



VERMONT LEGISLATIVE
Joint Fiscal Office

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Fiscal Note

April 24, 2024

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S.213 – An act relating to the regulation of wetlands, river corridor development, and dam safety

As recommended by the House Committee on Environment and Energy,¹ further recommended by the House Committee on Ways and Means, Draft 1.1

Bill Summary

This bill proposes to amend statutory provisions related to wetlands, river corridor development, and dam safety. Most notably, the bill would require that the Agency of Natural Resources (ANR) update the Vermont Significant Wetlands Inventory (VSWI) maps no less than annually and complete High Quality Wetland Inventory mapping for all tactical basins in the state every five years. It would update the Vermont Wetlands Rules and require an annual report on losses and gains of significant wetlands in the state. In addition, it would amend the statewide River Corridor Base Map to identify areas where infill and redevelopment wouldn't increase fluvial erosion hazards. This bill would also seek to protect public safety and provide for the public good through the inventory, inspection, and evaluation of dams in the state.

It would amend statute to redesignate the Vermont Unsafe Dam Revolving Loan Fund as the Vermont Dam Safety Revolving Loan Fund. Changes to the Fund would expand and modify project eligibility requirements. Proposed changes would make funds available for both emergency and nonemergency projects. The Fund balance would consist of any General Fund transfers, principal and interest received from the repayment of loans, grants and awards, interest earned from the investment of Fund balances, private gifts, bequests, and donations made to the State, and other funds from any public or private source intended for any of the purposes for which the Fund is established.

This bill would create two study committees with estimated costs of \$8,200 in fiscal year 2025.

Background and Details

The following sections would have a fiscal impact.

Section 10

This section would establish the Study Committee on State Administration of the National Flood Insurance Program to review and recommend how to reduce vulnerability to inundation flooding, including how and

¹The bill as passed by the Senate can be found here:
<https://legislature.vermont.gov/Documents/2024/Docs/BILLS/S-0213/S-0213%20As%20Passed%20by%20the%20Senate%20Unofficial.pdf>

to what scale responsibility for the administration and enforcement of the National Flood Insurance Program should shift from municipalities to the Department of Environmental Conservation (DEC).

The Committee would be made up of two members of the DEC's Watershed Management Division Rivers Program, two members of Vermont's Regional Planning Commissions (RPCs), and two members to represent Vermont municipalities. On or before August 15, 2025, the Committee would submit a written report with any recommendations to the General Assembly.

Members who are not employed by the Administration would be entitled to per diem compensation and reimbursement of expenses, as permitted under 32 V.S.A. § 1010, for not more than eight meetings.

Total estimated costs are \$3,650 in fiscal year 2025. This would be absorbed by ANR.

Section 18

This section would amend statute to redesignate the Vermont Unsafe Dam Revolving Loan Fund as the Vermont Dam Safety Revolving Loan Fund. Proposed statutory amendments would allow for Fund monies to be used for low or zero interest loans for the reconstruction, repair, removal, breaching, or draining of a dam, as well as for any other action necessary to reduce the risk of a dam failure. Fund monies would be available for both emergency and nonemergency projects.

Section 22

This section would establish the Study Committee on Dam Emergency Operations Planning to review and make recommendations on how to improve regional emergency action planning for hazards caused by dam failure. The Committee would study how to shift responsibility for emergency planning from individual municipalities to regional authorities, how to improve regional implementation of dam emergency response plans, and how to fund dam emergency action planning at the regional level.

The Committee would be made up of one member of the DEC's Dam Safety Program, two members of Vermont's RPCs, one member of the Department of Public Safety's (DPS) Division of Emergency Management, two legal owners of a dam, and one or more emergency management director or incident commander from a municipality with experience in emergency operation planning. On or before December 15, 2024, the Committee would submit a written report to the General Assembly.

Members who are not employed by the Administration would be entitled to per diem compensation and reimbursement of expenses, as permitted under 32 V.S.A. § 1010, for not more than eight meetings.

Total estimated costs are \$4,550 in fiscal year 2025. This would be absorbed by ANR.

Section 28

This section would require the Secretary of Natural Resources to produce a report on whether and how to establish criteria for waiving, reducing, or mitigating ANR permit fees for certain individuals including those with low income. It would also require the Chair of the Natural Resources Board to produce a report on whether and how to establish criteria for waiving, reducing, or mitigating Act 250 permit fees for certain individuals including those with low income.

On or before December 15, 2024, the Secretary of Natural Resources and the Chair of the Natural Resources Board would submit the respective reports to the House Committees on Ways and Means and on Environment and Energy and the Senate Committees on Finance and Natural Resources and Energy.