

Adopted Rule 15 August 2006 Rule 641

1.0 Authority

- 1.1** This rule is adopted pursuant to 10 V.S.A. §4145(a) which authorizes the board to make rules to “regulate the use by the public of access areas, landing areas, parking areas or of other lands or waters acquired or maintained pursuant to [10 V.S.A. § 4144].”
- 1.2** This rule applies to use of state controlled fishing access areas and to persons, businesses, or entities that use the fishing access areas.

2.0 Purpose

The purpose of this rule is to:

- 2.1** Ensure current and future uses are orderly, sustainable, and in accordance with state and federal statutes and guidelines.
- 2.2** Manage conflict between users by clarifying authorized and prohibited activities and ensuring users share in the burdens and benefits of use.
- 2.3** Protect the fishing access areas for statutorily approved uses.

3.0 Definitions

- 3.1** *Commercial Activity* is any activity or service that produces income to any entity or individual.
- 3.2** Non-Profit Charitable Organization means an entity organized and operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code.
- 3.3** *Picnicking* includes but is not limited to any activity that involves, cooking, grilling, food preparation and set-up associated with eating (including setting blankets or table clothes laid on the ground).
- 3.4** *Camping* includes any activity using a tent, camper, or motor home, any activity involving preparation of an area for sleeping or, any overnight sleeping.
- 3.5** *Group use* is use actually or potentially involving 10 or more people or 2 or more vehicles at a time.
- 3.6** *Parking* is the leaving of motor vehicles or trailers unattended in an access area.

3.7 *Motor vehicles* are all vehicles propelled or drawn by power other than muscle power.

3.8 *Vessel* means motor boats, boats, kayaks, canoes and sail boats.

4.0 Authorized Activities

The following are authorized activities in order of priority:

4.1 Angling, ice fishing and the launching of any vessel to be used for fishing and parking of vehicles and trailers necessary for and contemporaneous with these purposes.

4.2 The launching of inboard and outboard motorboats engaging in any activity and parking of vehicles and trailers necessary for and contemporaneous with that purpose.

4.3 Trapping, hunting and parking of vehicles and boat trailers necessary for and contemporaneous with that purpose.

4.4 Launching of all non-motorized vessels not used for commercial purposes and parking of vehicles and boat trailers necessary for and contemporaneous with that purpose. Users shall launch from the designated non-motorized launch site, when such a site is identified.

4.5 ATV's and snowmobiles when being used solely for the purposes of ice fishing.

4.6 Permitted special uses.

5.0 Prohibited Activities

5.1 Discarding of bottles, glass, cans, paper, junk, litter, food, or any other garbage or trash.

5.2 Discarding of dead fish, wildlife or portions thereof.

5.3 Washing or cleaning of vehicles and equipment other than for the purpose of removing aquatic plants and organisms.

5.4 Washing or cleaning of fish or wildlife.

5.5 Camping.

5.6 Picnicking.

- 5.7 Making or maintaining fire of any kind.
- 5.8 Water skiing.
- 5.9 Swimming.
- 5.10 Use of snowmobiles and ATV's, except for those being utilized solely for the purpose of ice fishing.
- 5.11 Parking of vehicles and/or trailers while the vehicle owner or user is not present at the access area or on the adjacent public waters except as otherwise permitted by the commissioner.
- 5.12 Storage of vehicles and/or trailers or placing of vehicles or trailers for sale.
- 5.13 Withdrawal of water except as authorized under paragraph 6.0.
- 5.14 Parking in excess of 72 consecutive hours except that the commissioner may issue permits for longer parking when the commissioner determines that there will be no adverse impact on authorized uses found in 4.0 above.
- 5.15 Commercial activity except as authorized by paragraph 7.0 and 8.2 below.
- 5.16 Activity that interferes with a priority use, such as, but not limited to the mooring or beaching of boats, using the ramp to rig a boat or boats thus obstructing use of the ramp, and the storing of boats or trailers at an access area.
- 5.17 Group use not specifically authorized by the Commissioner.
- 5.18 Launching and recovery of sailboards, rafts, snow kites, and the parking of vehicles and trailers supporting these activities.
- 5.19 All other activity that is not specifically permitted by this rule unless specifically authorized by the commissioner.

6.0 Authorized Users

- 6.1 Any person who is engaged in any authorized activity.
- 6.2 Any group that has received approval for group use in accordance with this rule.
- 6.3 Fire departments that have executed a Memorandum of Agreement (MOA) with the commissioner for the installation and use of a dry

hydrant. And then, only in accordance with their MOA. Fire departments may also use Access Areas without dry hydrants as emergency water sources to fight fires and will notify the local warden as soon as practicably possible.

- 6.4 Individuals participating in a fishing tournament permitted under 10 V.S.A. §4613.

7.0 Limited Commercial Activity

- 7.1 Commercial activity at fishing access areas is limited to entities and persons taking part in activities authorized by 4.1, 4.2 and 4.3 above.

8.0 Special Permits

- 8.1 The commissioner may authorize special permits for entities or persons to use an access area for group use when the commissioner determines that there will be no adverse impact on authorized priority uses.
- 8.2 The Commissioner may authorize the use of access areas by an educational institution or a nonprofit charitable organization conducting a fundraising event of limited duration, provided that the event will not conflict with a priority use of the access area.
- 8.3 Special permits shall not be issued and may be revoked immediately for activities that substantially interfere with authorized uses.
- 8.4 Permit fees shall be in accordance with the schedule of fees established under 10 V.S.A. §4132(e).

9.0 Speed Limit

- 9.1 The maximum speed on access areas shall be 15 miles per hour.