

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred Senate  
3 Bill No. 213 entitled “An act relating to the regulation of wetlands, river  
4 corridor development, and dam safety” respectfully reports that it has  
5 considered the same and recommends that the House propose to the Senate that  
6 the bill be amended as follows:

7 First: In Sec. 3, Department of Environmental Conservation; River  
8 Corridor Base Map; infill mapping; education and outreach, in subsection (a),  
9 after “On or before January 1, 2026, the Department of Environmental  
10 Conservation” and before “shall amend” by inserting “, in consultation with  
11 the Agency of Commerce and Community Development and the regional  
12 planning commissions.”

13 Second: By adding a new section to be Sec. 6a to read as follows:  
14 Sec. 6a. 24 V.S.A. § 2291(25) is amended to read:

15 (25) To regulate by means of an ordinance or bylaw development in a  
16 flood hazard area, ~~river corridor protection area~~, or other hazard area consistent  
17 with the requirements of section 4424 of this title and the National Flood  
18 Insurance Program. Such an ordinance or bylaw may regulate accessory  
19 dwelling units in flood hazard ~~and fluvial erosion~~ areas. However, such an  
20 ordinance or bylaw shall not require the filing of an application or the issuance

1 of a permit or other approval by the municipality for a planting project  
2 considered to have a permit by operation of subsection 4424(c) of this title.

3 Third: By adding two new sections to be Secs. 8a and 8b to read as follows:

4 Sec. 8a. 24 V.S.A. § 4413(a)(2) is amended to read:

5 (2) Except for State-owned and -operated institutions and facilities, a  
6 municipality may regulate each of the land uses listed in subdivision (1) of this  
7 subsection for compliance with the National Flood Insurance Program and for  
8 compliance with a municipal ordinance or bylaw regulating development in a  
9 flood hazard area ~~or river corridor~~, consistent with the requirements of  
10 subdivision 2291(25) and section 4424 of this title. These regulations shall not  
11 have the effect of interfering with the intended functional use.

12 Sec. 8b. 24 V.S.A. § 4414(1)(G) is amended to read:

13 (G) ~~River corridors and buffers~~ Buffers. In accordance with section  
14 4424 of this title, a municipality may adopt bylaws to protect ~~river corridors~~  
15 ~~and buffers~~, as ~~those terms are~~ that term is defined in 10 V.S.A. §§ 1422 ~~and~~  
16 1427, in order to protect public safety; prevent and control water pollution;  
17 prevent and control stormwater runoff; preserve and protect wetlands and  
18 waterways; maintain and protect natural channel, streambank, and floodplain  
19 stability; minimize ~~fluvial erosion and~~ damage to property and transportation  
20 infrastructure; preserve and protect the habitat of terrestrial and aquatic  
21 wildlife; promote open space and aesthetics; and achieve other municipal,

1 regional, or State conservation and development objectives for ~~river corridors~~  
2 ~~and buffers. River corridor and buffer~~ Buffer bylaws may regulate the design  
3 and location of development; control the location of buildings; require the  
4 provision and maintenance or reestablishment of vegetation, including no net  
5 loss of vegetation; require screening of development or use from waters;  
6 reserve existing public access to public waters; and impose other requirements  
7 authorized by this chapter.

8 Fourth: In Sec. 15, 10 V.S.A. §§ 918 and 919, in section 918, in  
9 subdivision (c)(1), by striking out the last sentence in its entirety.

10 Fifth: By adding a new section to be Sec. 15a to read as follows:

11 Sec. 15a. WETLANDS RULEMAKING; ALLOWED USES

12 As part of the next amendments to the Vermont Wetlands Rules as required  
13 under Sec. 15 of this act or otherwise proposed, the Commissioner of  
14 Environmental Conservation shall review whether to authorize the following  
15 activities as allowed uses within a wetland:

16 (1) relocation of utility lines and poles adjacent to roadsides; and

17 (2) temporary access to wetlands, river, and flood restoration projects

18 that are currently allowed uses under the Rules, provided that the

19 Commissioner shall allow temporary access to wetlands as an allowed use for

20 wetlands, river, and flood restoration projects conducted or initiated prior to

21 January 1, 2025.

1           Sixth: In Sec. 24, transition; dams, by adding a new subsection to be  
2 subsection (f) to read as follows:

3           (f) On or before January 15, 2025, the Agency of Natural Resources shall  
4 complete its analysis of the capital and ongoing operations and maintenance  
5 costs of the Green River Dam, as authorized in 2022 Acts and Resolves No.  
6 83, Sec. 46, and shall submit the results of the analysis to the House  
7 Committees on Environment and Energy and on Appropriations and the Senate  
8 Committees on Natural Resources and Energy and on Appropriations.

9           Seventh: By striking out Sec. 28 (floodplain management; use value  
10 appraisal), and its reader assistance and by inserting a new Sec. 28 and its  
11 reader assistance to read as follows:

12                                 \* \* \* Report on Waiver of Permit Fees \* \* \*

13           Sec. 28. REPORT ON WAIVER OF PERMIT FEES

14           (a)(1) The Secretary of Natural Resources shall produce a report on  
15 whether and how to establish criteria for waiving, reducing, or mitigating  
16 Agency of Natural Resources' permit fees for persons of low income or other  
17 criteria.

18           (2) The Chair of the Natural Resources Board shall produce a report on  
19 whether and how to establish criteria for waiving, reducing, or mitigating Act  
20 250 permit fees for persons of low income or other criteria.

21           (b) The reports required under subsection (a) of this section shall include:

1           (1) a recommendation of whether the State should establish criteria or a  
2           methodology for waiving, reducing, or mitigating permit fees for persons of  
3           low income or other criteria; and

4           (2) if a report recommends waiver, reduction, or mitigation under  
5           subdivision (1) of this section, what the criteria for waiver, reduction, or  
6           mitigation should be and whether the fees should be reduced or entirely  
7           waived.

8           (c) On or before January 15, 2025, the Secretary of Natural Resources and  
9           the Chair of the Natural Resources Board shall submit to the House Committee  
10           on Environment and Energy and the Senate Committee on Natural Resources  
11           and Energy the reports required under subsection (a) of this section.

12           Eighth: By striking out Sec. 29, effective dates, and its reader assistance  
13 heading in their entirety and inserting in lieu thereof a new Sec. 29 and reader  
14 assistance heading to read as follows:

15   \* \* \* Effective Dates \* \* \*

16           Sec. 29. EFFECTIVE DATES

17           (a) This section and Secs. 19 (dam registration report), 20 (dam design  
18           standard rules), and 23 (FERC petition) shall take effect on passage.

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

20                   (1) Secs. 6a, 7, 8, 8a, and 9 (conforming amendments to municipal river  
21           corridor planning) shall take effect on January 1, 2028, except that in Sec. 9,

1 24 V.S.A. § 4424(a)(2)(B)(i) (municipal compliance with the State Flood  
2 Hazard Area Standards) shall take effect on January 1, 2026;

3 (2) in Sec. 18, 10 V.S.A. § 1106 (Dam Safety Revolving Loan Fund)  
4 shall take effect on passage;

5 (3) under Sec. 25 (basin planning), the requirement shall be effective for  
6 updated tactical basin plans that commence on or after January 1, 2025; and

7 (4) in Sec. 26 (expanded polystyrene foam requirements), 10 V.S.A.  
8 § 1324 (ANR rulemaking) shall take effect on passage.

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

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\_\_\_\_\_

13

Representative \_\_\_\_\_

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FOR THE COMMITTEE