

Hello Chair Sheldon,

The Committee had various questions yesterday about dam condition and regulation in the state. Given the technical nature of these questions, I offer that Ben Green would be happy to come back in to speak to the Committee.

I also want to reiterate that the Agency is opposed to the amendments to the dam safety provisions in the bill that Jared Carpenter offered yesterday, on behalf of the advocates. Regarding the Advocate's proposed 2025 transfer of jurisdiction over the four High hazard PUC dams, the Agency sees this as unnecessary and very disruptive to DEC's current priorities and initiatives. The early transfer of these dams would require a huge lift on the part of the DEC Dam Safety Program to come up to speed on the facilities themselves, and would disrupt the Agency's Dam Safety rulemaking process, which is a high priority initiative. It also would not allow enough time to determine if these four dams should be regulated by FERC. Further, as discussed yesterday, these four dams are all in Good or Fair condition, and there does not appear to be a compelling reason to accelerate the timeline for these dams.

The Agency also objects to the Advocate's proposal that non-emergency loan subsidy only be available for dam removal projects. DEC needs the flexibility to use this funding to achieve the greatest net public safety benefit possible. In many cases, that will be through removal, but the Agency needs the flexibility to repair or rehabilitate dams, particularly ones that have a public benefit (recreational use, water supply, presence of camps or homes on the pond, etc.) with subsidy in certain cases. It should also be noted that while the dam owner benefits from the funding, no matter the acceptable permanent solution, the real benefit is to the members of the public that live and work downstream of the dam and do not have a say in this process. Those are the people that this fund (and dam safety regulation) benefits.

I also took the Committee's question about the State's ongoing efforts to address State-owned, High Hazard, poor condition dams back to Program staff. Staff provided the following information:

The DEC Dam Safety Program (DSP) has both regulatory responsibilities (i.e. rule writing, periodic inspections, EAPs, Unsafe Dams, etc.) and ownership responsibilities over the dams owned by ANR; the following priorities relate to implementation of the DSP's ownership responsibilities. The Program recently completed a Risk Assessment with our consultant, RTI International, of 18 HIGH and SIGNIFICANT hazard potential ANR-owned dams. We are using the results of that study to address projects to endeavor to "buy-down" or reduce the risk of these dams. Examples of ongoing and planned projects on ANR-owned dams are provided below:

Ongoing Projects (out to bid, agreement development, assessment, design, or construction phase):

- Waterbury Dam, Waterbury, Spillway Replacement Project with the USACE – Moving to design phase, construction anticipated 2027/2028.

- Waterbury Dam, Waterbury, Spillway Risk Reduction Project – construction ongoing due for completion spring 2024.
- Wrightsville Dam, Montpelier/East Montpelier - Spillway Maintenance Project – Substantial completion in Fall 2023, final completion spring 2024.
- Wrightsville Dam, Montpelier/East Montpelier – Hydrologic and Hydraulic Hazard Study with USACE, agreement in development.
- Noyes Pond Dam, Groton, Rehabilitation Design – Comprehensive Assessment completed in 2023, Design phase scheduled to start in 2024.
- Silver Lake Dam, Barnard – Comprehensive Assessment underway.
- Lake Carmi Dam, Franklin, Construction Project out to bid, planned 2024 construction.
- DEC Dams Instrumentation Evaluation Project – Underway, includes analysis and design to repair/replace existing instrumentation at Waterbury Dam and design of new instrumentation at other DEC-owned dams.
- Waterbury Dam, Waterbury – Dewatering Well and Drainage system maintenance (4-year cycle project) – out to bid for 2024 implementation.
- ANR-owned Dam Maintenance Project - (annual cycle) mowing, brushing, debris removal, minor maintenance and repair - out to bid for 2024 implementation
- Waterbury Dam, Waterbury – Inspection of ball valve, cone valve, and air release valve – Sole source agreement in development, spring 2024 completion.
- Geotechnical Exploration Project at several ANR-owned dams – pending historic preservation/archeologic approval, would include exploration work at 4 to 6 ANR-owned earth embankment dams and be completed in early summer 2024.
- Emergency Action Plan Project – Includes the update of existing EAPs and generation of new EAPs for select SIGNIFICANT hazard potential dams – ongoing.
- Green River Reservoir Dam and Dike, Hyde Park - Study of potential state acquisition of facility – targeted late 2024 completion.

Upcoming Projects (programmed to go out to bid):

- Waterbury Dam, Waterbury – Penstock and tunnel cleaning and inspection/assessment project – planned spring 2024 bid, fall 2024 implementation.
- Gale Meadow Dam and Dike, Londonderry - Comprehensive Inspection planned to be bid in spring 2024.
- Prison Pond Dam, Windsor – Risk Reduction measures (partial breach) to be bid and implemented in summer 2024.
- Little Hosmer Dam, Craftsbury – Comprehensive Inspection and Seepage Repair analysis scheduled to bid spring 2024.
- Crystal Lake Dam, Barton – Comprehensive Inspection scheduled to bid 2024 (issued as one project with Kent, Lowell, Knapp, Colton)
- Kent Pond Dam, Killington – Comprehensive Inspection scheduled to bid 2024 (issued as one project with Crystal, Lowell, Knapp, Colton)
- Lowell Lake Dam, Lowell – Comprehensive Inspection scheduled to bid 2024 (issued as one project with Kent, Crystal, Knapp, Colton)
- Knapp Brook No. 1 Dam, Cavendish - Comprehensive Inspection scheduled to bid 2024 (issued as one project with Kent, Lowell, Crystal, Colton)

- Colton Pond Dam, Killington - Comprehensive Inspection scheduled to bid 2024 (issued as one project with Kent, Lowell, Knapp, Crystal)
- Wrightsville Dam, Montpelier/East Montpelier - Geotechnical Explorations and Internal Erosion Evaluation – scheduled to bid Summer 2024
- East Barre Dam, Barre Town - Geotechnical and Structural Explorations and Evaluation – scheduled to bid Summer 2024
- Wrightsville Dam, Montpelier/East Montpelier – Tunnel and Low-Level Outlet Rehabilitation Project Design – schedule to bid Fall 2024.

**What action is the program taking to address state-owned, high hazard, poor condition dams?**

ANR-Owned HIGH hazard potential dams that are in POOR condition include the following:

- Silver Lake Dam, Barnard – Comprehensive Assessment currently underway. Planned rehabilitation design, permitting, and construction to follow.
- Lake Sadawga Dam, Whitingham - Programmed for future study. The dam ranked 9 of 18 in the recent Risk Assessment so will be prioritized as higher risk projects ahead are completed. The dam was reconstructed in 2017. Unfortunately, adequate funds were not available to make the dam hydraulically adequate to the Inflow Design Flood (IDF), which is the Probable Maximum Flood. Hydraulic inadequacy of a HIGH hazard dam is the main driver in the dam being in POOR condition. Additional study is needed to determine if the PMF is the appropriate IDF, if a smaller IDF is appropriate, or if additional improvements to address this issue are needed.
- Lake Sadawga Dike, Whitingham – Targeted for geotechnical explorations in spring 2024 pending historic preservation/archeologic approval. Similar to the dam above, the dike is hydraulically inadequate and needs to have the same assessment done. The dike ranked 14 of 18 in the recent Risk Assessment, so will be prioritized as higher risk projects ahead of it are completed.

Thank you,  
Hannah