

PROTECTING THE INTEGRITY OF VERMONT'S WATERSHEDS IN AN ERA OF CLIMATE CHANGE

LEGISLATION OUTCOMES:

- The bill develops a study group to research and investigate the current state of surface water usage, diversions, and transfers in Vermont.
- Upon completing its research, the study group will develop and make any necessary recommendations to the Legislature to ensure regulatory frameworks are sufficiently robust to withstand expected future challenges.

NEED: Vermont's environment is commonly associated with snowy winters, rainy springs, temperate summers, and blustery falls that provide an ample supply of clean water to the State. Climate change is altering these historic patterns and precipitation events are becoming more erratic. Simultaneously, there is an increasing demand for surface water from industry, agriculture, and residential areas. Vermont is poised to experience an unprecedented demand for surface water use and transfers from one watershed to another. If not properly regulated, such uses pose numerous threats, including the introduction of invasive species and other pollutants, decreases in water quantity needed for habitat and human consumption, rising conflicts amongst water users, etc.

Vermont's waters are at risk. The state is ill-prepared and does not have laws in place that can effectively manage this rising problem. Particularly, there is no on-point law regarding surface water diversions.

- Vermont has uncoordinated common law doctrines and regulations generally focused on quality—rather than quantity—of surface water.
- By comparison, as early as 1985, Vermont addressed the need to regulate groundwater, which it deemed a “precious, finite, and invaluable resource upon which there is an ever-increasing demand for present, new, and competing uses.” 10 V.S.A. §§ 1390-1419. Vermont has already seen its first proposal to move water from the Connecticut to the Champlain watershed.

As we enter the era of climate change and shifting demands, it is vital that Vermont proactively protect and manage its surface waters to ensure natural resource and ecological values are protected.

- The Legislature has long understood the need to avoid “unplanned, uncoordinated, and piecemeal development” when managing the state's natural resources. 10 V.S.A § 1421.
- The proposed study group will allow the Legislature to better understand surface water usage in the state and the expected challenges to managing these resources, as well as the legal tools currently available.