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H.833

Introduced by Representatives Mrowicki of Putney, Ode of Burlington, Bates
of Bennington, Dolan of Waitsfield, Hill of Wolcott, Lefebvre
of Newark, McCullough of Williston, Morgan of Milton,
Sheldon of Middlebury, and Squirrell of Underhill

Referred to Committee on

Date:

Subject: Conservation and development; water resources; surface waters;
interbasin transfer

Statement of purpose of bill as introduced: This bill proposes to require the
Secretary of Natural Resources to convene a Surface Water Diversions and
Transfers Study Group to investigate and make recommendations to the
General Assembly regarding the environmental, economic, and recreational
impacts of transferring surface water between watershed basins and of
diversions of surface water in general.

An act relating to the interbasin transfer of surface waters

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

Sec. 1. SURFACE WATER DIVERSIONS AND TRANSFERS STUDY

GROUP REPORT

1 ~~(a) Creation. The Secretary of Natural Resources (Secretary) shall convene~~
2 ~~a Surface Water Diversions and Transfers Study Group to investigate and~~
3 ~~make recommendations to the General Assembly regarding the environmental,~~
4 ~~economic, and recreational impacts of transferring surface water between~~
5 ~~watershed basins and of diversions of surface water in general.~~

6 ~~(b) Membership. The Surface Water Diversions and Transfers Study~~
7 ~~Group shall be composed of the following members:~~

8 ~~(1) the Secretary of Natural Resources or designee;~~

9 ~~(2) the Secretary of Agriculture, Food and Markets or designee;~~

10 ~~(3) one member of the Senate Committee on Natural Resources and~~
11 ~~Energy, appointed by the Committee on Committees;~~

12 ~~(4) one member of the House Committee on Natural Resources, Fish,~~
13 ~~and Wildlife, appointed by the Speaker of the House;~~

14 ~~(5) two persons representing businesses or industries reliant on large~~
15 ~~quantities of surface water, appointed by the Committee on Committees;~~

16 ~~(6) two persons representing nonprofit environmental advocacy groups,~~
17 ~~appointed by the Speaker of the House;~~

18 ~~(7) one hydrologist, appointed by the Secretary; and~~

19 ~~(8) one at-large member, appointed by the Secretary.~~

20 ~~(c) Duties. The Surface Water Diversions and Transfers Study Group~~

21 ~~shall:~~

1 (1) develop a baseline inventory of the current and projected quantity
2 location, and usage of diversions and transfers of surface water in Vermont;

3 (2) recommend whether or not interbasin transfers of water should
4 occur;

5 (3) identify whether the State of Vermont should develop and
6 implement a statewide permitting or other regulatory regime for diversions or
7 other transfers of surface water;

8 (4) analyze potentially viable regimes to address the unplanned,
9 uncoordinated, and uncontrolled use of surface water in Vermont; and

10 (5) if necessary, propose legislative changes to implement the
11 recommendations of the Study Group.

12 (d) Assistance. The Surface Water Diversions and Transfers Study Group
13 shall have the administrative, technical, and legal assistance of the Agency of
14 Natural Resources.

15 (e) Report. On or before January 15, 2021, the Surface Water
16 Diversions and Transfers Study Group shall submit a written report to the
17 House Committee on Natural Resources, Fish, and Wildlife and the Senate
18 Committee on Natural Resources and Energy providing its findings and
19 recommendations under subsection (c) of this section.

20 (f) Meetings

1 ~~(1) The Secretary of Natural Resources shall call the first meeting of the~~
2 Surface Water Diversions and Transfers Study Group.

3 ~~(2) The Secretary of Natural Resources or designee shall be the chair of~~
4 the Surface Water Diversions and Transfers Study Group.

5 ~~(3) A majority of the membership of the Surface Water Diversions~~
6 and Transfers Study Group shall constitute a quorum.

7 ~~(4) The Surface Water Diversions and Transfers Study Group shall~~
8 cease to exist on February 1, 2021.

9 (g) Compensation and reimbursement.

10 (1) For attendance at meetings during adjournment of the General
11 Assembly, a legislative member of the Surface Water Diversions and Transfers
12 Study Group serving in his or her capacity as a legislator shall be entitled to
13 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
14 § 406 for not more than six meetings. These payments shall be made from
15 monies appropriated to the General Assembly.

16 (2) Other members of the Surface Water Diversions and Transfers Study
17 Group shall be entitled to per diem compensation and reimbursement of
18 expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.
19 These payments shall be made from monies appropriated to the Agency of
20 Natural Resources.

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

*Sec. 1. SURFACE WATER DIVERSIONS AND TRANSFERS STUDY
GROUP; REPORT*

(a) Creation. The Secretary of Natural Resources (Secretary) shall convene a Surface Water Diversions and Transfers Study Group to investigate and make recommendations to the General Assembly regarding the environmental, economic, and recreational impacts of surface water diversions, including the transfer of surface water between watersheds.

(b) Membership. The Surface Water Diversions and Transfers Study Group shall be composed of the following members:

(1) the Secretary of Natural Resources or designee;

(2) the Secretary of Agriculture, Food and Markets or designee;

(3) one member of the Senate Committee on Natural Resources and Energy, appointed by the Committee on Committees;

(4) one member of the House Committee on Natural Resources, Fish, and Wildlife, appointed by the Speaker of the House;

(5) two persons representing businesses or industries reliant on large quantities of surface water, appointed by the Committee on Committees;

(6) two persons representing nonprofit environmental advocacy groups, appointed by the Speaker of the House;

(7) one hydrologist, appointed by the Secretary; and

(8) one person representing an agriculture or forest products business conducted on working lands, appointed by the Secretary of Agriculture, Food and Markets.

(c) Duties. The Surface Water Diversions and Transfers Study Group shall:

(1) develop a baseline inventory of the current and projected quantity, location, and usage of diversions and transfers of surface water in Vermont;

(2) recommend whether or not surface water transfers between watersheds should occur;

(3) identify whether the State of Vermont should develop and implement a statewide permitting or other regulatory regime for diversions or other transfers of surface water, including the scale or size of a watershed subject to regulation;

(4) analyze potentially viable regimes to address the use of surface water in Vermont;

(5) if necessary, propose legislative changes to implement the recommendations of the Study Group; and

(6) if necessary, identify any water quality rules, policies, or procedures that may require updating to implement the recommendations of the Study Group.

(d) Assistance. The Surface Water Diversions and Transfers Study Group shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and shall have the legal and drafting assistance of the Office of Legislative Council.

(e) Report. On or before January 15, 2021, the Surface Water Diversions and Transfers Study Group shall submit a written report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy providing its findings and recommendations under subsection (c) of this section.

(f) Meetings.

(1) The Secretary of Natural Resources shall call the first meeting of the Surface Water Diversions and Transfers Study Group.

(2) The Secretary of Natural Resources or designee shall be the chair of the Surface Water Diversions and Transfers Study Group.

(3) A majority of the membership of the Surface Water Diversions and Transfers Study Group shall constitute a quorum.

(4) The Surface Water Diversions and Transfers Study Group shall cease to exist on February 1, 2021.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Surface Water Diversions and Transfers Study Group serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Surface Water Diversions and Transfers Study Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the Agency of Natural Resources.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the bill be amended to read: “An act relating to surface water diversions”