

S.213. Requested Positions—Phasing and Funding

A. River Corridor Development

1. SNRE Proposed S.213, Sec. 3(c)

(c) In addition to other funds appropriated to the Agency of Natural Resources in fiscal year 2025:

(1) the amount of \$900,000.00 shall be appropriated from the General Fund for six new, full-time positions to conduct infill and redevelopment mapping of mapped river corridors under subsection (a) of this section, to conduct the education and outreach required under subsection (b) of this section, and to conduct the rulemaking and permitting required under Sec. 5 of this act; and

2. Phasing

- ANR has not identified how many or which of the 6 new positions would be for mapping, education and outreach, rulemaking, or permitting.
 - Mapping: S.213, Sec. 3 requires ANR to amend the River Corridor Base Map by Jan. 1, 2026.
 - Education and outreach: Required by S.213, Sec. 3 between Jan. 1, 2025 and Jan. 1, 2027
 - Rulemaking: Required by S.213, Sec. 5, to initiate not later than July 1, 2025 and to complete on or before July 1, 2027.
 - Permitting: S.213, Sec. 5, 10 V.S.A. § 754, requires ANR permitting of development in river corridors to begin Jan. 1, 2028.

3. Considerations

- Unclear when Mapping would require new staff. Would they be required in FY2025.
- Would new positions for Education and Outreach be needed in FY25. Activities start Jan. 1, 2025, but unclear when ANR needs these positions.
- Rulemaking won't start until FY26. Is a position needed in FY25?
- Permitting does not start until FY28. Arguably, this is what the Agency would need the most positions for, but won't be needed for three fiscal years.

4. Funding

- Under statute, 3 V.S.A. § 2805, the Environmental Permit Fund shall be used to implement the programs specified under 3 V.S.A. § 2822, which are the permits issued by ANR.
- There will be a fee for any permit for development in a river corridor (S.213 currently does not require ANR to propose one because the Agency should do so in a fee bill).
- The Agency can use revenue in anticipation of receipts to fund Program expenses. If 45,000 parcels may be subject to development, the permit fees should be suitable to pay for necessary positions for permitting.

B. State Flood Hazard Area Standards

1. SNRE proposed S.213, Sec. 11(d):

(d) In addition to other funds appropriated to ANR in fiscal year 2025:

(1) the amount of \$300,000.00 shall be appropriated from the General Fund to fund two new positions to adopt the State Flood Hazard Area Standards required under Sec. 6 of this act and to assist municipalities in the adoption of the State Flood Hazard Area Standards; and

2. Phasing

- S.213, Sec. 6, 10 V.S.A. § 754(a) requires ANR on or before Jan. 1, 2026, to adopt rules that establish a set of flood hazard area standards for enrollment in the NFIP.
- S.213, Sec. 6, 10 V.S.A. § 754(b) requires ANR to provide ongoing education, technical assistance, and guidance to municipalities regarding compliance with the (NFIP), including implementation of the State Flood Hazard Area Standards adopted under 10 V.S.A. § 754(a).

3. Considerations

- What staff will be needed to adopt the rules? Will it be an attorney? Can they be shared across the Water Management Division to assist on river corridor, wetlands, or dam rules?
- Will a new position be needed for municipal assistance when the new standards will not be complete until Jan. 1, 2026. At the very least, the position likely is not necessary in FY2025.

3. Funding

- Does all of the funding need to be from the State? Are federal funds available? For example, FEMA provides multiple grants to states, including for State mitigation planning.

C. Wetlands

1. SNRE proposed S.213, Sec. 17:

Sec. 17. APPROPRIATIONS

In addition to other funds appropriated to the Agency of Natural Resources in fiscal year 2025, the amount of \$300,000.00 shall be appropriated from the General Fund to fund two new positions to implement and comply with the requirements of Secs. 12–15 of this act.

2. Wetlands Rules; Maps; Reporting

- S.213, Sec. 14, 10 V.S.A. V.S.A. § 916, requires ANR to adopt the Vermont Significant Wetlands Inventory Maps by Jan. 1, 2026. Also requires ANR to complete High Quality Wetlands Inventory Mapping by Jan. 1, 2030.
- S.213, Sec. 15, 10 V.S.A. § 918 requires ANR to amend the Wetlands Rules by July 1, 2025 to incorporate the net gain policy. Also, requires the net gain policy and revised rule to be incorporated into permits issued after Sept. 1, 2025.

3. Considerations

- What are these positions for?
- Statute already requires the wetlands maps to be updated. Are the positions for rulemaking? Is it for an attorney that can be shared across the Division.
- Why would new permit positions be needed, if at all? Is the Program currently understaffed?

4. Funding

- Difficult to address funding when unsure of what positions would be used for. If for mapping, why aren't current positions capable of the mapping? If for rulemaking, what is needed? If for permitting, why is position needed.
- Why General Fund? If the positions are needed to implement the program, should fees be amended to cover costs?

D. Dam Safety

1. SNRE Proposed Sec. 21:

(1) \$900,000.00 is appropriated from the General Fund for the purposes of funding six new permanent full-time classified positions in the Dam Safety Division of the Department of Environmental Conservation.

2. Transition; Registration; Rules

- S.213, Sec. 18, would transfer the authority over the safety of 21 dams from the PUC to DEC.
- S.213, Sec. 18, also requires ANR to administer the Dam Safety Revolving Loan Fund to provide financial assistance for dams in either emergency or non-emergency conditions.
- Current statute, 10 V.S.A chapter 43, requires ANR to register all dams in the State and provide the registration report to the General Assembly. S.213 postpones the due date.
- Current law also requires ANR to adopt by rule dam design standards. S.213 postpones the due date.

3. Considerations

- What are these positions for? Registration and rulemaking are current requirements. Are six new positions necessary for the new requirements in S.213?
- Are some of these positions already proposed for funding? Two limited service positions are converted to permanent positions in H.883. There may also be another position funded in H.883.

4. Funding

- The DEC budget proposal stated that the conversion of the 2 limited service positions was funded in part with GF and in part from stable long-term federal funds. Does this affect the amount requested—i.e. should it be less than \$900,000.
- Are federal funds available for the other positions?
- Dams are required to pay an annual fee that is deposited into the Environmental Permit Fund. How much do those fees generate? Would any be available for these new positions?
- Should the fees be amended to address the lack of necessary staff at the Dam Safety Program?