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American Rivers and The Nature Conservancy
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In Support of H. 37 – Dam Safety

I am writing in support of H.37 dams. My name is Amy Singler and I am the Associate Director of American Rivers' River Restoration Program and I also work for The Nature Conservancy's Connecticut River Program. American Rivers is a national conservation organization dedicated to protecting and restoring rivers for the benefit of people, fish, and wildlife. The American Rivers' Northeast office works on river restoration projects in Vermont and in the other five New England states. The Nature Conservancy works to conserve the land and water on which all life depends. Here in Vermont we have a strong emphasis on the health of our freshwater resources.

I work specifically on river restoration and dam-related issues for both organizations. Together with my New England colleagues, we are working with partners on over 50 dam removals that are currently being designed or were recently removed, several of which are in Vermont.

American Rivers and The Nature Conservancy strongly support this Bill because it will dramatically improve dam safety in Vermont by ensuring that more of the state's outdated and deteriorating dams have safety inspections and that dam owners follow up on the results of those inspections by repairing and maintaining their dams.

Why do we need this bill?

I spend a lot of time working around many of the approximately 2,700 dams in the Connecticut River watershed as part of my work from Vermont south to Connecticut and I can attest to the shockingly poor condition of so many of these structures. Vermont is no different. I would like to touch on my experience working on dam safety and river issues in several New England states to put some context on the bill proposed for Vermont.

Despite the over 1,200 dams in the state, 770 of which fall under state DEC jurisdiction, Vermont's Dam Safety Office has only two staff assigned complete all the necessary private dam inspections, plus inspections on the additional state owned dams. The 2014 *Report Card for Vermont's Infrastructure* from the American Society of Civil Engineers reports that 35% of inspected dams are in poor condition, and there is a \$35 million backlog of repairs needed to Vermont's dams. That same report gives Vermont dams a grade of "C," the same grade as its 2011 report card. The problem is clearly not improving and we need to make changes if we are going to see some improvement.

This Bill will help fix that problem by requiring that dam owners must pay a fee to register their dam and that fee would go to support additional staff in the Dam Safety Program. Requiring dam owners to take more responsibility makes sense because the majority of dams do not provide public benefits and therefore should not be subsidized wholly by public dollars. This is in keeping with recommendations from the national Association of State Dam Safety Officials, which promote increasing dam owner responsibility. The Bill would also take the fundamental step of requiring dam owners to register their dams with the state to allow the state to better inventory dams and dam ownership. Registration will also help prospective buyers understand that a dam is on the property during real estate transactions. It

is surprising how frequently dam owners are unaware not only of their responsibility to maintain a dam for safety purposes, but also in some cases that they even own the dam.

Dam Failure

Increasing the number of dam inspections is critical because public safety incidents are occurring over and over again across New England because of aging dams. Some examples include:

- In March 2010, the near failure of a dam in Stonington Connecticut forced the evacuation of downstream residents. It was the second time in 3 years that those same residents had to evacuate their homes because of that same dam. That dam was removed in 2012, permanently eliminating the safety hazard.
- In October 2005, a dam on the Mill River in Taunton Massachusetts made national news when a near breach forced the evacuation of 2,000 residents in downtown Taunton, and required the state and federal government to intervene with emergency repairs. That dam was finally removed this past summer.
- During Tropical Storm Irene 10 dams breached in Vermont and western Massachusetts, contributing to already swollen rivers and debris flows that damaged communities.

Thankfully none of these recent failures have resulted in loss of life, but all have had significant costs to the communities due to evacuations, loss of business and cost of emergency repairs.

The one thing that most of these dams had in common, besides their age and poor condition, is that they were no longer serving the purpose that they were built to provide. Many, perhaps most, of the thousands of dams across Vermont and New England were built decades to centuries ago to power mills. The mill operations have long since closed and the businesses have moved on, but the dams remain. Unless dams are well maintained, their condition only gets worse every year. The most cost-effective and permanent way to deal with unsafe dams is to remove them.

Vermont would not be alone in taking steps to improve dam safety. New Hampshire has laws similar to those proposed in this bill that establish fees for the state to complete dam inspections. Massachusetts enacted stronger dam safety laws in 2006 after the near failure of the previously mentioned dam in Taunton. And two years ago Connecticut passed legislation to strengthen their dam safety laws to place more responsibility on dam owners and provide for more inspections. In all three states we see higher numbers of dam inspection reports to the state. The change has had tremendous benefits. Dam owners are now taking responsibility for repairing and maintaining their dams, and some cases dam owners have chosen to remove their dams as a result.

Benefits for Rivers

This Bill provides more than public safety improvements. It will also result in tremendous environmental benefits.

Dams cause some of the most harmful impacts to fish and wildlife of any human action in rivers. Dams block the necessary ability of fish to move; they degrade water quality by raising water temperature and thereby lowering water oxygen; and they drown the living space of creatures that normally live in flowing water.

We have seen throughout the northeast that where dam owners understand the safety issues surrounding dams and the impacts to rivers, dam owners consider the option to remove dams rather than let them deteriorate.

More than 1,200 dams have been removed in the United States. More than 80 of those dam removals were in the New England states in the last ten years. We have seen in case after case that once a dam is removed, native fish populations rebound; water quality improves; habitat improves; AND there is no longer a safety hazard from failure; there is no longer a safety hazard to boaters and kids playing on or around dams; and there is no longer any maintenance need or liability for dam owners. Removing dams presents a remarkable win-win-win scenario, for dam owner liability, for public safety, and for rivers.

Thank you for your consideration of this bill.