

**Administrative Procedures – Final Proposed Rule Coversheet****Instructions:**

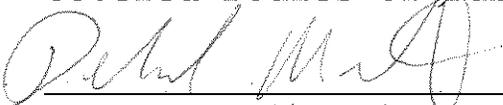
In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Rule Title: Rules for Use of All-Terrain Vehicles on Ice-Covered Bodies of Public Water**

 \_\_\_\_\_, on 8-31-16 \_\_\_\_\_  
 (signature) (date)

Printed Name and Title:

Deb Markowitz, Secretary  
 Agency of Natural Resources

RECEIVED BY: \_\_\_\_\_

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- Clean text of the rule (Amended text without annotation)
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- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Rules for Use of All-Terrain Vehicles On Ice-Covered Bodies of Public Water

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

16P-023

3. ADOPTING AGENCY:

Agency of Natural Resources

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Perry Thomas

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Main 2,  
Montpelier, VT 05620-3522

Telephone: 802 490 - 6798 Fax: 802 828 - 1544

E-Mail: perry.thomas@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://dec.vermont.gov/watershed/laws>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Elizabeth Schilling

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Davis 2,  
Montpelier, VT 05620-3522

Telephone: 802 490 - 6102 Fax: 802 828 - 1544

E-Mail: elizabeth.schilling@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

23 V.S.A. § 3506(b)(4)

8. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.
9. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
10. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
11. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
12. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
13. **CONCISE SUMMARY (150 WORDS OR LESS):**

The purpose of this Rule is to add Berlin Pond to the list of designated bodies of public water on which the operation of all-terrain vehicles (ATVs) is prohibited. The Rule also contains minor formatting and stylistic updates.
14. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

This proposed Rule minimizes the risks of petroleum contamination of Berlin Pond from ATVs. Berlin Pond is the City of Montpelier's source of public water supply and a source of public water supply for certain areas and facilities in the Town of Berlin.
15. **LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Vermont Agency of Natural Resources personnel, ATV organizations and associations, individual ATV enthusiasts, ice angler organizations and associations, and individual ice fishing enthusiasts.
16. **BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):**

Prohibiting ATVs from Berlin Pond may reduce the presence of ice fishing on the Pond due to the convenience of using ATVs to transport ice shanties onto the ice. However,

there are several kinds of ice shanties and it is not always necessary for ice anglers to drive on the ice to install these temporary structures. Therefore, the economic impact of this Rule is anticipated to be very small.

17. A HEARING WAS HELD.

18. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 7/28/2016

Time: 07:00 PM

Street Address: Berlin Elementary School, 372 Paine Turnpike N, Berlin, VT

Zip Code: 05602

Date:

Time: AM

Street Address:

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19. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

8/5/2016

20. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

ATV

All-Terrain Vehicles

Berlin Pond

Petroleum

Ice Fishing