

HOUSE COMMITTEE ON NATURAL RESOURCES, FISH AND WILDLIFE

**TESTIMONY OF BRIAN T. FITZGERALD
RIVER ECOLOGIST, VERMONT NATURAL RESOURCES COUNCIL
ON
H.554, AN ACT RELATING TO THE REGULATION OF DAMS**

JANUARY 5, 2018

Good morning. I am Brian Fitzgerald, river ecologist with the Vermont Natural Resources Council. Thank you for the opportunity to testify on this important issue.

I've appeared before you several times in the past to advocate for passage of legislation that will establish State oversight of smaller dams to improve public safety and enhance existing river and stream restoration efforts. Thank you for your excellent work on those earlier bills to address problems with small dams.

You heard extensive testimony last winter about the problem of aging, unmaintained dams and the risks they pose to public safety and the environment. Vermont has a lot of old, deteriorating dams. As those dams age, the risk to life and property increases. In Vermont, smaller dams have avoided state oversight. State dam safety and emergency management officials may not even be aware that a dam exists. Those that are known may not be regularly inspected or properly maintained. And, new development downstream may increase the risk of property damage or loss of life.

We now have a new bill, H.554, which VNRC strongly supports. It includes several important provisions to address dam safety problems:

- It establishes a requirement that all dams in the state be subject to inspections on an appropriate, risk-based schedule.
- It sets up a system of four hazard classifications, with specific criteria to be established by rule.
- It requires DEC to maintain an inventory of all known dams in the state and gives the public access to that information on the Natural Resources Atlas.
- It provides DEC with a mechanism to request from dam owners information related to public safety.
- It requires DEC to develop rules to address gaps in the current oversight of dams, including standards for design, construction, inspection, maintenance, and development of emergency action plans.

You might be thinking that these points were addressed last winter in H.92. Why is this different and how is it better? Like H.92, the goal of this bill is to make us safer and provide us with some additional tools to manage rivers toward an equilibrium condition. The difference is H.554 sets up a framework while leaving more of the details to the rulemaking process. While H.92 was not supported by DEC, H.554 has been developed collaboratively with DEC.

VNRC strongly believes that H.554 is a necessary and important step toward improving oversight of dams in Vermont. Passage of this bill will reduce risk to people and property, enhance emergency management efforts during floods and major storms, and facilitate removal of obsolete and derelict dams from our rivers and streams.

Thank you.