

1 H.560

2 Introduced by Representatives Sharpe of Bristol and Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation; stream alteration; operator certification

6 Statement of purpose: This bill proposes to require a person conducting stream
7 alteration to complete training prior to operating equipment within a
8 watercourse.

9 An act relating to the training and certification of a person conducting
10 stream alteration

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

12 Sec. 1. 10 V.S.A. § 1021a is added to read:

13 § 1021a. CERTIFICATION OF EQUIPMENT OPERATORS; STREAM
14 ALTERATION

15 (a) On or before January 1, 2013, the department shall develop a program
16 to certify operators of equipment used to change, alter, or modify the course,
17 current, or cross section of any watercourse under section 1021 of this title.
18 The secretary may adopt rules establishing standards and specifications for the
19 accreditation of equipment operators, including mandatory topics of instruction
20 and the knowledge and performance standards that must be demonstrated by

1 proposed operators. Such standards shall be designed to protect water
2 resources, water quality, fish and wildlife, and fish and wildlife habitat.

3 (b) The secretary shall certify an equipment operator to change, alter, or
4 modify the course, current, or cross section of any watercourse when such a
5 person successfully completes the program required under subsection (a) of
6 this section and any rules adopted by the secretary thereunder.

7 (c) Beginning January 1, 2013, no person shall change, alter, or modify the
8 course, current, or cross section of any watercourse under section 1021 of this
9 title without first being accredited by the secretary, including a person
10 operating under subsection 1021(b) or (d) of this title.

11 Sec. 2. 10 V.S.A. § 1022 is amended to read:

12 § 1022. APPLICATION FOR ALTERATION

13 A person proposing to change, alter or modify the course, current, or cross
14 section of a watercourse shall apply in writing to the secretary for a permit to
15 do so. The application shall describe the location and purpose of the proposed
16 change ~~and~~, shall be accompanied by the maps and plans and other information
17 the secretary shall direct, and shall identify the operator certified under section
18 1021a of this title to conduct the activity authorized by the permit. A
19 conformed copy shall be simultaneously filed with the town clerk of the town
20 in which the proposed alteration is located, and mailed to each owner of

1 property that abuts or is opposite the land where the alteration is to take place.

2 The town clerk shall forthwith post the copy in the town office.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.