

DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

Report on Act 135 Surface Water Withdrawals Registration and Reporting

Year: 2023

Date reported: February 9, 2023

Authorizing statute: 10 V.S.A. § 1045

Committees: House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and Senate Committees on Natural Resources and Energy and on Agriculture

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Executive Summary

This is the first annual report submitted pursuant to 10 V.S.A. § 1045, which requires the Secretary of Natural Resources, after consultation with the Secretary of Agriculture, Food and Markets to submit the data submitted to the Secretary pursuant to 10 V.S.A. § 1042 (a) and (b), the Surface Water Withdrawal Registration and Reporting Program, and data submitted to the Secretary of Agriculture, Food, and Markets under 6 V.S.A. § 4927, Agricultural Surface Water Withdrawal Reporting. Act 135 took effect on July 1, 2022 and required any person who withdrawing more than 10,000 gallons or more within a 24-hour period or 150,000 gallons or more of surface water over any 30-day period for farming (as define in 6 V.S.A. § 4802) to file a report with the Secretary of Agriculture, Food and Markets by January 15, 2023. Additionally, the Act required other surface water users withdrawing water at the same volumes to register their water withdrawal with the Secretary of Natural Resources beginning January 1, 2023, and report total water withdrawn the following year.

During the initial six months of the Agricultural Surface Water Withdrawal Reporting Program, a total of six farms filed surface water reports with the Secretary of Agriculture, Food and Market. The Secretary of Natural Resources water withdrawal registration program began on January 1, 2023, and surface water users are able to register their water withdrawal via an online form. The Department of Environmental Conservation staff continues to conduct outreach and provide technical assistance to surface water users about the new program.

Key Takeaways

- A total of six farms filed surface water use reports with the Secretary of Agriculture, Food and Markets for 2022 reporting a total of 9,571,100 gallons of water withdrawn for irrigation.
- The Surface Water Registration and Reporting Program administered by the Department of Environmental Conservation began January 1, 2023, as required, and surface water users are able to complete an online form to register their water withdrawal.
- The need to conduct outreach to let surface water users know of the new requirements for both the Surface Water Registration and Reporting Program and the Agricultural Surface Water Reporting Program needs to remain a priority. Additionally, technical assistance is needed to assist surface water users to ensure correct data is being collected.

Discussion

A summary of agricultural surface water use reports filed with the Secretary of the Agriculture, Food, and Markets pursuant to 6 V.S.A. § 4927 for the time period of July 1, 2022 through December 31, 2022, are provided in the table below (Table 1). A total of six farms file water use reports from ten withdrawals, reporting withdrawals between 23,000 to 5,185,700 gallons for irrigation purposes.

The Department of Environmental Conservation Surface Water Registration and Reporting Program began on January 1, 2023 as required by Act 135. Surface water users are able to register their water withdrawal via of an online form which registrants are required to provide the location of each water withdrawal and impacted surface water, frequency and rate of each withdrawal in gallons per minute, a description of the use or uses of the water to be withdrawn, the capacity of the withdrawal system and a schedule for the withdrawal. Additionally, Registrants will be able to revisit the online registration system when they need to file their annual water use report with the Department. A guidance document was developed to assist registrants with the completion of the online form.

The Department continues to conduct outreach and provide technical assistance to various sectors that may maintain surface water withdrawals to inform them of the new requirements. Additionally, the Department has developed a technical guidance document to assist surface water users with questions about what is a surface water and information on methods that could be used to estimate their water use, if needed. Outreach, education, and technical assistance remains a priority for the Department to ensure that surface water users are aware of the requirement and that data being collected and reported is accurate. As it is essential for the registration and reporting program to generate a robust data set for the Department to consider when setting thresholds and other requirements for any future permitting program.

Table 1. Summary of the Agricultural Surface Water Reports filed with the Secretary of Agriculture, Food, and Markets for the period of July 1, 2022 through December 31, 2022.

Farm / Business Name	Water Withdrawal Number	Description of Agricultural Use	Name of Surface Water	Total amount of surface water withdrawn (gallons)
Intervale Community Farm Cooperative Inc.	1	Irrigation of vegetable crops	Winooski River	597,800
River Berry Farm	1	Irrigation of crops and frost protection of crops	Lamoille River	250,000
Cedar Circle Farm	1			1,071,600
Elysian Fields, LLC.	1	Pasture Irrigation	Lake Champlain	5,185,700
Joes Brook Farm, LLC	1	Irrigation of Crops	Joes Brook	200,000
Joes Brook Farm, LLC	2	Irrigation of Crops	Passumpsic River	1,800,000
Burnt Rock Farm	1	Irrigation of Crops	Huntington River	81,200
Burnt Rock Farm	2	Irrigation of Crops	Huntington River	23,000
Burnt Rock Farm	3	Irrigation of Crops	Huntington River	100,600
Burnt Rock Farm	4	Irrigation of Crops	Huntington River	261,200