

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: Vermont Use of Public Waters Rules

 _____, 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:

Vermont Use of Public Waters Rules

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

16P-021

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 - 6198 Fax: 802 828 - 1544

E-Mail:

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 05620-3802

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).

10 V.S.A. § 1424

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 current Rules governing Berlin Pond indicate that "Use of internal combustion motors is prohibited." However, the Rule refers specifically to internal combustion motors related to boats. The purpose of this amended rule is to prohibit the use of all internal combustion motors, including tools powered by internal combustion, on Berlin Pond.

Additionally, the Vermont Use of Public Waters Rules have not been updated since they were transferred from the Natural Resources Board to the Agency of Natural Resources in 2012 pursuant to Act 138. Therefore, the Rule contains updated references to the Agency of Natural Resources, where appropriate. The Rule also includes 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 tools, such as power ice augers. 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, ice fishing enthusiasts, ice angler organizations and associations, individual snowmobile enthusiasts, snowmobile organizations and associations, individual ATV enthusiasts, and ATV organizations and associations.

16. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

Prohibiting the use of all internal combustion motors may reduce the number of ice fishing enthusiasts on Berlin Pond. However, there are hand powered ice augers. 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:

Zip Code:

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

08/05/2016

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

Internal Combustion Motors

Ice Augers

Berlin Pond

Ice Fishing

Petroleum