§ 21-1101. Champlain basin compact.

The Champlain basin compact as first entered into pursuant to chapter 905 of the laws of 1966, is hereby continued as follows:

THE CHAMPLAIN BASIN COMPACT

ARTICLE 1--PURPOSE

1.1 The signatory parties agree that there is need for a regional intergovernmental forum for consideration of the problems and coordination of governmental activities in the great underdeveloped Champlain Basin.

1.2 The signatory parties recognize the water and related resources of the Champlain Basin as regional assets vested with local, state and national interests for which they have joint responsibility, and that the conservation, utilization, development, management and control of the water and related resources of the Champlain Basin under a comprehensive multi-purpose plan is essential to provide the greatest benefits for the public welfare.

1.3 The signatory parties acknowledge that planning and protection are essential in order to assure orderly development, safeguard the values of the area, and preserve the magnificent beauties and amenities of the great boundary sea of Lake Champlain and its environs, and this need is greatest in the areas most subject to the pressures of urbanization, the counties riparian on Lake Champlain and in particular the lake and its immediate environs.

1.4 To these ends, the signatory parties find that it is essential to establish a joint agency of the signatory parties, with powers sufficient and appropriate:

a) to provide a forum for consultation among and coordination of governmental agencies in the area.

b) formulate a comprehensive plan and program to effectuate proper management of the water and related resources of the Champlain Basin.

c) encourage and implement planning and protection of values and amenities in the counties riparian on Lake Champlain.

d) consider, formulate and recommend programs and provisions for the protection of the values and amenities of Lake Champlain and its immediate environs; and administer and enforce such programs when authorized by the legislatures of the respective states.

ARTICLE 2--SHORT TITLE, DEFINITIONS

2.1 This act shall be known and may be cited as the Champlain Basin Compact.

2.2 The term "Champlain Region" shall mean the area included within the boundaries of the Champlain Basin.

2.3 The term "Champlain Basin" shall mean Lake Champlain, its tributaries and all land drained by that Lake and its tributaries to whatever extent they lie within the signatory states.

2.4 The term "Champlain Valley" shall mean the area in Vermont contained in the counties of Grand Isle, Franklin, Chittenden, Addison, and those portions of Rutland County which are within the basin, the areas in New York contained in the counties of Clinton, Essex, Warren, and those portions of Washington county which are within the basin.

2.5 The term "Lake Champlain Park" shall mean Lake Champlain, its bays and indentations and shores, and the land and waters in both states contained within one quarter of a mile west of the outside state property line of Interstate 87 from the international boundary to Glens Falls, on the east side contained within one quarter of a mile east of the outside state property lines of Interstate 89 starting at the Canadian border to Burlington, Interstate 189 to South Burlington, U. S. 7 to Vergennes, 22A to Fairhaven and 4 to Whitehall, provided that with respect to advertising this shall include any structures, displays or devices which can be seen from the lake if they are not otherwise included.

2.6 The term "Lake Champlain" shall include the Lake, its islands, the lands under its waters up to the international boundary and its tributaries up to the boundaries of the Lake Champlain Park.

ARTICLE 3

3.1 The Champlain Basin Compact shall come into effect when enacted by the legislatures of Vermont and New York.

The provisions of Title 1 of Article 6 with respect to water and related resources management and the operation of the Basin panel with respect thereto shall come into effect when enacted by Vermont and New York and Title II of Article 6 shall come into effect when such a title has been enacted by the two states and the Congress has enacted legislation making the United States a signatory party to the provisions of Title II of Article 6 and provided for United States participation in the Basin Panel.

The provisions of Articles 7 and 8, the operation of the Valley Council with respect thereto, and all provisions of the compact except Title II of Article 6 as provided for shall come into effect when enacted by Vermont and New York.

3.2 The province of Quebec and the Government of Canada subject to such arrangements as may be necessary to effect participation under the constitutions of both nations may participate in this agreement or the Basin Panel thereof to that extent and under such terms as may be agreed between such government or governments and the signatory parties.

3.3 The Interstate Commission on the Lake Champlain Basin (Incochamp) is hereby created by the signatory parties as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of those parties. The Commission shall be composed of six members from each state and when the United States participates in the Basin Panel as a signatory party, a representative of the United States with the following powers and duties.

The states of Vermont and New York, and when the United States participates as a signatory party, the United States of America shall be entitled to a representative on the Basin Panel to act for it in the management of the water and related resources of the Champlain Basin under the provisions of Article 6. In the instance of Vermont and New York, the state member shall be the Governor or a representative designated by the Governor to act for him. The United States representative shall be appointed by the President.

Each state shall name four planning members, and a state legislator from a constituency in the Champlain Basin. These members shall be designated or appointed and serve and be subject to removal as provided in the legislation by which their state enacts this compact.

The representatives of the signatory parties shall exercise the following voting powers in the Commission:

The representative of the United States may participate in all discussions but vote only on all matters with respect to the provisions of Article 6 and the Basin Panel thereof.

The representatives of each state on the Basin Panel may participate in all discussions and vote on all matters.

The planning members may participate in all discussions and vote on all matters except those matters within the purview of the Basin Panel as embodied in Article 6 of this compact. The legislative member may participate in all discussions and vote on all matters except those matters within the purview of the Basin Panel as embodied in Article 6 of this compact and those with respect to management and administration of regulatory and proprietary functions contained or established under the provisions of Articles 7 and 8.

3.4 a) The Commission as a whole shall act as a forum for the problems of the Champlain region and, where needful, in coordinating the activities within the region of the signatory parties, their subdivisions and agencies, and in addressing general recommendations to

any government or governments with jurisdiction within the area encompassed by the signatory parties other than recommendations with respect to subjects on which recommendations are within the purview of the Basin Panel as embodied in Article 6 of this compact.

b) The Basin Panel of the Commission shall be composed of the representatives of the signatory parties designated to act for them in the management of the water and related resources of the Champlain Basin. Voting on all matters as included in Article 6 of this agreement shall be limited to the members of the Basin Panel. Each member of the panel shall be entitled to one vote on all matters which may come before the panel. No action of the panel shall be taken at any meeting unless a majority of the membership shall vote in favor thereof. Each member of the panel shall appoint an alternative to act in his place and stead, who shall attend all meetings of the Panel with power to vote in the absence of the member.

c) The Valley Council of the Commission shall act with respect to matters relative to the Valley and Lake Champlain Park as included in Articles 7 and 8 and shall be composed of the four planning members from each state, the representatives of each state on the Basin Panel and subject to the limitations described in 3.3 herein the Legislative members. Each member of the Valley Council shall be entitled to one vote. When the United States participates in the Basin Panel, the representative of the United States shall be entitled to participate in the discussions in the Valley Council and the Commission as a whole.

d) No action of the Commission as a whole or its Valley Council shall be binding unless taken at a meeting in which a majority of the members from each state are present and unless a majority of those qualified to vote on such action from each state concur, provided that any action not binding for such reason may be ratified within thirty days by the concurrence of a majority of each state. In the absence of any representative his vote may be cast by another representative of his government in the Commission, provided that the representative casting the vote shall have a written proxy in proper form as may be required by the Commission.

3.5 The Commission may sue and be sued, and shall have a seal.

3.6 The Commission shall elect annually, from among its members, a chairman, a vice-chairman, and a treasurer. The commission shall appoint an executive director who shall also act as secretary and who, together with the treasurer, shall be bonded in such amounts as the Commission may require. Each panel shall elect annually a chairman and vice-chairman from among its members.

3.7 Irrespective of the civil service, personnel or other merit system laws of any of the signatory parties, the Commission shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions. The Commission may establish and maintain in conjunction with any one or more of the signatory parties a suitable retirement system for its employees. Employees of the Commission shall be eligible for social security coverage in respect to old age and survivors insurance, provided that the Commission takes such steps as may be necessary to participate in such program as of insurance as a governmental agency or unit.

3.8 The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the Commission terms and conditions of employment similar to those enjoyed by employees of the signatory states generally.

3.9 a) The Commission may borrow, accept or contract for the services of personnel from any inter-governmental agency or government with jurisdiction in the region or any subdivision or agency thereof, or from any institution, person, firm or corporation.

b) The Commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any government, inter-govermental agency, institution, person, firm, or corporation, and may receive, utilize, and dispose of the same provided no non-governmental donation or grant in kind or money shall be

accepted for administrative or operating expenses. The Commission shall have the power to apply and qualify for and accept federal grants.

3.10 a) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. For these purposes the Commission may acquire, hold and convey real and personal property and any interest therein.

b) The Commission may adopt, amend, and rescind bylaws, rules, and regulations for the conduct of its business.

c) The Commission annually shall make a report to the Governors and the President of the United States. The report, which shall cover the activities of the Commission for the preceding year and embody such recommendations as may have been adopted by the Commission, shall be transmitted to the legislatures of all governments with jurisdiction in the region. The Commission may issue such additional reports as it may deem desirable.

ARTICLE 4--FINANCE

4.1 The Commission shall submit to the executive head or designated officer of each signatory party a budget or budgets for the Basin or Valley including a statement of all funds expected to be available to the Commission and their sources and, a request for an appropriation to cover that party's share of expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

4. With due regard for such monies and other assistance as may be made available to it, the Commission shall be provided with such funds by each of the several parties participating therein to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Commission or the Basin Panel or Valley Council thereof.

With due allowance for monies otherwise available, and monies made

available by the United States of America, each budget of the Commission shall be the responsibility of the signatory parties, but as to the states apportioned between them as follows: 50% on an equal basis; 30% on the basis of population; 20% on the basis of area, such population to be determined in accordance with the last official United States Census of Population.

4.3 The Commission shall not pledge the credit of any jurisdiction. The Commission may meet any of its obligations in whole or in part with funds available to it under 3.8(b) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in such manner.

4.4 The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

4.5 The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative, or representatives of the jurisdictions which appropriate funds to the Commission.

ARTICLE 5--CHAMPLAIN REGION--ORDERLY DEVELOPMENT

5.1 The Commission shall act as a general forum for the problems of the region, including, but not limited to, those for which the agreement establishes separate consideration by the Basin Panel and Valley Council, and to that end shall encourage and implement channels of communication and coordination among those departments and agencies of the signatory parties and their subdivisions as have significant interest in the subject matters of the Commission's activities and may make such recommendations to those parties, and those departments, agencies, and subdivisions as may be desirable for the welfare and orderly development of the region.

5.2 The Commission shall hold an annual general conference and such other conferences or meetings, general or particular, as it may deem advisable to promote the welfare and orderly development of the region.

5.3 The Commission shall sponsor, organize or encourage and aid conferences of the local governments of the Basin or such areas thereof as may be appropriate to implement inter-governmental information, co-operation, and coordination on and among all levels of government in the region. To effectuate better coordination in the region the Commission shall promote mutual aid and multilateral arrangements between the signatory parties and their agencies and local governments and their agencies and encourage interlocal legislation and agreements. It may sponsor or encourage the publications of local government bulletins or information to these ends.

5.4 The Commission may:

a) establish advisory and other technical committees as occasion warrants, composed of private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations and officials, and personnel of any government or inter-governmental organization having jurisdiction in the region.

b) cooperate with all appropriate governmental and private agencies in the encouragement of the orderly development of the region and of tourist traffic and facilities.

c) organize, sponsor and encourage historical observances or other festivals and exhibitions to promote the welfare and orderly development of the region.

d) plan and recommend governmental services and programs which would be of assistance to the orderly growth and prosperity of the region, and to the well-being of its population.

e) study and recommend means for the most effective utilization of

such federal assistance as may be available on a regional basis or may have an interstate or regional impact.

f) assist the party states in cooperative planning undertakings with the federal government or any agencies thereof within the Champlain region.

5.5 The Commission shall compile and keep current an inventory of scenic, ecological and historic sites and its recommendations with respect thereto.

ARTICLE 6--LAKE CHAMPLAIN BASIN--WATERSHED MANAGEMENT

Title I

6.1 It is the purpose of this Compact to provide in the Champlain Basin improved procedures for the coordination of the policies, programs and activities of the several jurisdictions and private persons and entities in the field of water and related resources and for the planning and management of the development, use and conservation of such water and related resources.

6.2 The Commission utilizing appropriate state and other duly authorized public agencies may through its Basin Panel:

a) Conduct and sponsor research on water resources and their planning, use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions:

b) Collect, compile, coordinate, and interpret systematic stream stage and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes:

c) Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto as may be required to formulate and administer the comprehensive plan:

d) Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties to this article.

6.3 The Commission through its Basin Panel shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the Commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the Commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions and interested groups. The Commission shall conduct public hearings with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof and shall make public any dissenting or minority opinions.

6.4 The Commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin.

6.5 In the event the legislatures of the two states and the Congress of the United States do not within a year from the date of the enactment of this Compact enact a Title II of this article providing for the

implementation of the comprehensive plan in terms of a water resources program and management of water and related resources in the Champlain Basin, the Basin Panel shall prepare and recommend provisions to effectuate these purposes for enactment as such title by the two states and the United States. Nothing in this article, however, shall be construed to prohibit action by the Basin Panel to this end during the two year period immediately following the enactment of this compact or thereafter.

ARTICLE 7--CHAMPLAIN VALLEY--PLANNING FOR DEVELOPMENT

7.1 It is the purpose of this Compact to encourage and coordinate local, regional, interstate and international planning and zoning in the Champlain Valley in order to safeguard its beauty and amenities and assure its orderly development as population pressures inevitably grow in this core of the Champlain Basin.

7.2 The Commission, acting through its Valley Council may recommend standards as guides for planning, zoning, and other action which will promote balanced development.

7.3 The Commission, acting through its Valley Council may act as coordinator or as an agency for the inter-governmental coordination and effectuation of local, regional, state, interstate and international planning.

7.4 a) The Commission, acting through its Valley Council after consultation with appropriate agencies of the signatory states, may recommend a comprehensive master plan for their public works and like expenditures in the Valley or a portion thereof, which, in those particulars and for such period as is approved by the legislatures of the signatory states, shall be observed by them with the same force and effect as if incorporated in this agreement.

The Valley Council may, from time to time, recommend plans for the Valley, supplementary to or amendatory of any previous plan, which in the same fashion shall be observed by the parties so agreeing, with same force and effect as if incorporated in this agreement.

b) The Valley Council in consultation with the planning agencies of the states and their political subdivisions is authorized to adopt and from time to time, amend or extend, a comprehensive plan for the development and protection of the Champlain Valley to serve as a general framework or guide of development within which each part of the Valley may be more precisely planned and which shall include among things, a land use plan and which shall serve to reconcile and integrate planning proposals throughout the valley.

ARTICLE 8--LAKE CHAMPLAIN PARK

8.1 The signatory parties find that the protection of the amenities and resources of Lake Champlain and its adjacent area is central to the economic health and orderly development of the entire valley and region. Accordingly, it is the purpose of this Compact to provide through the Commission acting through its Valley Panel a mechanism for joint action of the signatory parties in safeguarding the values, resources, and amenities of Lake Champlain and its adjacent area in accordance with the comprehensive plan.

8.2 The Lake Champlain Park as described in 2.5 of this agreement shall constitute a zone in which the Valley Council may perform the functions described in this article.

8.3 The Commission through its Valley Panel may draft and recommend for adoption ordinances and regulations which would assist, develop and protect the park area and the character of its communities.

Local governments may consider parts of their area which are within the park area under the provisions of this article separately from the municipality as a whole and pursuant to the laws of the state governing the adoption of these regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of the park, the Valley Council may make recommendations for the entire municipality.

8.4 In order to preserve and enhance the natural beauty and the

amenities of the Lake Champlain Park; protect and conserve the investment of the signatory parties in forest land, islands, state campsites and other interest in real property in the parks; preserve and regulate the park for public uses for the resort of the public for recreation, transportation, pleasure, air, light, and enjoyment; keep it open, safe, clean and in good order for the welfare of society and prevent unrestricted commercial development, the Commission through its Valley Council shall recommend within three years after the adoption of the Compact, or report its reasons for not so doing, legislation for these purposes which shall come into effect inside the boundaries of the parks area within the jurisdiction of a state upon enactment by the legislature concurred in by the legislature of the other state:

a) Protection of the Lake and its Environs

Regulation of: advertising, objectionable use of property, filling or use for private purposes of state lands under water, conduct of boats and vessels with respect to safety and sanitation, maintenance of lake levels, sewage disposal into the lake, dumping and littering on its waters or frozen surface. The encouragement of restrictive covenants.

b) Coordination of Law Enforcement

Establishment of common high and low water marks and state jurisdiction with regard thereto, aid to local law enforcement over the use of the lake, provisions for the enforcement of laws by joint or coordinated state or local action, deputation of law enforcement powers as among jurisdictions, provisions for the appearance of the Commission in the courts of either state with power to bring actions or proceedings in law or equity to enforce provisions of law and requirements as they apply to the area set forth in paragraph 2.5 of this Compact.

A negative report shall not preclude a later affirmative recommendation or recommendations on these subjects by the Valley Council. The listing of matters in (a) and (b) of this paragraph shall not be interpreted to preclude recommendations on matters not so listed. Nothing in this article shall be construed to prohibit action by a

signatory party, or the signatory parties by means of legislation other than legislation concurred in by both states.

8.5 Nothing in this Compact or in any regulation issued under the provisions of this article or concurrent legislation enacted in accordance therewith shall be interpreted to supersede actions of a park district created under the laws of either state lying wholly or partially in the Lake Champlain Park unless the Valley Council specifically states such effect is necessary for the adequate protection of the amenities and values of the Lake Champlain Park.

Nor shall this compact be interpreted to prohibit more stringent action by a signatory party.

ARTICLE 9

Except as may be stipulated in Title II of Article 6 nothing in this Compact shall be construed to impair, or otherwise affect the jurisdiction of any interstate agency in which any party state participates not to abridge, impair, or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish, or otherwise affect any obligation assumed under any such compact; nor shall anything in this compact be construed to discourage additional interstate compacts among some or all of the party states or the establishment of intergovernmental agencies in sub-areas of the region or to limit the jurisdiction or activities of any participating government, agency, or officer thereof, or any private person or agency.

ARTICLE 10

The provisions of this Compact shall be severable and if phrase, clause, sentence or provision of this Compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this Compact, and the applicability thereof to any state, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this Compact be reasonably and liberally construed.

ARTICLE 11

This Compact shall continue in force and remain binding on the signatory parties unless renounced by legislative action of a signatory party at least four years in advance of the effective date of withdrawal. Such withdrawal shall not affect the operation of the provisions of this Compact with respect to the continued operations of the Basin Panel and Article 6 under separate withdrawal provisions for that article.