

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; Use of Waters; 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           (23) “Wakeboat” means a motorboat that has one or more ballast tanks,  
2           ballast bags, or other devices or design features used to increase the size of the  
3           motorboat’s wake.

4           (24) “Wakesports” means:

5           (A) to operate a wakeboat with ballast tanks, bags, or other devices or  
6           design features engaged to increase the size of the wakeboat’s wake; or

7           (B) to use a surfboard, wakeboard, hydrofoil, or similar device to ride  
8           on or in the wake:

9           (i) directly behind a wakeboat without a rope; or

10           (ii) directly behind a wakeboat with or without a rope, when the  
11           wakeboat has ballast tanks, bags, or other devices or design features engaged  
12           as specified in the Department of Environmental Conservation’s Vermont Use  
13           of Public Waters Rules.

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

15           § 1424b. WAKESPORTS; USE OF WATERS

16           (a) A person shall engage in wakesports only on a lake authorized by the  
17           Agency under the Department of Environmental Conservation’s Vermont Use  
18           of Public Waters Rules and only in that area of the lake identified for use for  
19           wakesports.

20           (b)(1) ~~Prior to a wakeboat entering a lake in the State, the owners or and~~  
21           ~~operators of the wakeboats and other ballasted vessels shall clean and follow~~

1 ~~inspections and decontamination requirements the wakeboat as required under~~  
2 ~~the Department of Environmental Conservation's Vermont Use of Public~~  
3 ~~Waters Rules and in accordance with § 1454 of this statute.~~

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4 ~~(2) The Secretary shall issue guidance for private entities,~~  
5 ~~municipalities, and lake associations regarding the appropriate siting and~~  
6 ~~operation of aquatic nuisance inspection stations, including how to conduct the~~  
7 ~~cleaning and decontamination of vessels required under this chapter, chapter~~  
8 ~~50 of this title, or rule.~~

Commented [JM1]: This is redundant and possibly conflicting with language in 1461; suggest the committee review language in 1461 and make revisions there, if needed

9 (3) The Secretary shall assess locations in the State where aquatic  
10 nuisance inspection stations would best be sited to provide the ~~cleaning~~  
11 ~~inspection~~ and decontamination of vessels required under this chapter, chapter  
12 50 of this title, or rule. Once locations are identified, the Secretary shall  
13 attempt to identify private entities, municipalities, or lake associations in  
14 proximity to the identified locations in order to encourage operation of aquatic  
15 nuisance inspection stations that can conduct the cleaning and contamination  
16 of vessels required under this chapter, chapter 50 of this title, or rule.

Commented [JM2]: We understand the intent here, but unsure of the effectiveness as a regulation and possible redundancy/conflict with 1458 of this title.

17 (c) A person staffing an aquatic nuisance species inspection station is  
18 authorized to inform a person who owns or controls a ~~wakeboat vessel what~~  
19 ~~and where particular uses whether and where wakesports~~ are authorized on a  
20 ~~lakewaterbody as determined by the Secretary and consistent with training~~  
21 ~~provided under chapter 50. Information provided by a person staffing an~~

1 aquatic nuisance species inspection station shall not be considered an exercise  
2 of law enforcement authority.

3 (d) Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought  
4 in the Judicial Bureau by any law enforcement officer, as that term is defined  
5 in 23 V.S.A. § 3302(3), or, pursuant to section 8007 or 8008 of this title, a  
6 violation of this section may be brought in the Environmental Division of the  
7 Superior Court. If a violation of this section is adjudicated in the Judicial  
8 Bureau or the Environmental Division, the violation shall not be addressed or  
9 adjudicated a second time in the other court.

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

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

12 \* \* \*

13 (19) Violations of 10 V.S.A. § 1424b or rules adopted under 10 V.S.A.  
14 § 1424, relating to the use of public waters.

15 \* \* \*

16 Sec. 4. 10 V.S.A. § 1453 is amended to read:

17 § 1453. AQUATIC NUISANCE CONTROL PROGRAM

18 (a) The Agency of Natural Resources shall establish and maintain an  
19 aquatic nuisance control program.

20 (b) The aquatic nuisance control program shall perform the following  
21 services:

- 1 (1) receive and respond to aquatic nuisance complaints;
- 2 (2) work with municipalities, local interest organizations, private  
3 individuals, and agencies of the state to develop long-range programs  
4 regarding aquatic nuisance controls;
- 5 (3) work with federal, state, and local governments to obtain funding for  
6 aquatic nuisance control programs;
- 7 (4) implement an aquatic species rapid response program under this  
8 chapter;
- 9 (5) administer a grant-in-aid program under section 1458 of this title;
- 10 (6) place a sign at least two feet by two feet in size that states that the  
11 water is infected with an aquatic nuisance and that a person transporting the  
12 nuisance in violation of section 1454 of this title may be subject to a penalty of  
13 up to \$1,000.00 pursuant to 23 V.S.A. § 3317, so that the sign is easily visible  
14 from a ramp used to launch vessels at any fish and wildlife access area on a  
15 body of water infected with an aquatic nuisance;
- 16 (7) include on any signage posted under this section the requirements  
17 under statute or rule for the cleaning inspection and decontamination of  
18 vessels; and
- 19 ~~(7)~~(8) provide the Commissioner of Fish and Wildlife and the  
20 Commissioner of Motor Vehicles with written educational information about  
21 aquatic nuisances that can be included in an envelope containing a boat

1 registration and in a Department of Fish and Wildlife publication pertaining to  
2 fishing and boating.

3 Sec. 5. 10 V.S.A. § 1454(d) is amended to read:

4 (d) Draining of vessel; transport.

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

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

12 (ii) vehicles and trailers specifically designed and used for water  
13 hauling.

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

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

1 trailer, and other equipment, except for vehicles and trailers specifically  
2 designed and used for water hauling and emergency response vehicles and  
3 equipment.

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

5 § 3305. FEES; REGISTRATION

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

10 (b) Annually or biennially, the owner of each motorboat required to be  
11 registered by this State shall file an application for a number with the  
12 Commissioner of Motor Vehicles on forms approved by ~~him or her~~ the  
13 Commissioner. The application shall be signed by the owner of the motorboat  
14 and shall be accompanied by an annual fee of \$31.00, or a biennial fee of  
15 \$57.00, for a motorboat in class A; by an annual fee of \$49.00, or a biennial  
16 fee of \$93.00, for a motorboat in class 1; by an annual fee of \$80.00, or a  
17 biennial fee of \$155.00, for a motorboat in class 2; or by an annual fee of  
18 \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3. Upon receipt  
19 of the application in approved form, the Commissioner shall enter the  
20 application upon the records of the Department of Motor Vehicles and issue to  
21 the applicant a registration certificate stating the number awarded to the

1 motorboat and the name and address of the owner. The owner shall paint on or  
2 attach to each side of the bow of the motorboat the identification number in  
3 such manner as may be prescribed by rules of the Commissioner in order that it  
4 may be clearly visible. The registration shall be void one year from the first  
5 day of the month following the month of issue in the case of annual  
6 registrations or void two years from the first day of the month following the  
7 month of issue in the case of biennial registrations. A motorboat of less than  
8 10 horsepower used as a tender to a registered motorboat shall be deemed  
9 registered, at no additional cost, and shall have painted or attached to both  
10 sides of the bow the same registration number as the registered motorboat with  
11 the number “1” after the number. The number shall be maintained in legible  
12 condition. The registration certificate shall be pocket size and shall be  
13 available at all times for inspection on the motorboat for which issued,  
14 whenever the motorboat is in operation. A duplicate registration may be  
15 obtained upon payment of a fee of \$3.00 to the Commissioner. Registration  
16 fees shall be allocated in accordance with section 3319 of this title.

17 \* \* \*

18 (d)(1) Registration of a motorboat ends when the owner transfers title to  
19 another. The former owner shall immediately return directly to the  
20 Commissioner the registration certificate previously assigned to the transferred

1 motorboat with the date of sale and the name and residence of the new owner  
2 endorsed on the back of the certificate.

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

11 \* \* \*

12 (k)(1) The application forms that the Commissioner of Motor Vehicles  
13 provides for the registration of vessels under subsection (b) of this section shall  
14 include a checkbox for an owner to designate a motorboat as a wakeboat or  
15 other ballasted vessel.

16 (2) If the owner designates a motorboat a wakeboat or other ballasted  
17 vessel, the owner shall designate the home lake of the ~~wakeboat vessel~~ on the  
18 application form.

19 (3) The Commissioner of Motor Vehicles annually shall compile the  
20 number of motorboats registered as wakeboats or other ballasted vessels and

**Commented [JM3]:** We do not believe the designation of a "home lake" is necessary

1 the home lake designations of ~~wakeboats~~ those vessels and annually shall  
2 submit the compiled information to the Secretary of Natural Resources.

3 (4) As used in this subsection:

4 (A) “Home lake” means the lake where a vessel is intended to be  
5 operated for the majority of the term of the vessel’s registration.

6 (B) “Wakeboat” has the same meaning as in 10 V.S.A. § 1422(23).

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

8 (b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who  
9 violates a requirement under 10 V.S.A. § 1454 or § 1424b shall be subject to  
10 enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter,  
11 provided that the person shall be assessed a penalty or fine of not more than  
12 \$1,000.00 for each violation. A person who violates a rule adopted under 10  
13 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or  
14 a fine under this chapter, provided that the person shall be assessed a penalty of  
15 not more than \$300.00 for each violation. A person who violates any of the  
16 following sections of this title shall be subject to a penalty of not more than  
17 \$300.00 for each violation:

18 § 3306(e) marine toilet

19 § 3312a operation of personal watercraft

20 Sec. 8. PUBLIC OUTREACH REGARDING WAKEBOAT USE AND

21 DECONTAMINATION

**Commented [JM4]:** This definition seems vague with words like “intended” and “majority” and not may not result in meaningful information.

1        The Agency of Natural Resources and the Department of Motor Vehicles  
2        shall provide education and outreach to the public regarding the requirements  
3        under 10 V.S.A. § 1424b that wakesports shall only be conducted on a lake  
4        where wakesports is authorized and that wakeboats may require  
5        decontamination according to the Department of Environmental  
6        Conservation’s Vermont Use of Public Waters Rules prior to entry to a lake.

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

8            (1) when the Agency of Natural Resources is posting signage or  
9            replacing signage at a State fishing access area or other known public point of  
10           access to a lake or pond in the State, the Agency shall include information on  
11           the signage regarding the requirements for conducting wakesports on the lake  
12           and for the cleaning-inspection and decontamination of vessels;

13           (2) the Agency of Natural Resources shall include a notification  
14           regarding the requirements for conducting wakesports on lakes in the State and  
15           for the cleaning-inspection and decontamination of vessels on hunting and  
16           fishing license applications on the Agency website or in Department of Fish  
17           and Wildlife printed materials made available where hunting and fishing  
18           licenses are sold; and

19           (3) the Department of Motor Vehicles shall include a notification  
20           regarding the requirements for conducting wakesports in lakes in the State and  
21           for the cleaning-inspection and decontamination of vessels on the Department

1 website and with materials for the registration of vessels where such materials  
2 are available.

3 \* \* \* Fish and Wildlife Access Areas \* \* \*

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

5 § 4145. ACCESS, LANDING AREA RULES

6 (a) The ~~Board~~ Commissioner may adopt rules, under 3 V.S.A. chapter 25,  
7 to regulate the use by the public of access areas, landing areas, parking areas,  
8 or of other lands or waters acquired or maintained pursuant to section 4144 of  
9 this title. ~~Such~~ The rules shall be posted in the areas affected and shall permit  
10 the launching of all vessels that have a Vermont registration certificate  
11 required by 23 V.S.A. chapter 29 and the parking of vehicles and boat trailers  
12 used by these vessels. The rules shall not preclude the authorization to launch  
13 vessels not registered in Vermont, provided that the vessel complies with the  
14 requirements of section 1454 of this title regarding the control of aquatic  
15 nuisance species and section 1424b of this title regarding the conduct of  
16 wakesports on lakes and the ~~cleaning-inspection~~ and decontamination of  
17 vessels. ~~These~~ The rules also shall permit the launching of all nonmotorized  
18 vessels not used for commercial purposes and the parking of vehicles and boat  
19 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~~ Commissioner of Fish and Wildlife shall allow the  
4 Commissioner of Environmental Conservation to post aquatic nuisance signs  
5 in access areas pursuant to ~~subdivision~~ subdivisions 1453(b)(6) and (7) of this  
6 title.

7 (e)(1) Upon issuance of a permit by the Commissioner of Fish and  
8 Wildlife, a fishing access area may be used by an approved aquatic nuisance  
9 inspection station in order to allow for the implementation of the requirements  
10 of section 1454 of this title regarding the inspection of vessels entering lakes  
11 and the removal and proper disposal of aquatic nuisance species from vessels.

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

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

1 ~~(A) requirements under Department rule for the cleaning and~~  
2 ~~decontamination of a vessel; or~~

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3 ~~(B) requirement to drain, inspect and decontaminate~~ a vessel for aquatic  
4 ~~nuisance species and drain a vessel spread prevention~~ under section 1454 of this  
5 ~~title and Department rule.~~

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

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

12 § 115. USE OF STATE CONTROLLED FISHING ACCESS AREAS

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

17 1.2 This rule applies to use of ~~state~~ State controlled fishing access areas  
18 and to persons, businesses, or entities that use the fishing access areas.

19 2.0 Purpose

20 The purpose of this rule is to:

1           2.1 Ensure current and future uses are orderly, sustainable, and in  
2 accordance with ~~state~~ State and federal statutes and guidelines.

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

6           2.3 Protect the fishing access areas for statutorily approved uses.

7           3.0 Definitions 3.1 Commercial Activity is any activity or service that  
8 produces income to any entity or individual.

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

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

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

18           3.5 Group use is use actually or potentially involving 10 or more people  
19 or two or more vehicles at a time.

20           3.6 Parking is the leaving of motor vehicles or trailers unattended in an  
21 access area.

1           3.7 Motor vehicles are all vehicles propelled or drawn by power other  
2 than muscle power.

3           3.8 Vessel means motor boats, boats, kayaks, canoes and sail boats.

4           4.0 Authorized Activities

5           The following are authorized activities in order of priority:

6           4.1 Angling, ice fishing and the launching of any vessel to be used for  
7 fishing and parking of vehicles and trailers necessary for and contemporaneous  
8 with these purposes. Activities allowed under this subdivision include access  
9 by ATVs and snowmobiles when being used solely for the purposes of ice  
10 fishing.

11          4.2 The launching of inboard and outboard motorboats engaging in any  
12 activity and parking of vehicles and trailers necessary for and  
13 contemporaneous with that purpose.

14          4.3 Trapping, hunting and parking of vehicles and boat trailers  
15 necessary for and contemporaneous with that purpose.

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

1           4.5 ~~ATV's and snowmobiles when being used solely for the purposes of~~  
2 ~~ice fishing.~~

3           4.6 Permitted special uses, including the establishment of approved  
4 aquatic nuisance species inspection stations for ~~cleaning or inspection or~~  
5 ~~decontamination of vessels entering lakes-waterbodies pursuant to 10 V.S.A.~~  
6 ~~§ 1454, as approved and permitted by the Commissioner.~~

7           5.0 Prohibited Activities 5.1 Discarding of bottles, glass, cans, paper,  
8 junk, litter, food, or any other garbage or trash.

9           5.2 Discarding of dead fish, wildlife or portions thereof.

10          5.3 Washing or cleaning of vehicles and equipment other than for the  
11 purpose of removing aquatic plants and organisms.

12          5.4 Washing or cleaning of fish or wildlife.

13          5.5 Camping.

14          5.6 Picnicking.

15          5.7 Making or maintaining fire of any kind.

16          5.8 Water skiing.

17          5.9 Swimming.

18          5.10 Use of snowmobiles and ATVs, except for those being utilized  
19 solely for the purpose of ice fishing.

1           5.11 Parking of vehicles and or trailers while the vehicle owner or user  
2 is not present at the access area or on the adjacent public waters except as  
3 otherwise permitted by the Commissioner.

4           5.12 Storage of vehicles and or trailers or placing of vehicles or trailers  
5 for sale.

6           5.13 Withdrawal of water except as authorized under paragraph 6.0.

7           5.14 Parking in excess of 72 consecutive hours except that the  
8 Commissioner may issue permits for longer parking when the Commissioner  
9 determines that there will be no adverse impact on authorized uses found in 4.0  
10 above.

11          5.15 Commercial activity except as authorized by paragraph 7.0 below.

12          5.16 Activity that interferes with a priority use, such as, but not limited  
13 to the mooring or beaching of boats, using the ramp to rig a boat or boats thus  
14 obstructing use of the ramp, and the storing of boats or trailers at an access  
15 area.

16          5.17 Group use not specifically authorized by the Commissioner.

17          5.18 Launching and recovery of ~~sailboards~~, rafts, snow kites, and the  
18 parking of vehicles and trailers supporting these activities.

19          5.19 All other activity that is not specifically permitted by this rule  
20 unless specifically authorized by the Commissioner.

21          6.0 Authorized Users.

1           6.1 Any person who is engaged in any authorized activity.

2           6.2 Any group that has received approval for group use in accordance  
3 with this rule.

4           6.3 Fire departments that have executed a Memorandum Of Agreement  
5 (MOA) with the Commissioner for the installation and use of a dry hydrant.  
6 And then, only in accordance with their MOA. Fire departments may also use  
7 Access Areas without dry hydrants as emergency water sources to fight fires  
8 and will notify the local warden as soon as practicably possible.

9           6.4 Individuals participating in a fishing tournament permitted under  
10 10 V.S.A. § 4613.

11           7.0 Limited Commercial Activity 7.1 Commercial activity at fishing  
12 access areas is limited to entities and persons taking part in activities  
13 authorized by 4.1, 4.2 and 4.3 above.

14           8.0 Special Permits 8.1 The Commissioner may authorize special permits  
15 for entities or persons to use an access area for group use when the  
16 Commissioner determines that there will be no adverse impact on authorized  
17 priority uses.

18           8.2 The Commissioner may authorize the use of access areas by an  
19 educational institution or a nonprofit charitable organization conducting a  
20 fundraising event of limited duration, provided that the event will not conflict  
21 with a priority use of the access area.

1           8.3 Special permits shall not be issued and may be revoked immediately  
2 for activities that substantially interfere with authorized uses.

3           8.4 Permit fees shall be in accordance with the schedule of fees  
4 established under 10 V.S.A. § 4132(e).

5           9.0 Speed Limit

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

7                           \* \* \* Fishing Tournaments \* \* \*

8           Sec. 11. 10 V.S.A. § 4613 is amended to read:

9           § 4613. **FISHING TOURNAMENTS**

10           (a)(1) No person or organization shall hold a fishing tournament on the  
11 waters of the State without first obtaining a permit from the Department of  
12 Fish and Wildlife. Applications for a permit to hold a fishing tournament on  
13 the waters of the State shall be submitted on a form issued by the  
14 Commissioner.

15           (2)(A) The Department shall require an applicant for a permit for a  
16 fishing tournament proposed to be held on fewer than five inland lakes to  
17 affirm on the application form that the legislative body of the municipality or  
18 municipalities in which the tournament is proposed has been notified of the  
19 tournament by the tournament organizer. Notice may be provided to the  
20 legislative body of a municipality by regular mail or email. The Department is  
21 authorized to verify that an applicant for a permit for a fishing tournament

**Commented [JM5]:** As these permitting provisions have now been expanded to all inland lakes, as opposed to the 11 that serve as a source for a public water system, the level of effort required to implement these provisions has increased exponentially. The Agency cannot support this section absent additional resources for its implementation.

1 proposed to be held on fewer than five inland lakes notified the legislative  
2 body of the municipality or municipalities where the tournament is proposed.

3 (B) If an applicant for a fishing tournament permit proposes to hold  
4 the tournament on five or more inland lakes, the Department of Fish and  
5 Wildlife shall post notice of the tournament on the Department’s website.

6 (C) Tournaments held on the Connecticut River, excluding Moore  
7 and Comerford Reservoirs, that do not utilize an access area in Vermont are  
8 not required to obtain a permit from the Department of Fish and Wildlife.

9 (3) If an application for a fishing tournament permit under this section  
10 proposes a fishing tournament on an inland lake that serves as a source for a  
11 public water system permitted under section 1675 of this title, tThe  
12 Department of Fish and Wildlife shall consult with the Drinking Water and  
13 Groundwater Division of the Department of Environmental Conservation prior  
14 to issuance of a permit for the tournament. The Drinking Water and  
15 Groundwater Division may require to develop standard conditions for any  
16 fishing tournament permit issued for an inland lake that serves as a source for a  
17 public water system to include conditions, requirements, limits, or prohibitions  
18 on use of the inland lake.

19 (4) As used in this section, “inland lake” means all natural inland lakes,  
20 ponds, flowages, and reservoirs within the territorial limits of Vermont,  
21 including the impoundments of the Connecticut River within the territorial

**Commented [JM6]:** Many Vermont Lake are in multiple towns, for example Lake Iroquois is contained in 4 different towns. Meaning that 4 different municipalities would need to be contacted for a single tournament. Currently the Tournament Permitting process has an online searchable interface which allows anyone or any municipality to search for issued permits. These are posted within hours of the permit being issued. Which means any municipality can easily review this database to identify any scheduled tournament. Additionally for the Department to “verify” that the applicant would require a significant investment of Staff time. The current permit fee structure and allocated staff time would not cover the verification.

**Commented [JM7]:** Would prefer an approach that allows DEC and FWD to work together to develop standard conditions.

1 limits of Vermont upstream to the first barrier to navigation. “Inland lake”

2 does not mean Lake Champlain, Lake Memphremagog, or Wallace Pond.

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

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

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

20 (2) If the Commissioner under subsection (a) of this section approves a

21 fishing tournament on an inland lake that serves as a public drinking water

**Commented [JM8]:** The inclusion of Connecticut River Impoundments in this definition is concerning as over half the impoundments are outside of Vermont territory. We suggest the Connecticut River Impoundments are included with Lake Champlain, Lake Memphremagog and Wallace Pond list.

1 source for a municipality, the applicant for the tournament shall reimburse the  
2 municipality for the costs incurred by the municipality to monitor the holding  
3 of the tournament to ensure compliance with conditions on the use of the water  
4 or with conditions of the fishing tournament permit.

5 \* \* \* Implementation \* \* \*

6 Sec. 12. IMPLEMENTATION; WAKEBOAT REGISTRATION

7 (a) The Commissioner of Motor Vehicles shall provide for the designation  
8 of motorboats as wakeboats or other ballasted vessels and the designation of a  
9 home lake for a wakeboat or other ballasted vessels under 23 V.S.A. § 3305(k)  
10 beginning on January 1, 2028.

11 (b) The Commissioner of Motor Vehicles shall initiate annual submission  
12 of compiled information regarding wakeboats or other ballasted vessels to the  
13 Secretary of Natural Resources under 23 V.S.A. § 3305(k) beginning on  
14 January 1, 2029.

15 \* \* \* Effective Dates \* \* \*

16 Sec. 13. EFFECTIVE DATES

17 This act shall take effect on passage, except that Sec. 2 (wakesports;  
18 ballasted vessels; use of waters) shall take effect January 1, 2027.

**Commented [JM9]:** Appreciating the effort to address our concerns, this revised language remains problematic. There are multiple Vermont Lakes that serve as public drinking water source which actually have F&W access areas and individuals can fish and launch boats at any time. Examples from my 2007 drinking water list: Derby Pond (207 acres), Holland Pond (325 acres), May Pond (85 acres) and others. It would be impossible to link an applicant of a fish tournament to costs or compliance conditions on a waterbody which has general public access. Further, many of these lakes have held tournaments for decades with no negative affect could incur future cost.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE