

1 H.185

2 Introduced by Representatives Chase of Chester, Austin of Colchester,
3 Brennan of Colchester, Leavitt of Grand Isle, Morgan of
4 Milton, and Taylor of Colchester

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; public waters; navigation; dredging

8 Statement of purpose of bill as introduced: This bill proposes to authorize the
9 Department of Environmental Conservation to issue a permit for the dredging
10 of a navigable water in the State to improve navigation of the water. The bill
11 also would establish the Working Group on Navigation of Lake Champlain to
12 evaluate and facilitate the dredging of Lake Champlain between Mallet's Bay
13 and the Inland Sea in order to improve navigation of Lake Champlain for
14 purposes of public safety, emergency response, and environmental protection.

15 An act relating to authorizing dredging for navigation of public waters

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

17 Sec. 1. 29 V.S.A. § 403a is added to read:

18 § 403a. DREDGING FOR NAVIGATION

19 (a) The Department of Environmental Conservation shall issue a permit
20 under this chapter for the dredging of a navigable water in the State for the

1 purpose of maintaining or improving navigation of the public water by vessels,
2 provided that the Department determines that the dredging will not adversely
3 affect the public good.

4 (b) The Department, in the discretion of the Commissioner of
5 Environmental Conservation, may apply for a permit to dredge a navigable
6 water under this section if the Commissioner determines that dredging is
7 necessary for the public good.

8 (c) The Department may pursue federal or other funding for any dredging
9 project permitted under this section.

10 (d) Any permit issued to dredge a public water under this section shall also
11 comply with any federal permit requirement for dredging or filling waters of
12 the United States under the federal Clean Water Act.

13 Sec. 2. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

14 WORKING GROUP ON NAVIGATION OF LAKE CHAMPLAIN

15 (a) Creation. The Secretary of Natural Resources shall convene the
16 Working Group on Navigation of Lake Champlain to evaluate and facilitate the
17 dredging of Lake Champlain between Mallet's Bay and the Inland Sea in order
18 to improve navigation of the Lake for purposes of public safety, emergency
19 response, and environmental protection.

20 (b) Membership. The Working Group shall be composed of the following
21 members:

1 (1) the Secretary of Natural Resources or designee;

2 (2) two representatives of public safety or emergency response

3 departments that respond to public emergencies on Lake Champlain or on

4 either side of Sand Bar State Park, appointed by the Governor;

5 (3) a representative of a marina or vessel service that responds to vessel

6 emergencies or crashes in proximity to Sand Bar State Park, appointed by the

7 Speaker of the House; and

8 (4) a representative of a company or association that conducts dredging

9 in New England for the purposes of navigation of public waters, appointed by

10 the Committee on Committees.

11 (c) Powers and duties. The Working Group shall evaluate whether and

12 how to conduct dredging in Lake Champlain between Mallet's Bay and the

13 Inland Sea in order to improve navigation and emergency response in that

14 portion of the Lake. The Working Group shall:

15 (1) identify the federal and State requirements, including permits, that

16 the State would be required to comply with for any proposed dredging project;

17 (2) summarize the scope of a potential dredging project between

18 Mallet's Bay and the Inland Sea;

19 (3) estimate the cost of any potential dredging project;

20 (4) estimate the time frame for a potential project; and

1 (5) identify any environmental, natural resources, or other issues that a
2 dredging project would need to comply with or address.

3 (d) Assistance. The Working Group shall have the administrative,
4 technical, and legal assistance of the Department of Environmental
5 Conservation.

6 (e) Report. On or before January 15, 2024, the Working Group shall
7 submit a written report to the House Committee on Environment and Energy
8 and the Senate Committee on Natural Resources and Energy with its findings
9 under subsection (c) of this section and a recommendation of whether the State
10 should pursue a dredging project in Lake Champlain between Mallet's Bay and
11 the Inland Sea in order to improve navigation and emergency response.

12 (f) Meetings.

13 (1) The Secretary of Natural Resources or designee shall call the first
14 meeting of the Working Group.

15 (2) The Working Group shall select a chair from among its members at
16 the first meeting.

17 (3) A majority of the membership of the Working Group shall constitute
18 a quorum.

19 (4) The Working Group shall cease to exist on February 15, 2024.

20 (g) Compensation and reimbursement. Members of the Working Group
21 shall be entitled to per diem compensation and reimbursement of expenses as

1 permitted under 32 V.S.A. § 1010 for not more than eight meetings. These
2 payments shall be made from monies appropriated to the Agency of Natural
3 Resources.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.