

Dale Azaria
1/22/13

Dear Representative Masland,

Giovanna Peebles forwarded me the questions you raised after yesterday's hearing at the House Ways and Means Committee on the 2014 Fee Bill.

The proposed change in language for 22 V.S.A. 724(b)(2) does not make any change to the existing requirements of conducting archaeology. Long-standing Vermont law, including 22 V.S.A. Chapter 14, Act 250, and 30 V.S.A. section 248, requires that state undertakings, developments permitted under Act 250, and projects granted a certificate of public good under Section 248 all avoid undue adverse effects on archaeological resources. For years, the process has been that if there is the potential for an undue adverse effect on archaeological resources, the Division of Historic Preservation works with the project developer to avoid the impact or to mitigate it. The proposed change to 22 V.S.A. 724(b)(2) does not change the already existing requirements or process.

One means of mitigation is to excavate the materials and store them for future study and education, which can be done at the Archaeology Heritage Center. The purpose of the revised language is to clarify that if the project developer chooses to mitigate the adverse impact by storing the materials at the Archaeology Heritage Center, the cost of doing so will be the same regardless of whether the materials come from a federal project or a state project. Our goal in proposing this change is to promote uniformity and consistency among all regulatory parties, and to codify what is already standard practice. Since the requirement to avoid or mitigate the adverse effect already exists, the change in the statute will not add to any party's regulatory burden or cost of doing business – it will merely clarify the costs that will apply should they choose to mitigate the impact by storing their materials in our facility.

Please do not hesitate to contact me if you would like any further information.

Best regards,

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