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1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 213 entitled “An act relating to the regulation of wetlands,  
4 river corridor development, and dam safety” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Wetlands \* \* \*

8 Sec. 1. 10 V.S.A. § 901 is amended to read:

9 § 901. WATER RESOURCES MANAGEMENT POLICY

10 It is hereby declared to be the policy of the State that:

11 (1) the water resources of the State shall be protected; regulated; and,  
12 where necessary, controlled under authority of the State in the public interest  
13 and to promote the general welfare;

14 (2) the wetlands of the State shall be protected, regulated, and restored  
15 so that Vermont achieves a net gain of wetlands acreage; and

16 (3) regulation and management of the water resources of the State,  
17 including wetlands, should be guided by science, and authorized activities in  
18 water resources and wetlands should have a net environmental benefit to the  
19 State.

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1 Sec. 2. 10 V.S.A. § 902(13) is added to read:

2 (13) “Dam removal” has the same meaning as in section 1080 of this  
3 title.

4 Sec. 3. 10 V.S.A. § 916 is amended to read:

5 § 916. ~~REVISION~~ UPDATE OF VERMONT SIGNIFICANT WETLANDS  
6 INVENTORY MAPS

7 ~~The Secretary shall revise the Vermont significant wetlands inventory maps~~  
8 ~~to reflect wetland determinations issued under section 914 of this title and~~  
9 ~~rulemaking by the panel under section 915 of this title. (a) On or before~~  
10 January 1, 2026, and not less than annually thereafter, the Agency of Natural  
11 Resources shall update the Vermont Significant Wetlands Inventory (VSWI)  
12 maps. The annual updates to the VSWI shall include integration of  
13 georeferenced shapefiles or similar files for all verified delineations performed  
14 within the State and submitted to the Agency of Natural Resources as part of a  
15 permit application, as well as a wetlands determination issued under section  
16 914 of this title and rulemaking conducted pursuant to section 915 of this title.  
17 The VSWI layer shall include integration of any additional town specific  
18 inventories performed by consultants on the Agency’s Wetland Consultant List  
19 if the consultant has presented the map to a municipality or the Agency of  
20 Natural Resources.

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1        (b) On or before January 1, 2030, the Secretary of Natural Resources shall  
2        complete High Quality Wetlands Inventory (NWI) Plus level mapping for all  
3        of the tactical basins in the State. The high-quality mapping shall include a  
4        ground truthing component, as recommended by the U.S. Fish and Wildlife  
5        Service (USFWS). Once all tactical basins are mapped, the Agency shall  
6        evaluate the need for NWI Plus level map updates on a five-year cycle,  
7        simultaneously with updates to the corresponding tactical basin plan.

8        Sec. 4. 10 V.S.A. §§ 918 and 919 are added to read:

9        § 918. NET GAIN OF WETLANDS; STATE GOAL; RULEMAKING

10       (a) On or before July 1, 2025, the Secretary of Natural Resources shall  
11       amend the Vermont Wetlands Rules pursuant to 3 V.S.A. chapter 25 to clarify  
12       that the goal of wetlands regulation and management in the State is the net gain  
13       of wetlands to be achieved through protection of existing wetlands and  
14       restoration of wetlands that were previously adversely affected. As a condition  
15       of a permit for activity in a wetland, the Secretary shall require the net gain of  
16       wetlands. This condition shall not apply to wetland, river, and flood plain  
17       restoration projects, including dam removals.

18       (b) The Vermont Wetlands Rules shall prioritize the protection of existing  
19       intact wetlands from adverse effects. Where a permitted activity in a wetland  
20       will cause more than 5,000 square feet of adverse effects that cannot be  
21       avoided, the Secretary shall mandate that the permit applicant restore, enhance,

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1 or create wetlands or buffers to compensate for the adverse effects on a  
2 wetland. The amount of wetlands to be restored, enhanced, or created shall be  
3 calculated, at a minimum, by determining the acreage or square footage of  
4 wetlands adversely affected by the permitted activity and multiplying the  
5 number of adversely affected acres or square feet by two, to result in ratio of  
6 2:1 restoration to disturbance. Establishment of a buffer zone contiguous to a  
7 wetland shall not substitute for the restoration, enhancement, or creation of  
8 wetlands. Adverse effects on wetland buffers shall also be restored, enhanced,  
9 or created at a ratio of 2:1 restoration to disturbance, as established on a case-  
10 by-case, per project basis.

11 (c) At a minimum, the Wetlands Rules shall be revised to:

12 (1) Require an applicant for a wetland permit to restore and enhance any  
13 loss of more than 5,000 square feet of wetlands caused by the project that is  
14 subject to the permit application. Wetland, river, and floodplain restoration  
15 projects, including dam removal, shall not require a wetland permit under this  
16 rule.

17 (2) Incorporate the net gain rule into existing general permits and into  
18 requirements for permits issued after September 1, 2025.

19 (3) Establish a set of parameters and ratios for the permittee-designed  
20 restored wetlands, at not less than a 2:1 ratio, which shall include, at a  
21 minimum, the following factors:

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1           (A) the existing level of wetland function at the site prior to  
2           mitigation or restoration of wetlands;

3           (B) the amount of wetland and wetland function lost as a result of the  
4           project;

5           (C) how the wetland amounts and functions will be restored at the  
6           proposed compensation site;

7           (D) the length of time before the compensation site will be fully  
8           functional;

9           (E) the risk that the compensation project may not succeed;

10          (F) the differences in the location of the adversely affected wetland  
11          and the wetland subject to compensation that affect the services and values  
12          offered; and

13          (G) the requirement that permittees conduct five years of  
14          postrestoration monitoring for the restored wetlands, at which time the Agency  
15          can decide if further action is needed.

16          (d) When amending the Vermont Wetlands Rules under this section, the  
17          Secretary shall establish a Vermont in-lieu fee (ILF) compensation program for  
18          wetlands impacts that may be authorized as compensation for an adverse effect  
19          on a wetland when the permittee cannot achieve restoration. The Secretary  
20          may implement a Vermont ILF compensation program through agreements  
21          with third-party entities such as the U.S. Army Corps of Engineers or

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1 environmental organizations, provided that any ILF monetary compensation  
2 authorized under the rules shall be expended on restoration, reestablishment,  
3 enhancement, or conservation projects within the State at the HUC 8 level of  
4 the adversely affected wetland when practicable.

5 § 919. WETLANDS PROGRAM REPORTS

6 (a) On or before April 30, 2025, and annually thereafter, the Secretary of  
7 Natural Resources shall submit to the House Committee on Environment and  
8 Energy and to the Senate Committee on Natural Resources and Energy a report  
9 on annual losses and gains of significant wetlands in the State. The report shall  
10 include:

11 (1) the location and acreage of Class II wetland and buffer losses  
12 permitted by the Agency in accordance with section 913 of this title, for which  
13 construction of the permitted project has commenced;

14 (2) the acreage of Class II wetlands and buffers gained through permit-  
15 related enhancement and restoration;

16 (3) the number of site visits and technical assistance calls conducted by  
17 the Agency of Natural Resources, the number of permits processed by the  
18 Agency, and any enforcement actions that were taken by the Agency or the  
19 Office of the Attorney General in the previous year for violations of this  
20 chapter; and

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1           (4) an updated mitigation summary of the extent of wetlands restored  
2           on-site compared with compensation performed off-site, in-lieu fees paid, or  
3           conservation.

4           (b) On or before April 30, 2027, and every five years thereafter, the  
5           Agency of Natural Resources shall submit to the House Committee on  
6           Environment and Energy and to the Senate Committee on Natural Resources  
7           and Energy a comprehensive report on the status of wetlands in the State. The  
8           report shall include:

9           (1) an analysis of historical trends of wetlands, including data analyzing  
10          the projects for which wetland permits were issued by county and tactical  
11          basin;

12          (2) the results of each NWI Plus Mapping Project, including net acres  
13          mapped, dominant vegetative composition, connected tributaries, locations of  
14          confirmed ground truthing, if applicable, and any other hydrologic soil or  
15          vegetative observations or trends noted; and

16          (3) relevant updates related to Class I and Class II wetlands to include  
17          additional wetlands identified under these categories, their composition and  
18          general characteristics, potential threats, patterns of use, and other unique  
19          features.

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1 Sec. 5. 10 V.S.A. § 1274(a) is amended to read:

2 (a) Notwithstanding any other provision or procedure set forth in this  
3 chapter, if the Secretary finds that any person has discharged or is discharging  
4 any waste or damaging the ecological functions of wetlands in violation of this  
5 chapter or chapter 37 of this title, or that any person has failed to comply with  
6 any provisions of any order or permit issued in accordance with this chapter or  
7 chapter 37 of this title, the Secretary may bring suit in the Superior Court in  
8 any county where the discharge, damage to wetlands, or noncompliance has  
9 occurred to enjoin the discharge ~~and to~~ obtain compliance, and mandate  
10 restoration of damaged wetlands. The suit shall be brought by the Attorney  
11 General in the name of the State. The court may issue a temporary injunction  
12 or order in any such proceedings and may exercise all the plenary powers  
13 available to it in addition to the power to:

14 (1) Enjoin future discharges.

15 (2) Order the design, construction, installation, or operation of pollution  
16 abatement facilities or alternate waste disposal systems.

17 (3) Order the restoration of damaged wetlands. Wetlands damaged in  
18 violation of chapter 37 of this title may be ordered restored, enhanced, or  
19 created.

20 (4) Order the removal of all wastes discharged and the restoration of  
21 water quality.





1 Map to identify areas suitable for development that are located within existing  
2 settlements and that will not cause or contribute to increases in fluvial erosion  
3 hazards.

4 (b) Beginning January 1, 2025 and ending January 1, 2027, the Department  
5 of Environmental Conservation shall conduct an education and outreach  
6 program to consult with and collect input from municipalities, businesses,  
7 property owners, farmers, and other members of the public regarding how  
8 State permitting of development in mapped river corridors will be  
9 implemented, including potential restrictions on the use of land within mapped  
10 river corridors. The Department shall develop educational materials for the  
11 public as part of its charge under this section. The Department shall collect  
12 input from the public regarding the permitting of development in mapped river  
13 corridors as proposed by this act. On or before January 15, 2026, the  
14 Department shall submit to the Senate Committee on Natural Resources and  
15 Energy and the House Committee on Environment and Energy a report that  
16 shall include:

17 (1) a summary of the public input it received regarding State permitting  
18 of development in mapped river corridors; and

19 (2) recommendations, based on the public input collected, for changes to  
20 the requirements for State permitting of development in mapped river  
21 corridors.



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1           (13) “Existing settlement” has the same meaning as in section 6001 of  
2           this title.

3           (14) “Mapped river corridor” means a river corridor drawn and adopted  
4           by the Secretary of Natural Resources as part of the statewide River Corridor  
5           Base Map Layer in accordance with the Flood Hazard Area and River Corridor  
6           Protection Procedure for rivers and streams with a watershed area greater than  
7           two square miles.

8           Sec. 9. 10 V.S.A. § 754 is amended to read:

9           § 754. ~~FLOOD HAZARD AREA RULES ; USES EXEMPT FROM~~  
10           ~~MUNICIPAL REGULATION~~ MAPPED RIVER CORRIDOR  
11           RULES

12           (a) Rulemaking authority.

13           (1) ~~On or before November 1, 2014, the Secretary shall adopt rules~~  
14           ~~pursuant to 3 V.S.A. chapter 25 that establish requirements for the issuance~~  
15           ~~and enforcement of permits applicable to:~~

16           ~~(i) uses exempt from municipal regulation that are located within a~~  
17           ~~flood hazard area or river corridor of a municipality that has adopted a flood~~  
18           ~~hazard bylaw or ordinance under 24 V.S.A. chapter 117; and~~

19           ~~(ii) State owned and operated institutions and facilities that are~~  
20           ~~located within a flood hazard area or river corridor~~ On or before July 1, 2027,  
21           the Secretary, after consultation with the Agency of Commerce and

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1 Community Development and the Vermont Regional Planning Commissions,  
2 shall adopt rules pursuant to 3 V.S.A. chapter 25 that establish requirements  
3 for issuing and enforcing permits for:

4 (A) all development within a mapped river corridor in the State; and  
5 (B) for development exempt from municipal regulation in flood  
6 hazard areas.

7 \* \* \*

8 (b) Required rulemaking content. The rules shall:

9 (1) set forth the requirements necessary to ensure ~~uses~~ that development  
10 exempt from municipal regulation are in flood hazard areas is regulated by the  
11 State in order to comply with the regulatory obligations set forth under the  
12 National Flood Insurance Program;

13 (2) be designed to ensure that the State and municipalities meet  
14 community eligibility requirements for the National Flood Insurance Program;

15 (3) establish requirements for the permitting of development within the  
16 mapped river corridors of the State;

17 (4) provide certain regulatory exemptions for minor development  
18 activities in a mapped reiver corridor when the development activities have no  
19 adverse environmental effects;

20 (5) establish the requirements and process for a municipality to be  
21 delegated the State’s permitting authority for development in a mapped river

1 corridor when the development is not exempt from municipal regulation and  
2 when the municipality has adopted an ordinance or bylaw under 24 V.S.A.  
3 chapter 117 that has been approved by the Secretary and that meets or exceeds  
4 the requirements established under State rule;

5 (6) set forth a process for amending the statewide River Corridor Base  
6 Map; and

7 ~~(e)(7) Discretionary rulemaking. The rules required under this section may~~  
8 establish requirements that exceed the requirements of the National Flood  
9 Insurance Program for ~~uses~~ development exempt from municipal regulation in  
10 flood hazard areas, including requirements for the maintenance of existing  
11 native riparian vegetation, provided that any rules adopted under this  
12 subsection that exceed the minimum requirements of the National Flood  
13 Insurance Program shall be designed to prevent or limit a risk of harm to life,  
14 property, or infrastructure from flooding.

15 ~~(d)(c)~~ General permit. The rules authorized by this section may establish  
16 requirements for a general permit to implement the requirements of this  
17 section, including authorization under the general permit to conduct a specified  
18 use exempt from municipal regulation without notifying or reporting to the  
19 Secretary or an agency delegated under subsection ~~(g)(f)~~ of this section. A  
20 general permit implementing the requirements of this section shall not be  
21 required to be issued by rule.

1        ~~(e)~~(d) Consultation with interested parties. Prior to submitting the rules  
2        required by this section to the Secretary of State under 3 V.S.A. § 838, the  
3        Secretary shall solicit the recommendations of and consult with affected and  
4        interested persons and entities such as: the Secretary of Commerce and  
5        Community Development; the Secretary of Agriculture, Food and Markets; the  
6        Secretary of Transportation; the Commissioner of Financial Regulation;  
7        representatives of river protection interests; representatives of fishing and  
8        recreational interests; representatives of the banking industry; representatives  
9        of the agricultural community; representatives of the forest products industry;  
10       the regional planning commissions; municipal interests; and representatives of  
11       municipal associations.

12       ~~(f)~~(e) Permit requirement. A Beginning on January 1, 2028, a person shall  
13       not commence or conduct ~~a use~~ development exempt from municipal  
14       regulation in a flood hazard area or any development in a mapped river  
15       ~~corridor in a municipality that has adopted a flood hazard area bylaw or~~  
16       ~~ordinance under 24 V.S.A. chapter 117 or commence construction of a State-~~  
17       ~~owned and operated institution or facility located within a flood hazard area or~~  
18       ~~river corridor~~, without a permit issued under the rules required under  
19       subsection (a) of this section by the Secretary or by a State agency delegated  
20       permitting authority under subsection ~~(g)~~(f) of this section. When an

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1 application is filed under this section, the Secretary or delegated State agency  
2 shall proceed in accordance with chapter 170 of this title.

3 ~~(g)~~(f) Delegation.

4 (1) The Secretary may delegate to another State agency the authority to  
5 implement the rules adopted under this section, to issue a permit under  
6 subsection ~~(f)~~(e) of this section, and to enforce the rules and a permit.

7 (2) A memorandum of understanding shall be entered into between the  
8 Secretary and a delegated State agency for the purpose of specifying  
9 implementation of requirements of this section and the rules adopted under this  
10 section, issuance of a permit or coverage under a general permit under this  
11 section, and enforcement of the rules and permit required by this section.

12 (3) Prior to entering a memorandum of understanding, the Secretary  
13 shall post the proposed memorandum of understanding on its website for 30  
14 days for notice and comment. When the memorandum of understanding is  
15 posted, it shall include a summary of the proposed memorandum; the name,  
16 telephone number, and address of a person able to answer questions and  
17 receive comments on the proposal; and the deadline for receiving comments.

18 A final copy of a memorandum of understanding entered into under this  
19 section shall be sent to the chairs of the House ~~Committees on Energy and~~  
20 ~~Technology and on Natural Resources, Fish, and Wildlife~~ Committee on  
21 Environment and Energy, the Senate Committee on Natural Resources and



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1 Energy, and any other committee that has jurisdiction over an agency that is a  
2 party to the memorandum of understanding.

3 ~~(h)~~(g) Municipal authority. This section and the rules adopted under it  
4 shall not prevent a municipality from adopting substantive requirements for  
5 development in a flood hazard area bylaw or ordinance under 24 V.S.A.  
6 chapter 117 that are more stringent than the rules required by this section,  
7 provided that the bylaw or ordinance shall not apply to uses exempt from  
8 municipal regulation.

9 Sec. 10. 10 V.S.A. § 755 is amended to read:

10 § 755. STATE FLOOD HAZARD AREA STANDARDS; MUNICIPAL  
11 EDUCATION; MODEL FLOOD HAZARD AREA  
12 BYLAW OR ORDINANCE

13 (a) State flood hazard area standards.

14 (1) On or before January 1, 2026, the Secretary shall adopt rules  
15 pursuant to 3 V.S.A. chapter 25 that establish a set of flood hazard area  
16 standards for enrollment in the National Flood Insurance Program (NFIP).

17 (2) The rules shall contain flood hazard area standards that meet or  
18 exceed the minimum standards of the NFIP by reducing flood risk to new  
19 development and ensuring new development does not create adverse impacts  
20 to adjacent preexisting development.

1           (3) Any municipality with a municipal flood hazard area bylaw or  
2           ordinance shall update their bylaw or ordinance to incorporate the State Flood  
3           Hazard Area Standards. Nothing in this section shall prohibit a municipality  
4           from adopting a more protective flood hazard standard with language and  
5           standards approved by the Agency.

6           (4) On or after January 1, 2028, the State Flood Hazard Areas adopted  
7           under subdivision (1) of this subsection shall be the State minimum flood  
8           hazard areas standards.

9           (b) Education and assistance. The Secretary, in consultation with regional  
10           planning commissions, shall provide ongoing education, technical assistance,  
11           and guidance to municipalities regarding the requirements under 24 V.S.A.  
12           chapter 117 necessary for compliance with the ~~National Flood Insurance~~  
13           ~~Program~~ (NFIP), including implementation of the State Flood Hazard Area  
14           Standards adopted under subsection (a) of this section.

15           ~~(b)~~(c) Model flood hazard area bylaw or ordinance. The Secretary shall  
16           create and make available to municipalities a model flood hazard area bylaw or  
17           ordinance for potential adoption by municipalities pursuant to 24 V.S.A.  
18           chapter 117 or 24 V.S.A. § 2291. The model bylaw or ordinance shall set forth  
19           the minimum provisions necessary to meet the requirements of the ~~National~~  
20           ~~Flood Insurance Program~~ NFIP, including implementation of the State Flood  
21           Hazard Area Standards adopted under subsection (a) of this section. The

1 model bylaw may include alternatives that exceed the minimum requirements  
2 for compliance with the ~~National Flood Insurance Program~~ NFIP and State  
3 Flood Hazard Area Standards in order to allow a municipality to elect whether  
4 it wants to adopt the minimum requirement or an alternate requirement that  
5 further minimizes the risk of harm to life, property, and infrastructure from  
6 flooding.

7 (e)(d) Assistance to municipalities with no flood hazard area bylaw or  
8 ordinance. The Secretary, in consultation with municipalities, municipal  
9 organizations, and regional planning commissions, shall provide education and  
10 technical assistance to municipalities that lack a flood hazard area bylaw or  
11 ordinance in order to encourage adoption of a flood hazard area bylaw or  
12 ordinance that qualifies the municipality for the ~~National Flood Insurance~~  
13 ~~Program~~ (NFIP).

14 Sec. 11. 24 V.S.A. § 4302(c)(14) is amended to read:

15 (14) To encourage flood resilient communities.

16 (A) New development in identified flood hazard, fluvial erosion, and  
17 river corridor protection areas should be avoided. If new development is to be  
18 built in such areas, it should not exacerbate flooding and fluvial erosion and  
19 should meet or exceed the statewide minimum flood hazard area standards  
20 established by rule by the Agency of Natural Resources.

21

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1 Sec. 12. 24 V.S.A. § 4382(a)(12) is amended to read:

2 (12)(A) A flood resilience plan that:

3 (i) identifies flood hazard and fluvial erosion hazard areas, based  
4 on river corridor maps provided by the Secretary of Natural Resources  
5 pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and  
6 designates those areas to be protected, including floodplains, river corridors,  
7 land adjacent to streams, wetlands, and upland forests, to reduce the risk of  
8 flood damage to infrastructure and improved property; and

9 (ii) recommends policies and strategies to protect the areas  
10 identified and designated under subdivision (12)(A)(i) of this subsection and to  
11 mitigate risks to public safety, critical infrastructure, historic structures, and  
12 municipal investments. These strategies shall include adoption and  
13 implementation of the State Flood Hazard Area Standards.

14 (B) A flood resilience plan may reference an existing local hazard  
15 mitigation plan approved under 44 C.F.R. § 201.6.

16 Sec. 13. 24 V.S.A. § 4424 is amended to read:

17 § 4424. SHORELANDS; ~~RIVER CORRIDOR PROTECTION AREAS;~~  
18 FLOOD OR HAZARD AREA; SPECIAL OR FREESTANDING  
19 BYLAWS

20 (a) Bylaws; flood and other hazard areas; ~~river corridor protection~~. Any  
21 municipality may adopt freestanding bylaws under this chapter to address

1 particular hazard areas in conformance with the municipal plan, the State  
2 Flood Hazard Area Standards or, for the purpose of adoption of a flood hazard  
3 area bylaw, a local hazard mitigation plan approved under 44 C.F.R. § 201.6.  
4 Such freestanding bylaws may include the following, which may also be part  
5 of zoning or unified development bylaws:

6 (1) Bylaws to regulate development and use along shorelands.

7 (2) Bylaws to regulate development and use in ~~flood areas, river~~  
8 ~~corridor protection areas,~~ flood hazard areas or other hazard areas. The

9 following shall apply if flood hazard or other hazard area bylaws are enacted:

10 (A) Purposes.

11 (i) To minimize and prevent the loss of life and property, the  
12 disruption of commerce, the impairment of the tax base, and the extraordinary  
13 public expenditures and demands on public service that result from flooding,  
14 landslides, erosion hazards, earthquakes, and other natural or human-made  
15 hazards.

16 (ii) To ensure that the design and construction of development in  
17 ~~flood, river corridor protection,~~ hazard and other hazard areas are  
18 accomplished in a manner that minimizes or eliminates the potential for flood  
19 and loss or damage to life and property and ensures new development will not  
20 adversely affect existing development in a flood hazard area ~~or that minimizes~~

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1 ~~the potential for fluvial erosion and loss or damage to life and property in a~~  
2 ~~river corridor protection area.~~

3 (iii) To manage all flood hazard areas designated pursuant to  
4 10 V.S.A. § 753.

5 (iv) To make the State and municipalities eligible for federal flood  
6 insurance and other federal disaster recovery and hazard mitigation funds as  
7 may be available.

8 (B) Contents of bylaws. Except as provided in subsection (c) of this  
9 section,  ~~flood, river corridor protection area, hazard~~ and other hazard area  
10 bylaws  ~~may shall~~:

11 (i)  ~~Contain standards and criteria that prohibit the placement of~~  
12  ~~damaging obstructions or structures, the use and storage of hazardous or~~  
13  ~~radioactive materials, and practices that are known to further exacerbate~~  
14  ~~hazardous or unstable natural conditions~~ Require compliance with the State  
15 Flood Hazard Area Standards established by rule pursuant to 10 V.S.A.  
16 § 755(c) and meet all additional requirements under the National Flood  
17 Insurance Program as set forth in 44 C.F.R. § 60.3.

18 (ii)  ~~Require flood, fluvial erosion, and hazard protection through~~  
19  ~~elevation, floodproofing, disaster preparedness, hazard mitigation, relocation,~~  
20  ~~or other techniques.~~

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1                   ~~(iii) Require adequate provisions for flood drainage and other~~  
2                   ~~emergency measures.~~

3                   ~~(iv) Require provision of adequate and disaster resistant water and~~  
4                   ~~wastewater facilities.~~

5                   ~~(v) Establish other restrictions to promote the sound management~~  
6                   ~~and use of designated flood, river corridor protection, and other hazard areas.~~

7                   ~~(vi) Regulate~~ Regulate all land development in a flood hazard  
8                   ~~area, river corridor protection area,~~ or other hazard area, except for  
9                   development that is regulated under 10 V.S.A. § 754.

10                  (C) Effect on zoning bylaws. Flood hazard or other hazard area  
11                  bylaws may alter the uses otherwise permitted, prohibited, or conditional in a  
12                  flood hazard area or other hazard area under a bylaw, as well as the  
13                  applicability of other provisions of that bylaw. Where a flood hazard bylaw, a  
14                  hazard area bylaw, or both apply along with any other bylaw, compliance with  
15                  the flood or other hazard area bylaw shall be prerequisite to the granting of a  
16                  zoning permit. Where a flood hazard area bylaw or a hazard area bylaw but  
17                  not a zoning bylaw applies, the flood hazard and other hazard area bylaw shall  
18                  be administered in the same manner as are zoning bylaws, and a flood hazard  
19                  area or hazard area permit shall be required for land development covered  
20                  under the bylaw.

21                  (D) Mandatory provisions.

1 (i) Except as provided in subsection (c) of this section, all flood  
2 hazard and other hazard area bylaws shall provide that no permit for new  
3 construction or substantial improvement shall be granted for a flood hazard or  
4 other hazard area until after both the following:

5 (I) A a copy of the application is mailed or delivered by the  
6 administrative officer or by the appropriate municipal panel to the Agency of  
7 Natural Resources or its designee, which may be done electronically, provided  
8 the sender has proof of receipt; and

9 (II) ~~Either~~ either 30 days have elapsed following the mailing or  
10 the Agency or its designee delivers comments on the application.

11 (ii) The Agency of Natural Resources may delegate to a qualified  
12 representative of a municipality with a flood hazard area bylaw or ordinance or  
13 to a qualified representative for a regional planning commission the Agency's  
14 authority under this subdivision (a)(2)(D) to review and provide technical  
15 comments on a proposed permit for new construction or substantial  
16 improvement in a flood hazard area. Comments provided by a representative  
17 delegated under this subdivision (a)(2)(D) shall not be binding on a  
18 municipality.

19 (b) Ordinances. A municipality may adopt a flood hazard area, ~~river~~  
20 ~~corridor protection area~~, or other hazard area regulation that meets the



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1 requirements of this section by ordinance under subdivision 2291(25) of this  
2 title.

3 \* \* \*

4 Sec. 14. STUDY COMMITTEE ON STATE ADMINISTRATION OF THE  
5 NATIONAL FLOOD INSURANCE PROGRAM

6 (a) Creation. There is created the Study Committee on State  
7 Administration of the National Flood Insurance Program to review and  
8 recommend how to reduce vulnerability to inundation flooding, including how  
9 and to what scale to shift responsibility for the administration and enforcement  
10 of the National Flood Insurance Program from individual municipalities to the  
11 State Department of Environmental Conservation.

12 (b) Membership. The Study Committee on State Administration of the  
13 National Flood Insurance Program shall be composed of the following  
14 members:

15 (1) one current member of the House of Representatives, appointed by  
16 the Speaker of the House;

17 (2) one current member of the Senate, appointed by the Committee on  
18 Committees;

19 (3) two members of the Department of Environmental Conservation  
20 Rivers Program, appointed by the Governor;

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1           (4) two members of Vermont’s Regional Planning Commissions,  
2           appointed by the Vermont Association of Planning and Development  
3           Agencies; and

4           (5) one member to represent Vermont municipalities, appointed by the  
5           Committee on Committees.

6           (c) Powers and duties. The Study Committee on State Administration of  
7           the National Flood Insurance Program shall:

8           (1) summarize the existing responsibilities of individual municipalities  
9           that are enrolled in the National Flood Insurance Program;

10           (2) assess the ability of individual municipalities enrolled in the  
11           National Flood Insurance Program to comply with the program’s minimum  
12           standards, identifying the specific barriers to enrollment and compliance;

13           (3) assess the feasibility of the Department of Environmental  
14           Conservation Rivers Program to take on the administrative burden of the  
15           National Flood Insurance Program, including an assessment of the various  
16           scales with which this could occur;

17           (4) estimate the staffing needs to effectively administer the National  
18           Flood Insurance Program for Vermont’s municipalities;

19           (5) recommend how to phase in a proposed state-administered National  
20           Flood Insurance Program; and

1           (b) propose to the General Assembly funding sources to support all  
2           potential administrative costs for a proposed state-administered National Flood  
3           Insurance Program, including the permanent full-time classified staff positions  
4           in the Department of Environmental Conservation’s Rivers Program needed to  
5           establish a flood hazard area permitting program and a permitting fee for  
6           applications to the Department of Environmental Conservation’s Rivers  
7           Program and other potential funding sources.

8           (d) Assistance. For purposes of scheduling meetings and administrative  
9           support, the Study Committee shall have the assistance of the Office of  
10           Legislative Operations. For purposes of providing legal assistance and drafting  
11           of legislation, the Study Committee shall have the assistance of the Office of  
12           Legislative Counsel. For the purpose of providing fiscal assistance, the Study  
13           Committee shall have the assistance of the Joint Fiscal Office.

14           (e) Report. On or before August 15, 2025, the Study Committee shall  
15           submit a written report to the General Assembly with its findings and any  
16           recommendations for legislative action. Any recommendation for legislative  
17           action shall be as draft legislation.

18           (f) Meetings.

19           (1) The Office of Legislative Counsel shall call the first meeting of the  
20           Study Committee.

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1           (2) The Committee shall select a chair from among its members at the  
2           first meeting.

3           (3) A majority of the membership of the Study Committee shall  
4           constitute a quorum.

5           (4) The Study Committee shall cease to exist on December 31, 2025.

6           (g) Compensation and reimbursement.

7           (1) For attendance at meetings during adjournment of the General  
8           Assembly, a legislative member of the Study Committee shall be entitled to per  
9           diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23  
10           for not more than eight meetings. These payments shall be made from monies  
11           appropriated to the General Assembly.

12           (2) Other members of the Study Committee shall be entitled to per diem  
13           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
14           § 1010 for not more than eight meetings. These payments shall be made from  
15           monies appropriated to the General Assembly.

16           Sec. 15. TRANSITION; IMPLEMENTATION; APPROPRIATIONS;

17                               POSITIONS

18           (a) The Secretary of Natural Resources shall initiate rulemaking, including  
19           pre-rulemaking, for the rules required in Sec. 9 of this act, 10 V.S.A. § 754  
20           (river corridor development), no later than January 1, 2026. The effective date  
21           of the rules shall be July 1, 2027.

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1        (b) Prior to the effective date of the rules required in Sec. 9 of this act,  
2        10 V.S.A. § 754 (river corridor development), the Secretary of Natural  
3        Resources shall continue to implement the Vermont Flood Hazard Area and  
4        River Corridor Rule for development exempt from municipal regulation in  
5        flood hazard areas and relevant river corridors.

6        (c) The Secretary of Natural Resources shall not require a permit under the  
7        rules required by 10 V.S.A. § 754 for development in a flood hazard area or  
8        mapped river corridor for development that has the same meaning as  
9        “development” under 44 C.F.R. § 59.1 for activities for which:

10        (1) all necessary local, State, or federal permits have been obtained prior  
11        to January 1, 2028 and the permit holder takes no subsequent act that would  
12        require a permit or registration under 10 V.S.A. chapter 32; or

13        (2) a complete application for all applicable local, State, and federal  
14        permits has been submitted on or before January 1, 2028, provided that the  
15        applicant does not subsequently file an application for a permit amendment  
16        that would require a permit under 10 V.S.A. chapter 32 and that substantial  
17        construction of the impervious surface or cleared area commences within two  
18        years following the date on which all applicable local, State, and federal  
19        permits become final.

20        (d) In addition to other funds appropriated to the Agency of Natural  
21        Resources in fiscal year 2025, the amount of \$300,000.00 shall be appropriated

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1 from the General Fund to fund two new positions to adopt the State Flood  
2 Hazard Area Standards required under Sec. 10 of this act and to assist  
3 municipalities in the adoption of the State Flood Hazard Area Standards.

4 \* \* \* Dam Safety \* \* \*

5 Sec. 16. 10 V.S.A. chapter 43 is amended to read:

6 CHAPTER 43. DAMS

7 § 1079. PURPOSE

8 It is the purpose of this chapter to protect public safety and provide for the  
9 public good through the inventory, inspection, and evaluation of dams in the  
10 State.

11 § 1080. DEFINITIONS

12 As used in this chapter:

13 (1) “Department” means the Department of Environmental  
14 Conservation.

15 \* \* \*

16 (4) “Engineer” means a professional engineer licensed under Title 26  
17 who has experience in the design and investigation of dams.

18 \* \* \*

19 (6)(A) “Dam” means any artificial barrier, including its appurtenant  
20 works, that is capable of impounding water, other liquids, or accumulated  
21 sediments.

1 (B) “Dam” includes an artificial barrier that meets all of the  
2 following:

3 (i) previously was capable of impounding water, other liquids, or  
4 accumulated sediments;

5 (ii) was partially breached; and

6 (iii) has not been properly removed or mitigated.

7 (C) “Dam” ~~shall~~ does not mean:

8 (i) barriers or structures created by beaver or any other wild  
9 animal as that term is defined in section 4001 of this title;

10 (ii) transportation infrastructure that has no normal water storage  
11 capacity and that impounds water only during storm events;

12 (iii) an artificial barrier at a stormwater management structure that  
13 is regulated by the Agency of Natural Resources under chapter 47 of this title;

14 (iv) an underground or elevated tank to store water otherwise  
15 regulated by the Agency of Natural Resources;

16 (v) an agricultural waste storage facility regulated by the Agency  
17 of Agriculture, Food and Markets under 6 V.S.A. chapter 215; or

18 (vi) any other structure identified by the Department by rule.

19 (7) “Federal dam” means:

20 (A) a dam owned by the United States; or

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1 (B) a dam subject to a Federal Energy Regulatory Commission  
2 license or exemption.

3 (8) “Intake structure” means a dam that is constructed and operated for  
4 the primary purposes of minimally impounding water for the measurement and  
5 withdrawal of streamflow to ensure use of the withdrawn water for  
6 snowmaking, potable water, irrigation, or other purposes approved by the  
7 Department.

8 (9) “Nonfederal dam” means a dam that is not a federal dam.

9 (10) “Dam removal” means all actions needed to eliminate the risk of  
10 dam failure-related inundation below the dam and may include partial or  
11 complete structural removal.

12 § 1081. JURISDICTION OF DEPARTMENT ~~AND PUBLIC UTILITY~~  
13 COMMISSION

14 (a) Powers and duties. Unless otherwise provided, the powers and duties  
15 authorized by this chapter shall be exercised by the Department, ~~except that the~~  
16 ~~Public Utility Commission shall exercise those powers and duties over~~  
17 ~~nonfederal dams and projects that relate to or are incident to the generation of~~  
18 ~~electric energy for public use or as a part of a public utility system~~ of  
19 Environmental Conservation. Nonfederal dams at which the generation of  
20 electric energy is subject to licensing jurisdiction under the Federal Power Act,  
21 16 U.S.C. chapter 12, subchapter 1, and the dam structure is regulated



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1 separately from electric generation shall not be under the jurisdiction of the  
2 Public Utility Commission Department.

3 (b) Transfer of jurisdiction. ~~Jurisdiction over a nonfederal dam is~~  
4 ~~transferred from the Department to the Public Utility Commission when the~~  
5 ~~Public Utility Commission receives an application for a certificate of public~~  
6 ~~good for electricity generation at that dam. Jurisdiction over a federal dam is~~  
7 ~~transferred to the Department when the license or exemption for a federal dam~~  
8 ~~expires or is otherwise lost; when a certificate of public good is revoked or~~  
9 ~~otherwise lost; or when the Public Utility Commission denies an application~~  
10 ~~for a certificate of public good.~~

11 (c) Transfer of records. ~~Upon transfer of jurisdiction as set forth in~~  
12 ~~subsection (b) of this section and upon written request, the State agency having~~  
13 ~~former jurisdiction over a dam shall transfer copies of all records pertaining to~~  
14 ~~the dam to the agency acquiring jurisdiction~~ Upon transfer of jurisdiction of  
15 any dam from the Public Utility Commission to the Department, the Public  
16 Utility Commission shall transfer copies of all records pertaining to the subject  
17 dam, including record drawings, construction drawings, engineering  
18 investigations and analyses, photographs, inspection reports, design,  
19 permitting, and emergency action planning documents and any other files  
20 pertaining to the subject dam, to the Department in digital and hardcopy format  
21 acceptable to the Department within 30 days of the jurisdictional transfer.

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1 § 1082. AUTHORIZATION

2 (a) No person shall construct, enlarge, raise, lower, remodel, reconstruct, or  
3 otherwise alter any nonfederal dam, pond, or impoundment or other structure  
4 that is or will be capable of impounding more than 500,000 cubic feet of water  
5 or other liquid after construction or alteration, or remove, breach, or otherwise  
6 lessen the capacity of an existing nonfederal dam that is or was capable of  
7 impounding more than 500,000 cubic feet within or along the borders of this  
8 State where land in this State is proposed to be overflowed, or at the outlet of  
9 any body of water within this State, unless authorized by the ~~State agency~~  
10 ~~having jurisdiction so to do~~ Department, provided that an application for  
11 activities that require authorization under 30 V.S.A. § 248 also shall be  
12 approved by the Public Utility Commission. However, in the matter of flood  
13 control projects where cooperation with the federal government is provided for  
14 by the provisions of section 1100 of this title, that section shall control.

15 (b) For the purposes of this chapter, the volume a dam or other structure is  
16 capable of impounding is the volume of water or other liquid, including any  
17 accumulated sediments, controlled by the structure with the water or liquid  
18 level at the top of the lowest nonoverflow part of the structure.

19 (c) An intake structure in existence on July 1, 2018 that continues to  
20 operate in accordance with a valid Department permit or approval that contains  
21 requirements for inspection and maintenance subject to section 1105 of this

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1 title shall have a rebuttable presumption of compliance with the requirements  
2 of this chapter and rules adopted under this chapter, provided that no  
3 presumption of compliance shall apply if one or both of the following occur on  
4 or after July 1, 2018:

5 (1) the owner or operator of the intake takes an action that requires  
6 authorization under this section; or

7 (2) the Department issues an order under section 1095 of this title  
8 directing reconstruction, repair, removal, breaching, draining, or other action it  
9 considers necessary to improve the safety of the dam.

10 § 1083. APPLICATION

11 (a) Any person who proposes to undertake an action subject to regulation  
12 pursuant to section 1082 of this title shall apply in writing to the ~~State agency~~  
13 ~~having jurisdiction~~ Department. The application shall set forth:

14 (1) the location; the height, length, and other dimensions; and any  
15 proposed changes to any existing dam;

16 (2) the approximate area to be overflowed and the approximate number  
17 of or any change in the number of cubic feet of water to be impounded;

18 (3) the plans and specifications to be followed in the construction,  
19 remodeling, reconstruction, altering, lowering, raising, removal, breaching, or  
20 adding to;

21 (4) any change in operation and maintenance procedures; and

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1           (5) other information that the ~~State agency having jurisdiction~~  
2           Department considers necessary to review the application.

3           (b) The plans and specifications shall be prepared under the supervision of  
4           an engineer.

5           § 1084. DEPARTMENT OF FISH AND WILDLIFE; INVESTIGATION

6           The Commissioner of Fish and Wildlife shall investigate the potential  
7           effects on fish and wildlife habitats of any proposal subject to section 1082 of  
8           this title and shall certify the results to the ~~State agency having jurisdiction~~  
9           Department prior to any hearing or meeting relating to the determination of  
10          public good and public safety.

11          § 1085. NOTICE OF APPLICATION

12          Upon receipt of the application required by section 1082 of this title, the  
13          ~~State agency having jurisdiction~~ Department shall give notice to the legislative  
14          body of each municipality in which the dam is located and to all interested  
15          persons. The Department shall provide notice of and an opportunity for public  
16          comment in accordance with chapter 170 of this title.

17                ~~(1) The Department shall proceed in accordance with chapter 170 of this~~  
18                ~~title.~~

19                ~~(2) For any project subject to its jurisdiction under this chapter, the~~  
20                ~~Public Utility Commission shall hold a hearing on the application. The~~  
21                ~~purpose of the hearing shall be to determine whether the project serves the~~

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1 ~~public good as defined in section 1086 of this title and provides adequately for~~  
2 ~~the public safety. The hearing shall be held in a municipality in the vicinity of~~  
3 ~~the proposed project and may be consolidated with other hearings, including~~  
4 ~~hearings under 30 V.S.A. § 248 concerning the same project. Notice shall be~~  
5 ~~given at least 10 days before the hearing to interested persons by posting in the~~  
6 ~~municipal offices of the towns in which the project will be completed and by~~  
7 ~~publishing in a local newspaper.~~

8 § 1086. DETERMINATION OF PUBLIC GOOD; CERTIFICATES

9 (a) “Public good” means the greatest benefit of the people of the State. In  
10 determining whether the public good is served, the ~~State agency having~~  
11 ~~jurisdiction~~ Department shall give due consideration to public safety and,  
12 among other things, the effect the proposed project will have on:

13 (1) the quantity, kind, and extent of cultivated agricultural land that may  
14 be rendered unfit for use by or enhanced by the project, including both the  
15 immediate and long-range agricultural land use impacts;

16 (2) scenic and recreational values;

17 (3) fish and wildlife;

18 (4) forests and forest programs;

19 (5) [Repealed.]

20 (6) the existing uses of the waters by the public for boating, fishing,  
21 swimming, and other recreational uses;

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1           (7) the creation of any hazard to navigation, fishing, swimming, or other  
2 public uses;

3           (8) the need for cutting clean and removal of all timber or tree growth  
4 from all or part of the flowage area;

5           (9) the creation of any public benefits;

6           (10) attainment of the Vermont water quality standards;

7           (11) any applicable State, regional, or municipal plans;

8           (12) municipal grand lists and revenues; and

9           (13) ~~public safety; and~~

10          ~~(14)~~ in the case of the proposed removal of a dam that formerly related  
11 to or was incident to the generation of electric energy, but that was not subject  
12 to a memorandum of understanding dated prior to January 1, 2006 relating to  
13 its removal, the potential for and value of future power production.

14          (b) If the ~~State agency having jurisdiction~~ Department finds that the project  
15 proposed under section 1082 of this title will serve the public good, and, in  
16 case of any waters designated by the Secretary as outstanding resource waters,  
17 will preserve or enhance the values and activities sought to be protected by  
18 designation, the agency shall issue its order approving the application. The  
19 order shall include conditions for attainment of water quality standards, as  
20 determined by the Agency of Natural Resources, and such other conditions as  
21 the ~~agency having jurisdiction~~ Department considers necessary to protect any

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1 element of the public good listed in subsection (a) of this section. Otherwise it  
2 shall issue its order disapproving the application.

3 (c) The ~~State agency having jurisdiction~~ Department shall provide the  
4 applicant and interested persons with copies of its order.

5 (d) In the case of a proposed removal of a dam that is under the jurisdiction  
6 of the Department and that formerly related to or was incident to the generation  
7 of electric energy but that was not subject to a memorandum of understanding  
8 dated before January 1, 2006 relating to its removal, the Department shall  
9 consult with the Department of Public Service regarding the potential for and  
10 value of future power production at the site.

#### 11 § 1087. REVIEW OF PLANS AND SPECIFICATIONS

12 For any proposal subject to authorization under section 1082 of this title, the  
13 ~~State agency having jurisdiction~~ Department shall employ require an engineer  
14 to investigate the property, review the plans and specifications, and make  
15 additional investigations as the ~~State agency having jurisdiction~~ Department  
16 considers necessary to ensure that the project adequately provides for the  
17 public safety. The engineer conducting an investigation under this section  
18 shall be an employee of the Department or shall be operating under the  
19 supervision of the Department as an independent consultant hired by either the  
20 Department or the project proponent. The engineer shall report ~~his or her~~ the  
21 engineer's findings to the ~~State agency having jurisdiction~~ Department.

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1 § 1089. EMPLOYMENT OF ENGINEER

2 ~~With the approval of the Governor, the State agency having jurisdiction~~  
3 ~~may employ an engineer to investigate the property, review the plans and~~  
4 ~~specifications, and make such additional investigation as the State agency shall~~  
5 ~~deem necessary, and such engineer shall report to the State agency his or her~~  
6 ~~findings in respect thereto.~~ The Department shall employ engineers to perform  
7 the duties required under this chapter to adequately provide for public safety.

8 § 1090. CONSTRUCTION SUPERVISION

9 The construction, alteration, or other action authorized in section 1086 of  
10 this title shall be supervised by an engineer employed by the applicant. Upon  
11 completion of the authorized project, the engineer shall certify provide  
12 confirmation to the ~~agency having jurisdiction~~ Department that the project has  
13 been completed in ~~conformance~~ general accordance with the approved plans  
14 and specifications and dam order conditions.

15 § 1091. LIABILITY FOR DAM FAILURE

16 (a) The person owning legal title to a dam shall be responsible and liable  
17 for damage to property of others or injury to persons, including loss of life  
18 resulting from the operation, failure, or misoperation of a dam.

19 (b) Compliance with the requirements of this chapter or rules adopted  
20 under this chapter by a person owning legal title to a dam shall not relieve from  
21 or lessen the responsibility of the person owning legal title to the dam from any



1 damages to persons or property caused by defects of the dam, nor shall the  
2 Department of Environmental Conservation be held liable by reason of any  
3 inspections, technical documents, or permits issued for the dam.

4 § 1095. UNSAFE DAM; PETITION; HEARING; EMERGENCY

5 (a) On receipt of a petition signed by ~~no~~ not fewer than ~~ten~~ 10 interested  
6 persons or the legislative body of a municipality, the ~~State agency having~~  
7 ~~jurisdiction~~ Department shall, or upon its own motion it may, institute  
8 investigations by an engineer as described in section 1087 of this title  
9 regarding the safety of any existing nonfederal dam or portion of the dam of  
10 any size. The ~~agency~~ Department may fix a time and place for hearing and  
11 shall give notice in the manner it directs to all interested persons. The engineer  
12 shall present his or her findings and recommendations at the hearing. After the  
13 hearing, if the Department finds that the nonfederal dam or portion of the dam  
14 as maintained or operated is unsafe or is a menace to people or property above  
15 or below the dam, it shall issue an order directing reconstruction, repair,  
16 removal, breaching, draining, or other action it considers necessary to improve  
17 the safety of the dam sufficiently to protect life and property as required by the  
18 ~~State agency having jurisdiction~~ Department.

19 (b) If, upon the expiration of ~~such~~ a date as may be ordered, the person  
20 owning legal title to ~~such~~ the dam or the owner of the land on which the dam is  
21 located has not complied with the order directing the reconstruction, repair,

1 breaching, removal, draining, or other action of ~~such~~ the unsafe dam, the ~~State~~  
2 ~~agency having jurisdiction~~ Department may petition the Superior Court in the  
3 county in which the dam is located to enforce its order or exercise the right of  
4 eminent domain to acquire the rights that may be necessary to effectuate a  
5 remedy as the public safety or public good may require. If the order has been  
6 appealed, the court may prohibit the exercise of eminent domain by the ~~State~~  
7 ~~agency having jurisdiction~~ Department pending disposition of the appeal.

8 (c) If, upon completion of the investigation described in subsection (a) of  
9 this section, the ~~State agency having jurisdiction~~ Department considers the dam  
10 to present an imminent threat to human life or property, it shall take whatever  
11 action it considers necessary to protect life and property and subsequently shall  
12 conduct the hearing described in subsection (a) of this section.

13 § 1099. APPEALS

14 (a) Appeals of any act or decision of the Department under this chapter  
15 shall be made in accordance with chapter 220 of this title.

16 (b) ~~Appeals from actions or orders of the Public Utility Commission may~~  
17 ~~be taken in the Supreme Court in accord with 30 V.S.A. § 12.~~

18 \* \* \*

1 § 1105. INSPECTION OF DAMS

2 (a) Inspection; schedule. All nonfederal dams in the State shall be  
3 inspected according to a schedule adopted by rule by the ~~State agency having~~  
4 ~~jurisdiction over the dam~~ Department.

5 (b) Dam inspection. A nonfederal dam in the State shall be inspected under  
6 one or both of the following methods:

7 (1) The ~~State agency having jurisdiction over a dam~~ Department may  
8 employ an engineer to make periodic inspections of nonfederal dams in the  
9 State to determine their condition and the extent, if any, to which they pose a  
10 possible or probable threat to life and property.

11 (2) The ~~State agency having jurisdiction~~ Department shall adopt rules  
12 pursuant to 3 V.S.A. chapter 25 to require an adequate level of inspection by  
13 an independent engineer.

14 (c) Dam safety reports. If a dam inspection report is completed by the  
15 ~~State agency having jurisdiction, the agency~~ Department, the Department shall  
16 provide the person owning legal title to the dam or the owner of the land on  
17 which the dam is located with a copy of the inspection report and shall make  
18 all inspection reports available on the Department website for public review.  
19 For dams owned by the State, the Department shall provide the inspection  
20 report to the designated point of contact for the dam at the State entity owning

1 the dam and make the information available to the public on the Department  
2 website.

3 (d) Notice of unsafe State dam. Notwithstanding the timing for submission  
4 of a dam safety report under subsection (c) of this section, if the Department  
5 determines that a State dam is unsafe and in need of repair or removal, the  
6 Department shall immediately notify the designated point of contact of the  
7 State entity that owns the dam and make this information available to the  
8 public on the Department website.

9 § 1106. ~~UNSAFE DAM~~ SAFETY REVOLVING LOAN FUND

10 (a) There is hereby established a special fund to be known as the Vermont  
11 ~~Unsafe Dam~~ Safety Revolving Loan Fund that shall be used to provide ~~grants~~  
12 ~~and loans to municipalities, nonprofit entities, and private individuals~~ low- or  
13 zero-interest loans, including subsidized loans as established under subsection  
14 (c) of this section and the rules adopted under section 1110 of this title,  
15 pursuant to rules adopted by the Agency of Natural Resources, for the  
16 reconstruction, repair, removal, breaching, draining, or other action necessary  
17 to reduce the ~~threat~~ risk of a dam ~~or portion of a dam determined to be unsafe~~  
18 ~~pursuant to section 1095 of this chapter.~~

19 (b) Funds from the Dam Safety Revolving Loan Fund shall be available for  
20 both emergency and nonemergency projects. To be eligible for a Dam Safety  
21 Loan, the dam shall meet the conditions associated with the funding type:

1           (1) Emergency funding. To provide emergency funding for critical,  
2           time-sensitive temporary safety or risk reduction measures such as reservoir  
3           drawdown, partially or fully breaching the dam, stabilization or buttressing of  
4           the dam, including engineering and emergency action planning activities. To  
5           be eligible for emergency funding, the dam must meet the following criteria:

6                   (A) The dam must be under the regulatory jurisdiction of the DEC  
7           Dam Safety Program, including dams owned by the State of Vermont.

8                   (B) The dam must be in need of critical time-sensitive safety or risk  
9           reduction measures in order to protect public safety and property, or be a dam  
10           found to be unsafe or a menace to public safety under section 1095 of this title.  
11           The Dam Safety Program shall be able to access the fund on behalf of owners  
12           in cases of emergency, immediate need, or in the case of unwilling or unable  
13           dam owners.

14           (2) Nonemergency funding. For permanent safety or risk reduction  
15           projects such as repair, rehabilitation, or removal, including engineering,  
16           analyses, design, and construction. To be eligible for nonemergency funding,  
17           the dam must meet the following criteria:

18                   (A) The dam must be under the regulatory jurisdiction of the DEC  
19           Dam Safety Program, excluding dams owned by the State of Vermont.

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1           (B) The dam must be classified as a significant or high-hazard  
2           potential dam and in fair, poor, or unsatisfactory condition based on the last  
3           periodic or comprehensive inspection.

4           (C) For funding for nonemergency repair or rehabilitation projects,  
5           the dam owner shall provide an operation and maintenance and dam safety  
6           compliance schedule as well as financial information to show sufficient  
7           resources are available to maintain the dam and comply with the dam safety  
8           rules after the completion of repairs or the rehabilitation project.

9           (D) For funding for nonemergency construction, the applicant shall  
10          provide proof that applicable local, State, and federal permits have been  
11          obtained, including the State Dam Safety Order.

12          (E) To be eligible for nonemergency funding, an alternatives analysis  
13          of dam repair, rehabilitation, and removal options that considers floodplain and  
14          wetland restoration, water quality, aquatic organism passage, public recreation  
15          opportunities, and costs shall be completed, pursuant to the rule adopted by the  
16          Department.

17          (F) Under this subdivision (b)(2), only engineering, analysis, design,  
18          and construction that result in removal of a dam are eligible for loan subsidy.

19          [Alternative subdivisions (E) and F:]

20          (E) To be eligible for nonemergency funding, an alternatives analysis  
21          of dam repair, rehabilitation, and removal options that considers an evaluation

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1 of risk reduction, dam safety and environmental permitting considerations, and  
2 costs shall be completed, pursuant to the rule adopted by the Department.

3 (F) Under this subdivision (b)(2), only engineering, analysis, design,  
4 and construction that result in acceptable risk reduction are eligible for loan  
5 subsidy.]

6 (c) The Fund created by this section shall be established and held separate  
7 and apart from any other funds or monies of the State and shall be used and  
8 administered exclusively for the purposes set forth in this section. The funds  
9 shall be invested in the same manner as permitted for investment of funds  
10 belonging to the State or held in the Treasury. The Fund shall consist of the  
11 following:

12 (1) ~~Such~~ such sums as may be appropriated or transferred thereto from  
13 time to time by the General Assembly, the Emergency Board, or the Joint  
14 Fiscal Committee during such times as the General Assembly is not in  
15 session.;

16 (2) ~~Principal~~ principal and interest received from the repayment of loans  
17 made from the Fund.;

18 (3) ~~Capitalization~~ capitalization grants and awards made to the State by  
19 the United States of America for the purposes for which the Fund has been  
20 established.;

21 (4) ~~Interest~~ interest earned from the investment of Fund balances.;

1           (5) ~~Private~~ private gifts, bequests, and donations made to the State for  
2           the purposes for which the Fund has been established; and

3           (6) ~~Other~~ other funds from any public or private source intended for use  
4           for any of the purposes for which the Fund has been established.

5           ~~(e)~~(d) The Secretary may bring an action under this subsection or other  
6           available State and federal laws against the owner of the dam to seek  
7           reimbursement to the Fund for all loans made from the Fund pursuant to this  
8           section.

9           (e)(1) Annually, on or before January 31, the Department shall report to the  
10          House Committee on Environment and Energy and the Senate Committee on  
11          Natural Resources and Energy regarding operation and administration of the  
12          Dam Safety Program. The report shall include:

13                 (A) details on all emergency and nonemergency loans made from the  
14                 Dam Safety Fund during the previous year;

15                 (B) a description of each project funded from the Dam Safety Fund,  
16                 including dam name, town and waterbody in which the dam is located, hazard  
17                 classification, dam condition, details of the repair or removal, year of the last  
18                 and next Department inspection, project cost, loan amount, and repayment  
19                 terms;



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1                    (C) for emergency loans, justification for the emergency and an  
2                    explanation why action was needed to be undertaken immediately using State  
3                    funds; and

4                    (D) a projection of loan repayment income to the fund.

5                    (2) The Department shall post reports made under this subsection to its  
6                    website on the same date the report is submitted to the General Assembly.

7                    § 1107. HAZARD POTENTIAL CLASSIFICATIONS

8                    ~~(a) The State agency having jurisdiction over a nonfederal dam listed in the~~  
9                    ~~Vermont Dam Inventory~~ Department shall assess the hazard potential  
10                    classification of ~~the dam~~ all nonfederal dams listed in the Vermont Dam  
11                    Inventory based on the potential loss of human life, property damage, and  
12                    economic loss that would occur in the event of the failure of the dam. There  
13                    shall be four hazard potential classifications: high, significant, low, and  
14                    minimal.

15                    ~~(b) The State agency having jurisdiction over a nonfederal dam on the~~  
16                    ~~Vermont Dam Inventory~~ Department may assess or reassess the hazard  
17                    potential classification of the dam at any time.

18                    \* \* \*

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1 § 1110. RULEMAKING

2 The Commissioner of Environmental Conservation shall adopt rules to  
3 implement the requirements of this chapter for dams under the jurisdiction of  
4 the Department. The rules shall include:

5 (1) a standard or regulatory threshold under which a dam is exempt from  
6 the registration or inspection requirements of this chapter;

7 (2) standards for:

8 (A) the siting, design, construction, reconstruction, enlargement,  
9 modification, or alteration of a dam;

10 (B) operation and maintenance of a dam;

11 (C) inspection, monitoring, record keeping, and reporting;

12 (D) repair, breach, or removal of a dam;

13 (E) application for authorization under section 1082 of this title; and

14 (F) the development of an emergency action plan for a dam,  
15 including guidance on how to develop an emergency action plan, the content of  
16 a plan, and when and how an emergency action plan should be updated;

17 (3) criteria for the hazard potential classification of dams in the State;

18 (4) a process by which a person owning legal title to a dam or a person  
19 owning the land on which the dam is located shall register a dam and record  
20 the existence of the dam in the lands records; ~~and~~

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1 (5) requirements for the person owning legal title to a dam or the person  
2 owning the land on which the dam is located to conduct inspections of the  
3 dam; and

4 (6) requirements for access to financing and subsidy from the Dam  
5 Safety Revolving Loan Fund, including the requirement that an alternatives  
6 analysis be performed by an engineering consultant hired by either the dam  
7 owner or the Department.

8 § 1111. ~~NATURAL RESOURCES ATLAS; DAM STATUS~~

9 ~~Annually on or before January 1, the Public Utility Commission shall~~  
10 ~~submit to the Department updated inventory information from the previous~~  
11 ~~calendar year for dams under the jurisdiction of the Public Utility Commission.~~  
12 [Repealed.]

13 Sec. 17. 2018 Acts and Resolves No. 161, Sec. 2, as amended by 2023 Acts  
14 and Resolves No. 79, Sec. 1, is further amended to read:

15 Sec. 2. DAM REGISTRATION PROGRAM REPORT

16 On or before January 1, ~~2025~~ 2026, the Department of Environmental  
17 Conservation shall submit a report to the House Committees on ~~Natural~~  
18 ~~Resources, Fish, and Wildlife~~ Environment and Energy and on Ways and  
19 Means and the Senate Committees on Natural Resources and Energy and on  
20 Finance. The report shall contain:

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- 1 (1) an evaluation of the dam registration program under 10 V.S.A.
- 2 chapter 43;
- 3 (2) a recommendation on whether to modify the fee structure of the dam
- 4 registration program;
- 5 (3) a summary of the dams registered under the program, organized by
- 6 amount of water impounded and hazard potential classification; and
- 7 (4) an evaluation of any other dam safety concerns related to dam
- 8 registration.

9 Sec. 18. 2018 Acts and resolves No. 161, Sec. 3, as amended by 2023 Acts

10 and resolves No. 79, Sec. 2, is further amended to read:

11 Sec. 3. ADOPTION OF RULES

12 The Secretary of Natural Resources shall adopt the rules required under  
13 10 V.S.A. § 1110 as follows:

- 14 (1) the rules required under 10 V.S.A. § 1110(1) (exemptions),
- 15 § 1110(3) (emergency action plan), § 1110(4) (hazard potential classification),
- 16 § 1110(5) (dam registration), and § 1110(6) (dam inspection) shall be adopted
- 17 on or before July 1, 2020; and
- 18 (2) the rules required under 10 V.S.A. § 1110(2) (dam design standards)
- 19 shall be adopted on or before July 1, ~~2024~~ 2025.

20 Sec. **19**. DAM SAFETY DIVISION POSITIONS

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1        In addition to other funds appropriated to the Agency of Natural Resources  
2        in fiscal year 2025, \$350,000.00 is appropriated to the Agency for the purposes  
3        of funding three new permanent full-time classified positions in the Dam  
4        Safety Division of the Department of Environmental Conservation.

5        Sec. 20. STUDY COMMITTEE ON DAM EMERGENCY OPERATIONS

6                    PLANNING

7            (a) Creation. There is created the Study Committee on Dam Emergency  
8            Operations Planning to review and recommend how to improve regional  
9            emergency action planning for hazards caused by dam failure, including how  
10           to shift responsibility for emergency planning from individual municipalities to  
11           regional authorities, how to improve regional implementation of dam  
12           emergency response plans, and how to fund dam emergency action planning at  
13           the regional level.

14           (b) Membership. The Study Committee on Dam Emergency Operations  
15           Planning shall be composed of the following members:

16                (1) one current member of the House of Representatives, who shall be  
17                appointed by the Speaker of the House;

18                (2) one current member of the Senate, who shall be appointed by the  
19                Committee on Committees;

20                (3) one member of the Department of Environmental Conservation Dam  
21                Safety Program, who shall be appointed by the Governor;

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1           (4) one member of the Public Utility Commission, who shall be  
2           appointed by the Speaker of the House;

3           (5) two members representing regional planning commissions in the  
4           State, who shall be appointed by the Committee on Committees;

5           (6) one member of the Division of Emergency Management, who shall  
6           be appointed by the Governor;

7           (7) two legal owners of a dam, one of whom shall own a dam capable of  
8           generating electricity, who shall be appointed by the Speaker upon  
9           recommendation of the Dam Safety Program of the Department of  
10          Environmental Conservation; and

11          (8) one emergency management director or incident commander [from a  
12          municipality] with experience in developing and carrying out an emergency  
13          operation plan.

14          (c) Powers and duties. The Study Committee on Dam Emergency  
15          Operations Planning shall:

16               (1) identify those dams in the State that are classified as high-hazard  
17               dams that also have a significant possibility of flooding populated areas;

18               (2) summarize the existing responsibilities of individual municipalities  
19               to prepare for and implement existing emergency response plans, including  
20               how those responsibilities are funded and whether placing responsibility with  
21               individual municipalities is appropriate;

1           (3) identify the regional planning commissions in which a dam  
2           identified under subdivision (1) of this subsection are located;

3           (4) recommend the content for a regional emergency action plan for  
4           each dam identified under subdivision (1) of this subsection, including  
5           identifying necessary evacuations, how evacuees will be sheltered and  
6           provided care, and the location of emergency management centers for each  
7           dam;

8           (5) recommend who should prepare a regional emergency action plan  
9           for each dam identified under subdivision (1) of this subsection, including the  
10          basis for the recommendation and the role that regional planning commissions  
11          should play in the preparation of the plans;

12          (6) estimate the cost of the production of regional emergency action  
13          plans for dams; and

14          (7) estimate the cost for regional planning commissions and  
15          municipalities to implement an emergency action plan, including a  
16          recommended source of the funding.

17          (d) Assistance. For purposes of scheduling meetings and administrative  
18          support, the Study Committee shall have the assistance of the Office of  
19          Legislative Operations. For purposes of providing legal assistance and drafting  
20          of legislation, the Study Committee shall have the assistance of the Office of

1 Legislative Counsel. For the purpose of providing fiscal assistance, the Study  
2 Committee shall have the assistance of the Joint Fiscal Office.

3 (e) Report. On or before December 15, 2024, the Study Committee shall  
4 submit a written report to the General Assembly with its findings and any  
5 recommendations for legislative action. Any recommendation for legislative  
6 action shall be submitted as draft legislation.

7 (f) Meetings.

8 (1) The Office of Legislative Counsel shall call the first meeting of the  
9 Study Committee.

10 (2) The Committee shall select a chair from among its members at the  
11 first meeting.

12 (3) A majority of the membership of the Study Committee shall  
13 constitute a quorum.

14 (4) The Study Committee shall cease to exist on March 1, 2025.

15 (g) Compensation and reimbursement.

16 (1) For attendance at meetings during adjournment of the General  
17 Assembly, a legislative member of the Study Committee shall be entitled to per  
18 diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23  
19 for not more than eight meetings. These payments shall be made from monies  
20 appropriated to the General Assembly.



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1           (2) Other members of the Study Committee shall be entitled to per diem  
2           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
3           § 1010 for not more than eight meetings. These payments shall be made from  
4           monies appropriated to the General Assembly.

5           Sec. 21. DETERMINATION OF FEDERAL ENERGY REGULATORY

6                           COMMISSION (FERC) JURISDICTION

7           Nonfederal hydroelectric projects without a valid pre-1920 license may be  
8           subject to the Federal Energy Regulatory Commission’s (FERC) jurisdiction  
9           and may require a license from FERC to operate. By December 31, 2024, the  
10           Public Utility Commission, in coordination with the Department of  
11           Environmental Conservation, shall file petitions for a Declaratory Order from  
12           FERC to determine whether projects currently under the Public Utility  
13           Commission’s jurisdiction falls under FERC’s hydroelectric licensing  
14           jurisdiction. The Public Utility Commission shall provide notice to the dam  
15           owner when a petition is filed with FERC.

16           Sec. 22. TRANSITION; DAMS

17           (a) The Department of Environmental Conservation shall publish a  
18           schedule by January 1, 2025 for the jurisdictional transfer from the Public  
19           Utility Commission to the Department of the dams that as of the effective date  
20           of this act are regulated by the Public Utility Commission. The schedule shall  
21           be based on the presumed hazard classification of each dam, provided that:



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1           (d)(1) Through the process of basin planning, the Secretary shall determine  
2           what degree of water quality and classification should be obtained and  
3           maintained for those waters not classified by the Board before 1981 following  
4           the procedures in sections 1254 and 1258 of this title. Those waters shall be  
5           classified in the public interest. The Secretary shall prepare and maintain an  
6           overall surface water management plan to assure that the State water quality  
7           standards are met in all State waters. The surface water management plan shall  
8           include a schedule for updating the basin plans. The Secretary, in consultation  
9           with regional planning commissions and the Natural Resources Conservation  
10          Council, shall revise all 15 basin plans and update the basin plans on a five-  
11          year rotating basis. On or before January 15 of each year, the Secretary shall  
12          report to the House Committees on Agriculture, Food Resiliency, and Forestry  
13          and on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy and to  
14          the Senate Committees on Agriculture and on Natural Resources and Energy  
15          regarding the progress made and difficulties encountered in revising basin  
16          plans. The report shall include a summary of basin planning activities in the  
17          previous calendar year, a schedule for the production of basin plans in the  
18          subsequent calendar year, and a summary of actions to be taken over the  
19          subsequent three years. The provisions of 2 V.S.A. § 20(d) (expiration of  
20          required reports) shall not apply to the report to be made under this subsection.

21           (2) In developing a basin plan under this subsection, the Secretary shall:

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1 (A) identify waters that should be reclassified outstanding resource  
2 waters or that should have one or more uses reclassified under section 1252 of  
3 this title;

4 (B) identify wetlands that should be reclassified as Class I wetlands;

5 (C) identify projects or activities within a basin that will result in the  
6 protection and enhancement of water quality;

7 \* \* \*

8 (J) provide for public notice of a draft basin plan; ~~and~~

9 (K) provide for the opportunity of public comment on a draft basin  
10 plan; and

11 (L) identify opportunities to mitigate impacts of severe precipitation  
12 events on communities through implementation of nature-based restoration  
13 projects or practices that increase natural flood water attenuation and storage.

14 \* \* \* Expanded Polystyrene Foam \* \* \*

15 Sec. 24. 10 V.S.A. chapter 47, subchapter 2B is added to read:

16 Subchapter 2B. Expanded Polystyrene Foam

17 § 1321. DEFINITIONS

18 As used in this subchapter:

19 (1) “Buoy” means any float or marker that is attached to a mooring  
20 anchor and either is suitable for attachment to a boat through the use of a

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1 pennant or other device or facilitates the attachment of the boat to the mooring  
2 anchor.

3 (2) “Dock” means an unenclosed structure secured to land, land under  
4 waters, or a mooring or a floating structure that is used for mooring boats or  
5 for recreational activities, such as a swimming, fishing, or sunbathing platform.

6 A dock includes a structure that is partially enclosed or has two or more levels.

7 (3) “Encapsulated” means a protective covering or physical barrier  
8 between the polystyrene device and the water.

9 (4) “Expanded polystyrene foam” means a thermoplastic petrochemical  
10 material utilizing the styrene monomer that is processed according to multiple  
11 techniques, including fusion of polymer spheres, injection molding, form  
12 molding, and extrusion-blow molding.

13 (5) “Floating structure” means a structure constructed on or in a water of  
14 the State that is supported by flotation and is secured in place by a piling or  
15 mooring anchor, including boathouses, fueling structures, floating homes,  
16 marinas, walkways, or boarding platforms.

17 (6) “Mooring anchor” means any anchor or weight that is designed to:

18 (A) rest on the land under water or be buried in the land under water;

19 (B) be attached to a buoy or floating structure by a chain, rope, or  
20 other mechanism; and

21 (C) be left in position permanently or on a seasonal basis.

1     § 1322. INSTALLATION, REPAIR, REMOVAL, AND SALE OF BUOYS,  
2             DOCKS, OR FLOATING STRUCTURES

3             (a) Encapsulation required. Expanded polystyrene foam used for flotation,  
4             including buoys, docks, or floating structures, shall be encapsulated by a  
5             protective covering or shall be designed to prevent the expanded polystyrene  
6             foam from disintegrating into the water.

7             (b) Prohibition; open-cell (beaded) polystyrene; repair. No person shall use  
8             open-cell (beaded) polystyrene for the installation of a new buoy, dock, or  
9             floating structure on the waters of the State. Unencapsulated polystyrene  
10            materials and open-cell beaded polystyrene shall not be used for the repair of  
11            buoys, docks, or floating structures on waters of the State.

12            (c) Methods of encapsulation.

13            (1) Encapsulation of a buoy, dock, or floating structure required under  
14            subsection (a) of this section shall completely cover or be a physical barrier  
15            between the expanded polystyrene foam and the water. Small gaps up to 0.75-  
16            inch-diameter ballast holes are permitted in the physical barrier or covering  
17            provided they are 0.1 percent or less of the square footage of the buoy, dock, or  
18            floating structure.

19            (2) All materials and methods of encapsulation shall provide an  
20            effective physical barrier between the expanded polystyrene foam and the  
21            water for a period not less than 10 years. Any fasteners used to hold

1 encapsulation materials together shall be effectively treated or be of a form  
2 resistant to corrosion and decay.

3 (d) Disposal. Irreparable encapsulated polystyrene, unencapsulated  
4 polystyrene, and irreparable encapsulated open-cell (beaded) polystyrene used  
5 for flotation, including buoys, docks, or floating structures, shall be properly  
6 disposed of in an approved manner.

7 (e) Sale or distribution. No person shall sell, offer for sale, or otherwise  
8 distribute for compensation within the State dock floats, mooring buoys, or  
9 anchor or navigation markers made, in whole or in part, from expanded  
10 polystyrene foam that is:

11 (1) not wholly encapsulated or encased within a more durable material;  
12 or

13 (2) open-cell (beaded) polystyrene, including materials that are  
14 encapsulated and unencapsulated.

15 § 1323. NUISANCE

16 The use of unencapsulated polystyrene as a flotation device in waters of the  
17 State, including in any dock system, float, mooring system, or buoy, is  
18 declared a nuisance and public health hazard and may be prosecuted as  
19 provided in the Vermont Revised Statutes.

20 § 1324. RULEMAKING

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1        The Secretary may adopt rules to implement the requirements of this  
2        subchapter.

3        Sec. 25. APPROPRIATIONS

4        The amount of \$50,000.00 shall be appropriated from the General Fund to  
5        the Department of Environmental Conservation to support education and  
6        outreach regarding the requirements and prohibitions for the use of expanded  
7        polystyrene foam or open-cell (beaded) polystyrene in waters of the State.

8        \* \* \* Floodplain Management; Use Value Appraisal Program \* \* \*

9        Sec. 26. STUDY COMMITTEE ON ENROLMENT OF FLOODPLAIN

10        MANAGEMENT LAND IN USE VALUE APPRAISAL; REPORT

11        (a) Creation. There is created the Study Committee on Enrolling  
12        Floodplain Management Land in the Use Value Appraisal Program to  
13        determine whether or how to authorize the enrollment of land designated for  
14        floodplain management in the Use Value Appraisal (UVA) Program.

15        (b) Membership. The Study Committee shall be composed of the  
16        following members:

17        (1) one current member of the House of Representatives, who shall be  
18        appointed by the Speaker of the House;

19        (2) one current member of the Senate, who shall be appointed by the  
20        Committee on Committees;

21        (3) the Director of Property Valuation and Review or designee;



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1           (4) the Director of the Rivers Program within the Watershed  
2           Management Division at the Department of Environmental Conservation or  
3           designee;

4           (5) the Secretary of Agriculture, Food and Markets or designee;

5           (6) a member of the Current Use Advisory Board, who shall be  
6           appointed by the Speaker of the House; and

7           (7) a member of a statewide environmental organization, who shall be  
8           appointed by the Committee on Committees.

9           (c) Powers and duties. The Study Committee shall evaluate the following  
10          questions:

11          (1) whether and why real property managed to provide flood mitigation  
12          or flood resilience services should or should not be authorized to enroll in the  
13          UVA Program; and

14          (2) if the Study Committee recommends that real property that provides  
15          flood mitigation or flood resilience services should be allowed to enroll in the  
16          UVA Program, what should be the criteria for enrollment, what should be the  
17          use value rate for qualifying enrolled real property, and what should be the  
18          timeline for enrollment.

19          (d) Assistance. The Study Committee shall have the administrative,  
20          technical, legal, and fiscal assistance of the Department of Taxes.

Yellow highlighting = Changes from Dr. 4.1

Grey highlighting = Questions/Unresolved Issues/Unreviewed Language from Dr. 4.1

1        (e) Report. On or before January 15, 2025, the Study Committee shall  
2        submit a written report to the Senate Committees on Finance and on Natural  
3        Resources and Energy and the House Committees on Ways and Means and on  
4        Environment and Energy with its findings and any recommendations for  
5        legislative action, including proposed legislative language.

6        (f) Meetings.

7            (1) The Director of Property Valuation and Review or designee shall  
8        call the first meeting of the Study Committee to occur on or before September  
9        1, 2025.

10           (2) The Study Committee shall select a chair from among its members at  
11        the first meeting.

12           (3) A majority of the membership shall constitute a quorum.

13           (4) The Study Committee shall cease to exist on March 1, 2025.

14        (g) Compensation and reimbursement.

15           (1) For attendance at meetings during adjournment of the General  
16        Assembly, a legislative member of the Study Committee shall be entitled to per  
17        diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23  
18        for not more than eight meetings. These payments shall be made from monies  
19        appropriated to the General Assembly.

20           (2) Other members of the Study Committee shall be entitled to per diem  
21        compensation and reimbursement of expenses as permitted under 32 V.S.A.

Yellow highlighting = Changes from Dr. 4.1

Grey highlighting = Questions/Unresolved Issues/Unreviewed Language from Dr. 4.1

1 § 1010 for not more than eight meetings. These payments shall be made from  
2 monies appropriated to the Department of Taxes.

3 \* \* \* Emergency Permit Notice \* \* \*

4 Sec. 27. 10 V.S.A. § 7706 is added to read:

5 § 7706. EMERGENCY NOTICE PROVISIONS FOR NATURAL

6 DISASTERS

7 Notwithstanding the requirements of this chapter, during a federally  
8 declared emergency or state of emergency issued in response to a natural  
9 disaster, the Secretary may issue certain individual permits and notices of  
10 intent under a general permit as emergency permits according to the  
11 procedures established in section 7716 of this title (Type 5 Procedures). This  
12 section shall only apply to approvals governing activities that are necessary to  
13 respond to the conditions created or caused by a natural disaster to conduct  
14 hazard mitigation, support response and recovery efforts to alleviate hardship  
15 and suffering of citizens and communities, or preserve public health and safety  
16 and property of the State. This section shall not apply to permits or notices of  
17 intent for activities that are subject to section 7712 of this title (Type I  
18 Procedures).

19 \* \* \* Effective Dates \* \* \*

20 Sec. 28. EFFECTIVE DATES

Yellow highlighting = Changes from Dr. 4.1

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1        (a) This section and Secs. 17 (dam registration report), 18 (dam design  
2        standard rules), 21 (FERC petition), and 27 (emergency permits) shall take  
3        effect on passage.

4        **(b)** All other sections shall take effect July 1, 2024, except that:

5                (1) in Sec. 16, 10 V.S.A. § 1106 (Dam Safety Revolving Loan Fund)  
6        shall take effect on passage;

7                (2) under Sec. 23 (basin planning), the requirement shall be effective for  
8        updated Tactical Basin Plans that commence on or after January 1, 2025; and

9                (3) in Sec. 24 (expanded polystyrene foam requirements), 10 V.S.A.  
10        § 1324 (ANR rulemaking) shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE