

AID # 14335-4
(to be billed for
publication costs)

SOS# _____
(Do not complete)

PROPOSED RULE: COVER SHEET

NOTE: File this form and its attachments with the Secretary of State. You must file an economic impact statement, adopting page, the text of the proposed rule, and an annotated text showing changes from existing rules with this cover sheet. You must also file an incorporation by reference statement if applicable.

Please complete the following:

1. **Title or subject of proposed rule:** *Vermont Use of Public Waters Rules - 2001 Proposed Amendments*

2. **Agency:** *Water Resources Board*

3. **Concise summary explaining the effect of the rule (150 words or less):**

As requested in separate petitions the Board is proposing the following rules for the specific body of water indicated:

a. **Caspian Lake, Town of Greensboro** - *Petition to prohibit the use of personal watercraft or any other Class A vessel which uses an inboard engine powering a water jet pump as its primary source of motive power.*

b. **Lake Lamoille, Town of Morristown** - *Petition for the adoption of a rule to establish a five mile per hour speed limit.*

4. **Statutory authority for this rule:** *10 V.S.A. § 1424*

5. **Explanation of why this rule is necessary:**

Section 1424 of 10 V.S.A. requires the Water Resources Board to hold a public hearing to consider the adoption of the rules requested by petition. Once the Board has the benefit of public comment on the requested rules, it will determine whether the requested rules are necessary or appropriate.

6. **List of people, enterprise and government entities affected by this rule:**

Those potentially affected by the proposed rules include persons who use the affected bodies of water for recreational or other purposes, riparian property owners and businesses dependent on recreational uses of the affected bodies of waters, the municipalities in which the affected waters are located, the Vermont Department of Public Safety and the Vermont Agency of the Natural Resources.

Proposed Rules: Cover Sheet

Water Resources Board - Vermont Use of Public Waters Rules - 2001 Proposed Amendment

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7. Brief summary of economic impact of this rule:

With regard to the requested rules, the petitioners assert that the economic impact to the general public of the requested rules are not significant and in some cases may be beneficial.

8. Name, address and phone number of agency contact person for this rule:

*William A. Bartlett, Executive Officer
Vermont Water Resources Board
National Life Records Center Building
Drawer 20
Montpelier, Vermont 05620-3201
Telephone (802) 828-3355*

9. Date, time and place of scheduled hearing, if any (no sooner than 10 days following second publication):

Public hearings in Greensboro and Morrisville will be scheduled when the proposed rules are filed with the Secretary of State.

10. Deadline for public comments (no earlier than 7 days after scheduled hearing):

The deadline for written comments will be at least seven days after the last public hearing.

Note to Rulemakers: Please remain alert to the special needs of persons who may need assistance in attending any public hearing or understanding your proposed rule. Scheduled your hearing in a wheelchair-accessible location. Make special arrangements if requested to do so by persons who are visually impaired or hearing impaired, or who cannot read, so that no interested person will be denied a full opportunity to review and comment on your proposal.

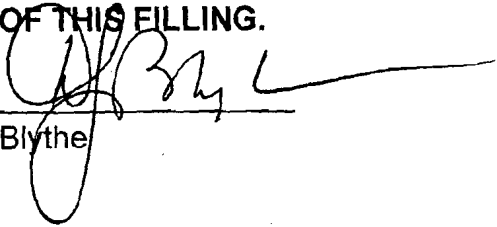
Proposed Rules: Cover Sheet

Water Resources Board - Vermont Use of Public Waters Rules - 2001 Proposed Amendment

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CERTIFICATION: AS THE ADOPTING AUTHORITY (See 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I APPROVE THE CONTENTS OF THIS FILLING.

Date: 8/15/01



David J. Blythe
Chair

ECONOMIC IMPACT STATEMENT

NOTE: In completing the economic impact statement, an agency analyzes the anticipated costs and benefits to be expected from adoption of the rule. Where this form is insufficient for your purposes, please use additional sheets.

Please complete the following:

1. **Title or subject of rule:** *Vermont Use of Public Waters Rules - 2001 Proposed Amendments*
2. **Agency:** *Water Resources Board*
3. **Please list categories of people, enterprises and government entities potentially affected by this rule and estimate for each the costs and benefits anticipated. If applicable, include small businesses, and complete items 4 and 5 on the back side of this sheet as well. Please be as specific as possible, giving full information on your assumptions, data base, and attempts to gather other information on the nature of the costs and benefits involved. Costs and benefits can include any tangible or intangible entities or forces which will make an impact on like without this rule.**

Those potentially affected by the proposed rules include persons who use the affected bodies of water for recreational or other purposes, riparian property owners and businesses dependent on recreational uses of the affected bodies of water, the municipalities in which the affected waters are located, the Vermont Department of Public Safety and the Vermont Agency of Natural Resources.

With regard to the requested rules, the petitioners assert that the economic impact to the general public of the requested rules are not significant and in some cases may be beneficial.

4. **Please compare the economic impact of the rule with the economic impact of other alternatives to the rule, including no rule on the subject or a rule having separate requirements for small business.**

Once the Board has the benefit of public comment on the proposed rule, it will evaluate all available information in order to determine its own view of the economic impact of alternatives.

5. **Flexibility statement:** Please compare the burden imposed on small business by compliance with the rule to the burden which would be imposed by alternatives consider in 3 V.S.A. Section 832a.

Economic Impact Statement

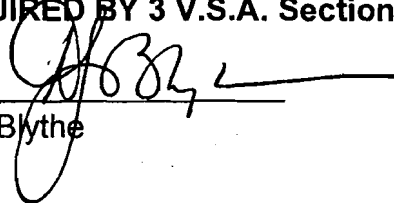
Water Resources Board - Rules regulating the use of the public waters - 2001

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The Water Resources Board is not aware of any significant burdens the requested rules would place on small businesses, but will evaluate any such burdens identified during the public comment process.

CERTIFICATION: AS THE ADOPTING AUTHORITY (See 3 V.S.A. Section 801(b)(11) for definition) OF THIS RULE, I CONCLUDE THAT THIS RULE IS THE MOST APPROPRIATE METHOD OF ACHIEVING THE REGULATORY PURPOSE. IN SUPPORT OF THIS CONCLUSION, I HAVE ATTACHED ALL FINDINGS REQUIRED BY 3 V.S.A. Section 832a.

DATE: 5/15/01



David J. Blythe
Chair

ADOPTING PAGE

NOTE: This form must be filed three times during the rulemaking process, via., with the Proposed Rules Cover Sheet, Final Proposal Cover Sheet, and Adopted Rule Cover Sheet.

Please complete the following:

1. **Title or subject of rule:** *Vermont Use of Public Water Rules - 2001 Proposed Amendment*

2. **Agency:** *Vermont Water Resources Board*

3. **Agency's reference number, if any:**

Caspian Lake, Town of Greensboro, UPW-01-01

Lake Lamoille, Town of Morristown, UPW-01-02

4. This is a new rule an amendment of an existing rule a repeal of an existing rule.

Except for new rules, please give the name of the existing rule and the date on which it was last amended or adopted:

Vermont Use of Public Waters Rules amended November 17, 2000.

NOTE: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with the filings of proposed rules and final proposals. Filing a paragraph or page of a larger rule is not sufficient. Similarly, if the rules of the agency have been published as part of the Vermont Administrative Code (VAC), the agency shall file the annotated text, if possible, using appropriate page or pages of the VAC as a basis for the annotated version. New rules need not be accompanied by an annotated text. Rules which have been comprehensively revised are also exempted from the requirement for annotated text, although a copy of the former rule is required.

**VERMONT USE OF PUBLIC WATERS RULES
PROPOSED _____**

**PROPOSED AMENDMENTS ON PAGES A-3, A-10, B-2
and B-5**

NAME	LOCATION (TOWN)	SURFACE AREA IN ACRES	> 30 CONTIGUOUS ACRES(2) (Y/N)	INTERNAL COMBUSTION MOTORS ALLOWED(3) (Y/N)	MAXIMUM SPEED LIMIT(4) M.P.H.	PERSONAL WATERCRAFT ALLOWED (Y/N)	USE BY AIRCRAFT PROHIBITED (5) (Y/N)	OTHER RESTRICTIONS APPLY
BURR POND	PITTSFORD	20	N	N	5 mph	N	Y	N
BURR POND	SUDBURY	85	Y	Y	N/A(6)	N	N	Y(6)
LAKE CARMİ	FRANKLIN	1402	Y	Y	N/A	Y	N	N
CASPIAN LAKE	GREENSBORO	789	Y	Y	N/A(6)	[Y] N	N	Y(6)
CEDAR LAKE (MONKTON POND)	MONKTON	123	Y	Y	N/A	N	N	N
CENTER POND	NEWARK	79	Y	Y	N/A	N	N	N
CHANDLER POND	WHEELLOCK	68	Y	N	5 mph	N	Y	N
CHARLESTON POND (LUBBER LAKE)	CHARLESTON	40	N	N	5 mph	N	Y	N
CHIPMAN LAKE (TINMOUTH POND)	TINMOUTH	79	Y	Y	N/A	N	N	N
CHITTENDEN RESERVOIR	CHITTENDEN	702	Y	Y	N/A(7)	Y	N	Y(7)
CLYDE POND	DEBRY	186	Y	N	5 mph	N	Y	N
COBB POND	DEBRY	27	N	N	5 mph	N	Y	N

NAME	LOCATION (TOWN)	SURFACE AREA IN ACRES	> 30 CONTIGUOUS ACRES(2) (Y/N)	INTERNAL COMBUSTION MOTORS ALLOWED(3) (Y/N)	MAXIMUM SPEED LIMIT M.P.H.(4)	PERSONAL WATERCRAFT ALLOWED (Y/N)	USE BY AIRCRAFT PROHIBITED(5) (Y/N)	OTHER RESTRICTIONS APPLY
KETTLE POND	GROTON PEACHAM MARSHFIELD	109	Y	Y	5 mph	N	N	N
KNAPP BROOK POND #1	READING CAVENDISH	25	N	Y	5 mph	N	Y	N
KNAPP BROOK POND #2	READING CAVENDISH	35	N	Y	5 mph	N	Y	N
LAKOTA LAKE	BARNARD	20	N	N	5 mph	N	Y	N
LAKE LAMOILLE	MORRISTOWN	148	Y	Y	[N/A] 5 mph	N	N	N
LAMSON POND	BROOKFIELD	24	N	N	5 mph	N	Y	N
LEFFERTS POND	CHITTENDEN	80	Y	N	5 mph	N	Y	N
LEVI POND	GROTON	22	N	N	5 mph	N	Y	N
LEWIS POND	LEWIS	68	Y	Y	5 mph	N	Y	N
LILY POND	LONDON-DERRY	21	N	N	5 mph	N	Y	N
LILY POND	POULTNEY	21	N	Y	5 mph	Y(6)	Y	Y(6)
LILY POND	VERNON	41	N	N	5 mph	N	Y	N
LITTLE POND	FRANKLIN	95	Y	N	5 mph	N	Y	N

Burr Pond, Town of Sudbury

- a. No vessel powered by motor shall be operated anywhere on Burr Pond in excess of five miles per hour between the hours of 6:00 p.m. and 10:00 a.m. local time.
- b. Any motorboat launched at the public Fish and Game access is to be utilized solely for the purpose of fishing on Burr Pond and shall be limited to a speed of five miles per hour regardless of when or where operated on Burr Pond.

Initial Rules Adopted Effective September 28, 1972
Amended Effective January 1, 1995

Caspian Lake, Town of Greensboro

- a. Vessels powered by motor shall not exceed a speed of forty miles per hour between one half hour before sunrise and one half hour after sunset.
- b. Vessels powered by motor shall not exceed a speed of ten miles per hour between one half hour after sunset and one half hour before sunrise.
- ~~c. Personal watercraft shall not be operated in a manner or at a speed that causes the exhaust jet to come out of the water in order to avoid an increase in the noise level or pitch above that experienced in normal operation on smooth water.]~~

c. Use of personal watercraft or any other Class A vessel which uses an inboard engine powering a water jet pump as its primary source of motive power is prohibited.

- d. Ski slalom courses must comply with the following:

I. Construction

- A. Length of the course measured on the surface of the water shall be no more than 600 feet.
- B. There shall be no more than 16 buoys providing for no more than four slalom turns.
- C. The buoys may be attached to an underlying framework located at least five feet below the surface of the lake.

II. Location

- A. There may be no more than one course on the lake at any one time.
- B. The location each year must be at least 1,000 feet from the prior year's location measured from the closest buoy of each such location.
- C. The course must run as nearly parallel as possible to the nearest shore.
- D. All buoys must be at least 800 feet from shore.

III. Use

- A. Sanctioned or public competition or exhibitions are prohibited.

- b. Unless otherwise prohibited by law, waterskiing shall be limited to the following days and times:

Monday, Wednesday, Friday, Saturday and Sunday from noon until 7:00 p.m.

Initial Rules Adopted Effective February 1, 1992
Amended Effective January 1, 1995
Amended Effective February 28, 1997

Grout Pond, Town of Stratton

- a. The operation of vessels powered by an internal combustion motor is prohibited.

Initial Rules Adopted Effective August 15, 1974
Amended Effective January 1, 1995

Half Moon Pond, Town of Hubbardton

- a. The operation of vessels powered by an internal combustion motor is prohibited.

Initial Rules Adopted Effective January 1, 1987
Amended Effective January 1, 1995

Halls Lake, Town of Newbury

- a. Waterskiing is limited to the hours between 9:00 a.m. and 7:00 p.m.

Initial Rules Adopted Effective February 1, 1992
Amended Effective January 1, 1995

Huff (Hough Pond), Town of Sudbury

- a. The operation of vessels powered by an internal combustion motor is prohibited.

Initial Rules Adopted Effective August 7, 1984
Amended Effective January 1, 1995

Indian Brook Reservoir, Town of Essex

- a. The operation of vessels powered by motor is prohibited.
- b. Except in an emergency situation or as authorized by the Vermont Transportation Board in accordance with 5 V.S.A. Chapter 9, aircraft are prohibited from landing or taking off from Indian Brook Reservoir.

Initial Rules Adopted Effective April 20, 1989
Amended Effective January 1, 1995

Lake Lamoille, Town of Morristown

- a. Vessels powered by motor shall not exceed a speed of five miles per hour.