

1 S.227

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; water resources; water levels;

6 Seymour Lake

7 Statement of purpose of bill as introduced: This bill proposes to require the

8 Department of Environmental Conservation to manage actively the surface

9 water level of Seymour Lake.

10 An act relating to the surface water level of Seymour Lake

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. MANAGEMENT OF SEYMOUR LAKE SURFACE WATER

13 LEVELS

14 (a) Findings. The General Assembly finds that:

15 (1) In 1951, the Vermont Public Service Commission determined that

16 the natural surface water level of Seymour Lake fell within a 14-inch range:

17 six inches above to eight inches below the dam on the lake in 1951.

18 (2) 30 V.S.A. §§ 401–403 prohibited any person from artificially raising

19 or lowering the surface level of Seymour Lake above or below the six-inch

1 maximum or eight-inch minimum set by the Public Service Commission in  
2 1951.

3 (3) In 2003, the Department of Environmental Conservation issued a  
4 Water Quality Certification under section 401 of the Clean Water Act (CWA  
5 § 401 Certification), 33 U.S.C. § 1341, for a new dam on Seymour Lake.

6 (4) Condition H of the CWA § 401 Certification reserves for the  
7 Department the authority to require operation of the dam's gate if the modified  
8 dam "significantly increases the magnitude, frequency, or duration of shoreline  
9 flooding" on Seymour Lake.

10 (5) As indicated by the Department of Environmental Conservation  
11 Seymour Lake Water Level Analysis Fluctuations, the magnitude and  
12 frequency of flooding above the six-inch maximum level for the lake has  
13 increased significantly since installation of the new dam in 2004.

14 (6) Despite the increase in magnitude and frequency of flooding on  
15 Seymour Lake, the Department of Environmental Conservation has not  
16 exercised its authority under the CWA § 401 Certification to operate the dam  
17 gate to reduce flooding.

18 (7) The Department of Environmental Conservation should exercise its  
19 authority to operate the gate on the dam at Seymour Lake to reduce the  
20 frequency and magnitude of flooding and reduce undue flood damage to  
21 property on Seymour Lake.

1        (b) Exercise of authority. On or before October 1, 2014, the Department of  
2        Environmental Conservation shall exercise its authority under the CWA § 401  
3        Certification to manage actively the surface water level of Seymour Lake so  
4        that the lake's surface level remains below the six-inch maximum level range  
5        for the lake in order to reduce the frequency and magnitude of flooding events  
6        in Seymour Lake.

7        Sec. 2. EFFECTIVE DATE

8        This act shall take effect on July 1, 2014.