

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.515 Name of Bill: An act relating to application of the lake shoreland protection standards to the Connecticut River reservoirs

Agency/ Dept: ANR/DEC/WSMD Authors of Bill Review: Mike Kline and Perry Thomas

Date of Bill Review: 6 Jan 2015 Related Bills and Key Players --

Status of Bill: (check one): Upon Introduction As passed by 1st body As passed by both

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in #8 below

Analysis of Bill

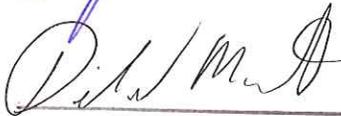
1. **Summary of bill and issue it addresses.** As proposed, this bill broadens application of shoreland protection standards to include three Connecticut River reservoirs: Bellows Falls, Vernon, and Wilder. Since two upper Connecticut River reservoirs are already protected by provisions of the Shoreland Protection Act, adding these additional reservoirs is a natural step. The challenge is that the three new reservoirs are more riverine than the first two.
2. **Is there a need for this bill?** There is a need for protection of all Vermont's shorelands. This bill would extend the Shoreland Protection Act to include shoreland areas not currently protected.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** The bill would require the Lakes & Ponds Program's permitting team to expand their application of the Shoreland Protection Act to subsections of the Connecticut River previously designated as riverine ecosystems. We have reviewed the areas involved and anticipate minimal increases in staff workloads as a result of these additions.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Fish & Wildlife would need to secure shoreland permits for development or expansion of public access areas on the three reservoirs. We already work closely with Fish & Wildlife staff in public access area management and do not expect the expanded requirement to pose a problem.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** We are not aware of fiscal or programmatic implications of this bill for others.
6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why? The Connecticut River Joint Commission is likely to support this bill, as its members support protection of shoreland for all Connecticut River reservoirs.

6.2 Who else is likely to oppose the proposal and why? Landowners, municipalities, developers, and real estate agents in the Upper Valley are likely to oppose the proposal due to potential land use restrictions.

- 7. Rationale for recommendation:** Since the three reservoirs identified in the bill for protection are all subject to FERC relicensing, we do not know how current management of the corresponding hydroelectric projects will change over the next few years. An advantage here is that any enhancements required by the State's 401 certification process would be compatible with shoreland provisions. A disadvantage of the relicensing process is that mean water level may be a moving target during this time. Designation of a mean water level is critical to effective application of shoreland protection standards.
- 8. Specific modifications that would be needed to recommend support of this bill:** Any language in statute that would give deference to federal licensing of the three dams would need to be incorporated into this bill. We suggest designating a mean water level for each reservoir in the bill. This would result in a situation similar to that of Lake Champlain, where the actual mean water level may vary from the designated mean water level. We also suggest recognizing the escarpment left by ancient Lake Hitchcock as the upland boundary of the protected area in any places where the escarpment falls within the 250' protected zone.
- 9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? No.**

Secretary/Commissioner has reviewed this document:  Date: 1/12/16

Secretary has reviewed:  Date: 1/25/16