

STATE OF VERMONT
WATER RESOURCES BOARD

In re: Petition seeking the
designation of Kingsland
Bay as a Mooring Management
Zone and delegation of
authority to the Town of
Ferrisburgh

10 V.S.A. § 1424

Background

In May of 1996 the Town of Ferrisburgh petitioned (Town's petition) the Vermont Water Resources Board (Board) to adopt a rule requiring the regulation of the placement of boat moorings in Kingsland Bay and delegating the authority to regulate the placement of moorings within the Bay to the Town of Ferrisburgh (Town). In response to this petition, the Board proposed the rules requested by the petition and, following public notice, held a public hearing on August 19, 1996, at the Ferrisburgh Elementary School for the purpose of receiving public comment. Representing the Board at the August 19 hearing as hearing referees were Board member Jane Potvin and the Board's Executive Officer, William Bartlett.

The Board initially established September 13, 1996, as the deadline for filing written comment. This deadline was subsequently extended until October 7, 1996.

Decision

The Board on January 8, 1997, decided to adopt without modification the Findings regarding this petition issued by its hearing referees on September 16, 1996, and to deny the Town's petition. Accordingly, the Board will not proceed with adoption of the rules proposed in June of 1996 in response to the Town's petition.

The Board has taken this action because it concluded, based on the testimony presented at the August 19, 1996 public hearing and written comment filed by the October 7, 1996 deadline, that the regulation of boat moorings in Kingsland Bay as requested is not warranted at this time. In denying this petition, the Board is not saying that some form of regulation of boat moorings and anchoring might not be warranted in Kingsland Bay, and indeed elsewhere on Lake Champlain. However, the Board is saying that

**Petition seeking the designation of Kingsland Bay as a Mooring
Management Zone and delegation of authority to the Town of
Ferrisburgh**

Page 2

this topic, and any specific proposal for regulation, needs more discussion, particularly at the local level, before any specific regulatory scheme is formally implemented.

Regulation need not be difficult or impose bureaucratic burdens as some in this proceeding seem to assume. Although based on the limited record in this proceeding the number of boat moorings in this Bay may not in fact be increasing, it appears that there may be existing and certainly could be potential problems that may warrant consideration of some form of local regulation including: abandoned moorings, the large number of boats anchoring in the Bay on weekends, and questions regarding whose mooring or anchored vessel is entitled to a particular location. Any or all of these problems might be avoided or minimized by thoughtful regulation.

Accordingly the Board applauds the Town's efforts to anticipate and respond to such important issues. The Board would encourage further dialogue on this issue with involvement by the Town, the Friends of Kingsland Bay and other members of the public with an interest in this matter.

Dated at Montpelier, Vermont this 8th day of January 1997.

Vermont Water Resources Board by



William Boyd Davies, Chair

Board members concurring:
William Boyd Davies
Jane B. Potvin
Gail Osherenko
Stephen J. Dycus
Ruth Einstein