

State of Vermont
Water Resources Board

Petition to Regulate the
Use of the Public Waters
of Black Pond
Town of Hubbardton, Vermont

10 V.S.A. §1424

Introduction

On May 13, 1985, a petition signed by 10 or more freemen was filed with the Water Resources Board in accordance with the provisions of 10 V.S.A. §1424. The petition requested the Board to adopt a rule prohibiting the use of internal combustion engines on Black Pond located in the Town of Hubbardton, Vermont. The Board appointed its Executive Officer, William A. Bartlett, as a referee to conduct a public hearing in response to this petition on its behalf.

On May 27, 1985, the hearing referee gave notice of a public hearing scheduled for June 24, 1985, at Hubbardton, Vermont. The public hearing was held in accordance with that notice and on June 25, 1985 the referee issued Preliminary Findings of Fact. Anyone with an interest in this matter was given until July 15, 1985 to file written comments.

At its meeting on July 24, 1985 the Board reviewed its record in this matter.

Findings

1. The Board adopts in their entirety the Preliminary Findings of Fact regarding this petition issued by its hearing referee on June 25, 1985.
2. The use of vessels propelled by internal combustion engines is not an established or normal use of Black Pond.
3. The occasional or regular use of vessels propelled by internal combustion engines on Black Pond would interfere with the Pond's normal uses and would prevent those uses from being enjoyed in a reasonable manner.

Decision

After reviewing the hearing referee's preliminary findings of fact, as well as correspondence submitted both prior to the public hearing on June 24, 1985, and in response to those findings, the Water Resources Board has decided to propose for adoption, in accordance with the Vermont Administrative Procedures Act (3 V.S.A., Chapter 25), the following rules regulating the use of the public waters of Black Pond:

UPW 85-02 DEC

Rule 1: The operation of vessels powered by an internal combustion motor is prohibited.

Rule 2: Vessels operated by agencies of the State of Vermont shall comply with Rule #1 at all times, except in cases where law enforcement, emergencies or performance of official duties requires otherwise.

Done this 1st day of August, 1985, at Burlington, Vermont.

For the Water Resources Board

Catharine B. Rachlin
Catharine B. Rachlin, Chairman

Board members in favor
of this decision:

Catharine B. Rachlin, Chairman
Gary W. Moore
Kathleen A. Scheele
William Boyd Davies

Board member not participating

William D. Countryman