

1 H.526

2 Introduced by Committee on Fish, Wildlife and Water Resources

3 Date:

4 Subject: Conservation and development; lakes; shorelands; impervious surface

5 Statement of purpose of bill as introduced: This bill would require the Agency
6 of Natural Resources (ANR) to adopt by January 1, 2015 rules establishing
7 shoreland protection standards for areas—known as protected shoreland
8 areas—within 250 feet of the mean water level of a lake. Beginning January 1,
9 2015, a permit would be required from ANR for new or expanded impervious
10 surface or cleared area in a protected shoreland area. Municipalities with a
11 shoreland protection bylaw or ordinance in existence on January 1, 2015 shall
12 be delegated authority to permit new or expanded impervious surface or
13 cleared area if certain conditions are met. A municipality that has not adopted
14 a shoreland protection bylaw or ordinance by January 1, 2015 may be
15 delegated authority for the permitting of construction, creation, or expansion of
16 impervious surface or cleared area within a protected shoreland area if the
17 municipality adopts a shoreland protection bylaw or ordinance after January 1,
18 2015 and meets certain conditions. Agricultural activities, silvicultural
19 activities, transportation activities, electric utility activity, and specified
20 activities permitted by the Agency of Natural Resources would not be required
21 to obtain a lake shoreland permit if certain conditions are met.

1 An act relating to the establishment of lake shoreland protection standards

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 Sec. 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT

4 The General Assembly finds and declares that:

5 (1) Vermont's lakes are among the State's most valuable and fragile
6 economic and natural resources, and the protection of naturally vegetated
7 shorelands adjacent to lakes is necessary to prevent water quality degradation,
8 maintain healthy habitat, and promote flood resilience.

9 (2) Naturally vegetated shorelands and implementation of best
10 management practices in lands adjacent to lakes function to:

11 (A) intercept and infiltrate surface water runoff, wastewater, and
12 groundwater flows from upland sources;

13 (B) remove or minimize the effects of nutrients, sediment, organic
14 matter, pesticides, and other pollutants;

15 (C) moderate the temperature of shallow water habitat;

16 (D) maintain the conditions that sustain the full support of aquatic
17 biota, wildlife, and aquatic habitat uses; and

18 (E) promote stability and flood resilience by protecting shoreline
19 banks from erosion.

20 (3) Healthy lakes and adjacent shorelands:

21 (A) support Vermont's tourism economy and promote widespread
22 recreational opportunities, including swimming, boating, fishing, and hunting;

1 (B) support property values and tax base; and

2 (C) reduce human health risks.

3 (4) According to the Agency of Natural Resources Water Quality
4 Remediation, Implementation, and Funding Report in 2013, review of the
5 development, protection, and stabilization of shorelands is necessary because
6 of the importance of shorelands to the health of lakes.

7 (5) A lake or pond of more than 10 acres is located in 184 of the State's
8 251 municipalities. However, only 48 municipalities have shoreland zoning
9 that requires vegetative cover. Scientifically based standards for impervious
10 surface and cleared area adjacent to lakes are necessary to protect and maintain
11 the integrity of water quality and aquatic and shoreland habitat, while also
12 allowing for reasonable development of shorelands.

13 (6) The State has an interest in protecting lakes and adjacent shorelands
14 in a manner that respects existing rights of property owners to control access to
15 land they own in lake shorelands, and the regulation of the creation of new
16 impervious surface or cleared area in the shoreland areas should not and does
17 not affect the ability of property owners to control access to their lands.

18 (7) In order to fulfill the State's role as trustee of its waters and promote
19 public health, safety, and the general welfare, it is in the public interest for the
20 General Assembly to establish lake shoreland protection standards for
21 impervious surface and cleared area in the shorelands adjacent to the State's
22 lakes.

1 Sec. 2. 10 V.S.A. chapter 49A is added to read:

2 CHAPTER 49A. LAKE SHORELAND PROTECTION STANDARDS

3 § 1441. PURPOSE

4 The purposes of this chapter shall be to:

5 (1) provide clear and adaptable standards for the creation of impervious
6 surface or cleared area in lands adjacent to lakes;

7 (2) prevent degradation of water quality in lakes and preserve natural
8 stability of shoreline;

9 (3) protect aquatic biota and protect habitat for wildlife and aquatic life;

10 (4) mitigate, minimize, and manage any impact of new impervious
11 surface and new cleared area on the lakes of the State;

12 (5) mitigate the damage that floods and erosion cause to development,
13 structures, and other resources in the lands adjacent to lakes;

14 (6) protect shoreland owners' access to, views of, and use of the State's
15 lakes; and

16 (7) preserve and further the economic benefits and values of lakes and
17 their adjacent shorelands.

18 § 1442. DEFINITIONS

19 As used in this chapter:

20 (1) "Agency" means the Agency of Natural Resources.

1 (2) “Best management practices” means approved activities,
2 maintenance procedures, and other practices to prevent or reduce the effects of
3 impervious surface or cleared area on water quality and natural resources.

4 (3) “Cleared area” means an area where existing vegetative cover, soil,
5 or duff is permanently removed or altered.

6 (4) “Disturbance” means the removal or alteration of existing
7 vegetation, soil, or duff in a protected shoreland area.

8 (5) “Duff” means leaf litter plus small fragments of plants and organic
9 debris that provide a spongy substrate that absorbs the energy of falling water
10 and allows runoff to infiltrate soil.

11 (6) “Expansion” means an increase or addition of impervious surface or
12 cleared area.

13 (7) “Impervious surface” shall have the same meaning as in section
14 1264 of this title.

15 (8) “Lake” means a body of standing water, including a pond or a
16 reservoir, which may have natural or artificial water level control. Private
17 ponds shall not be considered lakes.

18 (9) “Mean water level” means the mean water level of a lake as defined
19 in the Mean Water Level Rules of the Agency of Natural Resources adopted
20 under 29 V.S.A. § 410.

21 (10) “Private pond” means a body of standing water that is a natural
22 water body of not more than 20 acres located on property owned by one person

1 or an artificial water body of any size located on property owned by one
2 person. A “private pond” shall include a reservoir specifically constructed for
3 one of the following purposes: snowmaking storage, golf course irrigation,
4 stormwater management, or fire suppression.

5 (11) “Protected shoreland area” means all land located within 250 feet
6 of the mean water level of a lake that is greater than 10 acres in surface area.

7 (12) “Secretary” means the Secretary of Natural Resources or the
8 Secretary’s duly authorized representative.

9 (13) “Stormwater runoff” shall have the same meaning as in section
10 1264 of this title.

11 (14) “Vegetative cover” means mixed vegetation within the protected
12 shoreland area, consisting of trees, shrubs, groundcover, and duff.

13 § 1443. IMPERVIOUS SURFACE OR CLEARED AREA IN A

14 PROTECTED SHORELAND AREA; PERMIT REQUIRED

15 (a) Permit required.

16 (1) Except as provided under section 1445 or 1446 of this title,
17 beginning January 1, 2015, a person shall not conduct any of the following
18 activities in a protected shoreland area without a permit from the Secretary:

19 (A) construct more than 500 square feet and less than one acre of
20 new impervious surface;

21 (B) create more than 500 square feet of new cleared area; and

1 (C) expand impervious surface or cleared area if the expansion of
2 existing impervious surface or cleared area in the protected shoreland area
3 results in an increase of more than 500 square feet of impervious surface or
4 cleared area. Impervious surface or cleared area may be expanded by up to
5 500 square feet without obtaining a permit, provided that the aggregate amount
6 of all expansion shall not exceed 20 percent of the protected shoreland area of
7 the lot on which it is located.

8 (2) The Secretary shall issue a permit under this section if the proposed
9 impervious surface or cleared area does not negatively impact water quality
10 and complies with the lake shoreland protection standards adopted under
11 section 1444 of this title.

12 (b) General permit.

13 (1) The Secretary shall adopt a general permit under which a person
14 who requires a permit under this section may seek coverage. The general
15 permit shall be available to classes or categories of construction of impervious
16 surface or creation of cleared area that present low risk of harm to the water
17 quality of surface waters or protected shoreland areas.

18 (2) The general permit adopted under this section shall be consistent
19 with the lake shoreland protection standards adopted under this chapter and
20 shall include terms and conditions appropriate for the construction of
21 impervious surface or creation of cleared area that requires a permit under this
22 section.

1 (3) Each general permit adopted by the Agency shall have a term of no
2 more than five years. Prior to the expiration of each general permit, the
3 Secretary shall review the terms and conditions of the general permit and may
4 adopt subsequent general permits with the same or different conditions as
5 necessary to carry out the purposes of this chapter.

6 (4) Coverage under the general permit shall be for an indefinite term,
7 provided that the person granted coverage under the general permit complies
8 with the terms of the general permit and takes no action for which a permit is
9 required under this section. A permit holder's coverage under the general
10 permit shall not expire every five years.

11 (5) An applicant for coverage under the general permit shall provide
12 notice, on a form provided by the Secretary, to the municipal clerk of the
13 municipality in which the construction of impervious surface or creation of
14 cleared area is located at the time the application is filed with the Secretary.

15 (6) The Secretary shall provide an opportunity for written comment,
16 regarding whether an application for coverage under the general permit
17 complies with the terms and conditions of the general permit, for 10 days
18 following receipt of the application.

19 (7) The Secretary may require any applicant for coverage under the
20 general permit to submit any additional information that the Secretary
21 considers necessary and may refuse to grant coverage under the general permit
22 until the requested information is furnished and evaluated.

1 (c) Individual permit.

2 (1) The Secretary shall adopt by rule requirements or conditions for an
3 individual permit for the construction of impervious surface or creation of
4 cleared area regulated under this section.

5 (2) The Secretary may require a person who applies for coverage under
6 a general permit to obtain an individual permit for construction of impervious
7 surface or creation of cleared area regulated under this section if the proposed
8 activity presents a significant risk of harm to protected shoreland areas or the
9 water quality of a lake adjacent to a protected shoreland area.

10 (3) The individual permit shall be issued for an indefinite term, provided
11 that the person granted coverage under the individual permit complies with the
12 terms of the general permit and takes no subsequent action for which a permit
13 is required under this chapter.

14 (d) Recorded permits. Coverage under a general permit or an individual
15 permit issued under this section shall, for purposes of having the permit run
16 with the land, be recorded in the land records of the municipality in which the
17 impervious surface or cleared area is located.

18 § 1444. LAKE SHORELAND PROTECTION STANDARDS; RULES

19 (a) Lake shoreland protection standards; adoption. On or before January 1,
20 2015, the Secretary shall adopt by rule standards for the construction of
21 impervious surface or the creation of cleared area in a protected shoreland area.
22 The lake shoreland protection standards shall be designed to achieve the

1 purposes of this chapter set forth in section 1441 of this title, while also
2 accommodating construction, creation, or expansion of impervious surface or
3 cleared area in protected shoreland areas.

4 (b) Content of lake shoreland protection standards. The standards required
5 under subsection (a) of this section shall:

6 (1) establish best management practices for the construction of
7 impervious surfaces or the creation of cleared area in a protected shoreland
8 area, including standards for:

9 (A) managing vegetative cover that may be required as a best
10 management practice in order to ensure that some level of the required
11 vegetative cover is maintained in the protected shoreland area;

12 (B) allowing reasonable use of the protected shoreland area subject to
13 a vegetative cover requirement for construction, creation, or expansion of
14 impervious surface or cleared area;

15 (C) minimizing and mitigating the creation of impervious surface or
16 cleared area in a protected shoreland area;

17 (D) minimizing and mitigating the impacts from impervious surfaces
18 or cleared areas on water quality, aquatic biota, wildlife and aquatic habitat, or
19 protected shoreland areas; and

20 (E) designing and maintaining driveways, patios, and similar
21 impervious surfaces so that stormwater runoff is minimized;

1 (2) authorize the establishment and maintenance of paths and
2 recreational space in a protected shoreland area, provided that the path or
3 recreational space is designed and managed to minimize stormwater runoff;

4 (3) authorize the establishment and maintenance of gardens in protected
5 shoreland areas, provided that the gardens are designed and managed to
6 minimize stormwater runoff;

7 (4) authorize the construction and maintenance of accessory structures
8 in a protected shoreland area subject to size requirements established by the
9 Secretary;

10 (5) establish criteria for evaluating applications for a permit under this
11 chapter;

12 (6) establish the requirements for the processing of applications for a
13 permit under this chapter, including public notice and comment periods.

14 § 1445. MUNICIPAL DELEGATION

15 (a) Municipalities with existing shoreland bylaws or ordinances. The
16 Secretary shall delegate to a municipality authority to permit the construction,
17 creation, or expansion of impervious surface or cleared area under this chapter
18 if the municipality adopted a bylaw or ordinance on or before January 1, 2015,
19 that:

20 (1) requires vegetative cover or other best management practices
21 designed to prevent degradation of water quality in lakes; to minimize or

1 mitigate impervious surface and cleared areas in protected shoreland areas
2 adjacent to lakes; or to minimize or mitigate damage from floods and erosion;

3 (2) sets forth conditions on the construction and expansion of existing
4 impervious surface or cleared area; and

5 (3) provides for administration and enforcement of the bylaw or
6 ordinance.

7 (b) Municipalities that adopt shoreland bylaws or ordinances after
8 January 1, 2015. The Secretary may delegate authority to permit the
9 construction, creation, or expansion of impervious surface or cleared area
10 under this chapter to a municipality that has not adopted a shoreland bylaw or
11 ordinance as of January 1, 2015 if:

12 (1) the municipality adopts a bylaw or ordinance regulating construction
13 of impervious surface or creation of cleared area in a protected shoreland area
14 after January 1, 2015; and

15 (2) the Secretary determines that the municipality adopted a municipal
16 bylaw or ordinance that is at least as stringent as the shoreland protection
17 standards adopted by the Secretary under section 1443 of this title.

18 (c) Delegation agreement.

19 (1) Delegation under subsection (a) or (b) of this section shall be by
20 agreement between the Secretary and the delegated municipality. The
21 delegation agreement shall set the terms for revocation of delegation.

1 (2) Under the delegation agreement, the Secretary and the municipality
2 may agree, in instances where a delegated municipality does not or cannot address
3 non-compliance, that the Secretary, after consultation with the municipality, may
4 institute enforcement proceedings under 10 V.S.A chapter 201 for failure to
5 comply with the lake shoreland protection standards.

6 (3) The delegation agreement shall require the municipality to:

7 (A) have or establish a process for accepting, reviewing, and
8 processing applications and issuing permits for construction of impervious
9 surface or creation of cleared area in protected shoreland areas;

10 (B) take timely and appropriate enforcement actions;

11 (C) commit to reporting annually to the Secretary on a form and date
12 determined by the Secretary;

13 (D) comply with all other requirements of the rules adopted under
14 this chapter; and

15 (E) cure any defects in such bylaw or ordinance or in the
16 administration or enforcement of such bylaw or ordinance upon notice of a
17 defect from the Secretary.

18 (4) A municipality that seeks delegation under subsection (a) or (b) of
19 this section shall be presumed to satisfy the requirements of this subsection for
20 a permit process and enforcement if the municipality has designated a
21 municipal zoning administrator or other municipal employee or official as

1 responsible for the permitting and enforcement of the construction, creation, or
2 expansion of impervious surface or cleared area within the municipality.

3 (d) Historic and urban development. A municipality that does not qualify
4 for delegation under subsection (a) or (b) of this section shall not require a
5 permit under section 1443 of this title for construction, creation, or expansion
6 of impervious surface or cleared area within all or a portion of a protected
7 shoreland area within the municipality's boundaries if:

8 (1) the area in which the impervious surface or cleared area will be
9 constructed, created, or expanded has been designated by municipal bylaw for:

10 (A) development according to historic development patterns; or

11 (B) redevelopment of land that has been subject to construction of
12 impervious surface or to disturbance prior to the July 1, 2013 by industrial or
13 urban development; and

14 (2) the municipality has adopted a shoreland bylaw or ordinance or has
15 implemented best management practices intended to prevent degradation of
16 water quality in lakes; to minimize or mitigate disturbances in lands adjacent to
17 lakes; or to minimize or mitigate damage from floods and erosion.

18 § 1446. AGRICULTURE; SILVICULTURE; TRANSPORTATION; AND
19 ELECTRIC UTILITY PROJECTS; DEVELOPMENT AND
20 SUBDIVISION

21 The following activities in a protected shoreland area do not require a
22 permit under section 1443 of this title:

1 (1) Silvicultural activities. Silvicultural activities in a protected
2 shoreland area if the silvicultural activities are in compliance with:

3 (A) a forest management plan, approved by the Commissioner of
4 Forests, Parks and Recreation, for the land in the protected shoreland area in
5 which the silvicultural activities occur;

6 (B) the rules adopted by the Secretary under section 754 of this title
7 for silvicultural activities in a flood hazard area; and

8 (C) the accepted management practices adopted by the Commissioner
9 of Forests, Parks and Recreation under section 2622 of this title.

10 (2) Agricultural activities. Agricultural activities in protected shoreland
11 areas if:

12 (A) the agricultural activities comply with the Secretary's rules under
13 section 754 of this title for agricultural activities in a flood hazard area;

14 (B) the agricultural activities comply with the rules adopted by the
15 Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215
16 regarding agricultural water quality, including accepted agricultural practices,
17 best management practices, medium and small farm operation, and large farm
18 operation; and

19 (C) any proposed expansion or modification to a farm structure, as
20 that term is defined in the accepted agricultural practices, in a protected
21 shoreland area shall be reviewed by the Secretary of Agriculture, Food and

1 Markets in coordination with the Secretary of Natural Resources under a
2 memorandum of understanding.

3 (3) State and municipal transportation infrastructure. The routine
4 maintenance, emergency repair, repair, and replacement of transportation
5 infrastructure by the Vermont Agency of Transportation or by a municipality.

6 (4) Wastewater systems and potable water supplies. Installation,
7 maintenance, repair, or replacement of a wastewater system or potable water
8 supply permitted by the Agency of Natural Resources under chapter 64 of this
9 title.

10 (5) Stormwater treatment. Discharges of stormwater, stormwater
11 treatment facilities or practices, including repair or maintenance, permitted by
12 the Agency of Natural Resources under section 1264 of this title.

13 (6) Electric utility projects and utility lines.

14 (A) The construction of electric utility projects that are subject to
15 30 V.S.A. § 248 or chapter 151 of this title.

16 (B) The routine repair and maintenance of utility lines and structures
17 including vegetation maintenance in utility line corridors, in a protected
18 shoreland area that are subject to 30 V.S.A. § 248, chapter 151 of this title, or a
19 vegetation management plan approved by the Agency in a protected shoreland
20 area. Vegetation management practices in a protected shoreland area shall be
21 performed in accordance with a vegetation management plan approved by the
22 Agency of Natural Resources.

1 (C) The emergency repair of utility lines and poles in protected
2 shoreland areas, provided that such repair minimizes adverse impacts to
3 vegetation in the protected shoreland area.

4 (7) Dredge and fill. Dredge or fill activities operating under a permit
5 issued by the U.S. Army Corps of Engineers under 33 U.S.C. § 1344.

6 § 1447. COORDINATION OF AGENCY OF NATURAL RESOURCES'

7 PERMITTING OF ACTIVITIES IN PROTECTED SHORELAND

8 AREAS

9 (a) Coordination of permitting in protected shoreland area. During
10 technical review of a permit application for a wastewater system, potable water
11 supply, stormwater discharge, or stormwater treatment facility that is proposed
12 to be located in a protected shoreland area and that does not require a permit
13 under this chapter, the Agency division issuing the wastewater system, potable
14 water supply, stormwater discharge, or stormwater treatment facility permit
15 shall consult with the Agency's Lakes and Ponds Section regarding practices
16 or activities that could reduce the impact of the proposed activity on the
17 protected shoreland area or water quality of lakes adjacent to the protected
18 shoreland area.

19 (b) Agency guidance or procedure. The Agency may formalize the
20 consultation process required by this section in a guidance document or
21 internal agency procedure.

1 § 1448. MUNICIPAL ZONING BYLAW OR ORDINANCE

2 (a) Construction of impervious surface or creation of cleared area occurring
3 outside protected shoreland areas. Construction of impervious surface or
4 creation of cleared area occurring outside a protected shoreland area shall
5 conform to duly adopted municipal zoning bylaws and applicable municipal
6 ordinances and shall not be subject to regulation by the Secretary of Natural
7 Resources under this chapter.

8 (b) Existing municipal bylaws and ordinances. The shoreland protection
9 standards adopted by the Secretary of Natural Resources under section 1444 of
10 this title are in addition to existing municipal bylaws and ordinances, and
11 proposed construction of impervious surface or creation of cleared area within
12 the protected shoreland area shall comply with all relevant, existing municipal,
13 state, and federal requirements.

14 Sec. 3. 10 V.S.A. § 6086(d) is amended to read:

15 (d) The ~~land-use panel~~ Land Use Panel may by rule allow the acceptance of
16 a permit or permits or approval of any state agency with respect to subdivisions
17 (a)(1) through (5) of this title or a permit or permits of a specified municipal
18 government with respect to subdivisions (a)(1) through (7) and (9) and (10) of
19 this title, or a combination of such permits or approvals, in lieu of evidence by
20 the applicant. A district commission, in accordance with rules adopted by the
21 ~~land-use panel~~ Land Use Panel, shall accept determinations issued by a
22 development review board under the provisions of 24 V.S.A. § 4420, with

1 respect to local Act 250 review of municipal impacts. The acceptance of such
2 approval, positive determinations, permit, or permits shall create a presumption
3 that the application is not detrimental to the public health and welfare with
4 respect to the specific requirement for which it is accepted. In the case of
5 approvals and permits issued by the ~~agency of natural resources~~ Agency of
6 Natural Resources, technical determinations of the ~~agency~~ Agency shall be
7 accorded substantial deference by the commissions. The acceptance of
8 negative determinations issued by a development review board under the
9 provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of
10 municipal impacts shall create a presumption that the application is detrimental
11 to the public health and welfare with respect to the specific requirement for
12 which it is accepted. Any determinations, positive or negative, under the
13 provisions of 24 V.S.A. § 4420 shall create presumptions only to the extent
14 that the impacts under the criteria are limited to the municipality issuing the
15 decision. Such a rule may be revoked or amended pursuant to the procedures
16 set forth in 3 V.S.A., chapter 25, the Vermont Administrative Procedure Act.
17 The rules adopted by the ~~land-use panel~~ Land Use Panel shall not approve the
18 acceptance of a permit or approval of such an agency or a permit of a
19 municipal government unless it satisfies the appropriate requirements of
20 subsection (a) of this section. A district commission shall accept a lake
21 shoreland protection permit issued by the Agency of Natural Resources under
22 chapter 49A of this title. The acceptance of a lake shoreland protection permit

1 shall create a presumption that the permitted activity satisfies the requirements
2 of subdivision (a)(1)(F) of this section for shorelines in a protected shoreland
3 area, as that term is defined in section 1442 of this title.

4 Sec. 4. 10 V.S.A. § 8003(a) is amended to read:

5 (a) The ~~secretary~~ Secretary may take action under this chapter to enforce
6 the following statutes:

7 * * *

8 (22) 10 V.S.A. chapter 164A, collection and disposal of
9 mercury-containing lamps; ~~and~~

10 (23) 24 V.S.A. § 2202a, relating to a municipality's adoption and
11 implementation of a solid waste implementation plan that is consistent with the
12 state solid waste plan; and

13 (24) 10 V.S.A. chapter 49A, relating to lake shoreland protection
14 standards.

15 Sec. 5. 10 V.S.A. § 8503 is amended to read:

16 § 8503. APPLICABILITY

17 (a) This chapter shall govern all appeals of an act or decision of the
18 ~~secretary~~ Secretary, excluding enforcement actions under chapters 201 and 211
19 of this title and rulemaking, under the following authorities and under the rules
20 adopted under those authorities:

21 (1) The following provisions of this title:

22 * * *

1 (R) chapter 32 (flood hazard areas).

2 (S) chapter 49A (lake shoreland protection standards).

3 * * *

4 Sec. 6. PUBLIC PARTICIPATION IN DEVELOPMENT OF LAKE
5 SHORELAND PROTECTION STANDARDS; REPORT

6 (a) In addition to the public participation requirements of 3 V.S.A.
7 chapter 25 and prior to submitting a proposed rule to the Secretary of State
8 under 3 V.S.A. § 838, the Secretary of Natural Resources shall engage in an
9 expanded public participation process with affected stakeholders and other
10 interested persons in a dialogue about intent, method, and content of rules
11 required under 10 V.S.A. § 1443 regarding construction, creation, or expansion
12 of impervious surface or cleared area in protected shoreland areas of lakes.
13 The Secretary of Natural Resources is encouraged to use workshops, focused
14 work groups, dockets, meetings, or other forms of communication to meet the
15 participation requirements of this section.

16 (b) On or before September 1, 2013, the Secretary of Natural Resources
17 shall commence rulemaking to establish standards for the construction,
18 creation, or expansion of impervious surface or cleared area in protected
19 shoreland areas of lakes.

20 (c) On or before April 15, 2014, the Secretary of Natural Resources shall
21 submit to the House Committee on Fish, Wildlife and Water Resources and the
22 Senate Committee on Natural Resources and Energy a copy of the rules

1 required under 10 V.S.A. § 1443 regarding the regulation of construction,
2 creation, or expansion of impervious surface or cleared area in protected
3 shoreland areas of lakes. The report shall include a summary of the process
4 followed by the Secretary of Natural Resources in developing the rules,
5 including a summary of how the Secretary complied with the requirements of
6 subsection (a) of this section.

7 Sec. 7. EFFECTIVE DATE

8 This act shall take effect on July 1, 2013.