or modify its activities until the conflict is remediated.

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

1 (A) decontaminate a wakeboat under section 1424b of this title; or

2 (B) inspect a vessel for aquatic nuisance species and drain a vessel

3 under section 1454 of this title.

4 (f) The Commissioner of Fish and Wildlife, in coordination with and the
5 Commissioner of Environmental Conservation, shall collaborate with any local
6 or State entity that proposes to establish, operate, and maintain an aquatic
7 nuisance inspection station or decontamination service provider at any
8 Department of Fish and Wildlife controlled access area.

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

10 § 115. USE OF STATE CONTROLLED FISHING ACCESS AREAS

11 1.0 Authority 1.1 This rule is adopted pursuant to 10 V.S.A. § 4145(a)
12 which authorizes the board to make rules to “regulate the use by the public of
13 access areas, landing areas, parking areas or of other lands or waters acquired
14 or maintained pursuant to 10 V.S.A. § 4144.”

15 1.2 This rule applies to use of ~~state~~ State controlled fishing access areas
16 and to persons, businesses, or entities that use the fishing access areas.

17 2.0 Purpose

18 The purpose of this rule is to:

19 2.1 Ensure current and future uses are orderly, sustainable, and in
20 accordance with ~~state~~ State and federal statutes and guidelines.

1 2.2 Manage conflict between users by clarifying authorized and
2 prohibited activities and ensuring users share in the burdens and benefits of
3 use.

4 2.3 Protect the fishing access areas for statutorily approved uses.

5 3.0 Definitions 3.1 Commercial Activity is any activity or service that
6 produces income to any entity or individual.

7 3.2 Nonprofit Charitable Organization means an entity organized and
8 operated exclusively for exempt purposes set forth in Section 501(c)(3) of the
9 Internal Revenue Code.

10 3.3 Picnicking includes but is not limited to any activity that involves,
11 cooking, grilling, food preparation, and, set-up associated with eating
12 (including setting blankets or table cloths laid on the ground).

13 3.4 Camping includes any activity using a tent, camper, or motor home,
14 any activity involving preparation of an area for sleeping or, any overnight
15 sleeping.

16 3.5 Group use is use actually or potentially involving 10 or more people
17 or two or more vehicles at a time.

18 3.6 Parking is the leaving of motor vehicles or trailers unattended in an
19 access area.

20 3.7 Motor vehicles are all vehicles propelled or drawn by power other
21 than muscle power.

1 3.8 Vessel means motor boats, boats, kayaks, canoes and sail boats.

2 4.0 Authorized Activities

3 The following are authorized activities in order of priority:

4 4.1 Angling, ice fishing and the launching of any vessel to be used for
5 fishing and parking of vehicles and trailers necessary for and contemporaneous
6 with these purposes.

7 4.2 The launching of inboard and outboard motorboats engaging in any
8 activity and parking of vehicles and trailers necessary for and
9 contemporaneous with that purpose.

10 4.3 Trapping, hunting and parking of vehicles and boat trailers
11 necessary for and contemporaneous with that purpose.

12 4.4 Launching of all non-motorized vessels not used for commercial
13 purposes and parking of vehicles and boat trailers necessary for and
14 contemporaneous with that purpose. Users shall launch from the designated
15 non-motorized launch site, when such a site is identified. Authorized
16 nonmotorized vessels include canoes, kayaks, row boats, and standup
17 paddleboards.

18 4.5 ~~ATV's~~ ATVs and snowmobiles when being used solely for the
19 purposes of ice fishing.

20 4.6 Permitted special uses, including the establishment of approved
21 aquatic nuisance inspection stations for boat washing or to decontaminate

1 wakeboats pursuant to 10 V.S.A. § 1424b or inspection of vessels entering
2 lakes pursuant to 10 V.S.A. § 1454, as approved and permitted by the
3 Commissioner.

4 5.0 Prohibited Activities 5.1 Discarding of bottles, glass, cans, paper,
5 junk, litter, food, or any other garbage or trash.

6 5.2 Discarding of dead fish, wildlife or portions thereof.

7 5.3 Washing or cleaning of vehicles and equipment other than for the
8 purpose of removing aquatic plants and organisms.

9 5.4 Washing or cleaning of fish or wildlife.

10 5.5 Camping.

11 5.6 Picnicking.

12 5.7 Making or maintaining fire of any kind.

13 5.8 Water skiing.

14 5.9 Swimming.

15 5.10 Use of snowmobiles and ATVs, except for those being utilized
16 solely for the purpose of ice fishing.

17 5.11 Parking of vehicles and or trailers while the vehicle owner or user
18 is not present at the access area or on the adjacent public waters except as
19 otherwise permitted by the Commissioner.

20 5.12 Storage of vehicles and or trailers or placing of vehicles or trailers
21 for sale.

1 5.13 Withdrawal of water except as authorized under paragraph 6.0.

2 5.14 Parking in excess of 72 consecutive hours except that the
3 Commissioner may issue permits for longer parking when the Commissioner
4 determines that there will be no adverse impact on authorized uses found in 4.0
5 above.

6 5.15 Commercial activity except as authorized by paragraph 7.0 below.

7 5.16 Activity that interferes with a priority use, such as, but not limited
8 to the mooring or beaching of boats, using the ramp to rig a boat or boats thus
9 obstructing use of the ramp, and the storing of boats or trailers at an access
10 area.

11 5.17 Group use not specifically authorized by the Commissioner.

12 5.18 Launching and recovery of ~~sailboards~~, rafts, snow kites, and the
13 parking of vehicles and trailers supporting these activities.

14 5.19 All other activity that is not specifically permitted by this rule
15 unless specifically authorized by the Commissioner.

16 6.0 Authorized Users.

17 6.1 Any person who is engaged in any authorized activity.

18 6.2 Any group that has received approval for group use in accordance
19 with this rule.

20 6.3 Fire departments that have executed a Memorandum Of Agreement
21 (MOA) with the Commissioner for the installation and use of a dry hydrant.

1 And then, only in accordance with their MOA. Fire departments may also use
2 Access Areas without dry hydrants as emergency water sources to fight fires
3 and will notify the local warden as soon as practicably possible.

4 6.4 Individuals participating in a fishing tournament permitted under
5 10 V.S.A. § 4613.

6 7.0 Limited Commercial Activity 7.1 Commercial activity at fishing
7 access areas is limited to entities and persons taking part in activities
8 authorized by 4.1, 4.2 and 4.3 above.

9 8.0 Special Permits 8.1 The Commissioner may authorize special permits
10 for entities or persons to use an access area for group use when the
11 Commissioner determines that there will be no adverse impact on authorized
12 priority uses.

13 8.2 The Commissioner may authorize the use of access areas by an
14 educational institution or a nonprofit charitable organization conducting a
15 fundraising event of limited duration, provided that the event will not conflict
16 with a priority use of the access area.

17 8.3 Special permits shall not be issued and may be revoked immediately
18 for activities that substantially interfere with authorized uses.

19 8.4 Permit fees shall be in accordance with the schedule of fees
20 established under 10 V.S.A. § 4132(e).

21 9.0 Speed Limit

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

8 (c) The Commissioner shall adopt rules that establish the procedure for
9 implementation of this section. The rules shall include a provision that an
10 angler may not enter a fish that was caught and confined to an enclosed area
11 prior to the beginning of the tournament.

12 (d)(1) The Commissioner shall charge a fee based on the number of
13 participants for each permit issued under this section and shall deposit the fee
14 collected into the Fish and Wildlife Fund. Tournaments with up to 25
15 participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants
16 shall pay a fee of \$30.00; and tournaments with more than 50 participants shall
17 pay a fee of \$100.00.

18 (2) If the Commissioner under subsection (a) of this section approves a
19 fishing tournament on a water of the State that serves as a public drinking
20 water source for a municipality, the Commissioner shall require the applicant
21 for the tournament to reimburse the municipality for the costs the municipality

1 incurs in ensuring that the drinking water source is not contaminated if the
2 municipality owns or controls all of the land surrounding the water.

3 (e) Applications to hold a fishing tournament on the waters of the State
4 shall be submitted on a form issued by the Commissioner. The form shall
5 require the applicant to identify an access point to waters for participants in the
6 tournament and, if the access point is on a private right-of-way, whether the
7 applicant has secured permission to use the right-of-way for the proposed
8 tournament.

9 * * * Effective Dates * * *

10 Sec. 12. EFFECTIVE DATES

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

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20 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE