

Mike Kline, Middlesex resident
Act 250 Amendments regarding connecting habitat, highest priority river corridors and streams.
January 15, 2020

Representative Amy Sheldon, Chair
Committee Natural Resources, Fish, and Wildlife
Vermont House of Representatives

Dear Madam Chair,

My name is Mike Kline. I am a resident of Middlesex VT. Before my retirement, I served for 30 years in the Department of Environmental Conservation, with the twenty most recent years as lead river scientist and then manager of the DEC Rivers Program.

I am writing in regards to the proposed amendments to Act 250 and specifically the proposed amendments offered this week by the Administration and VNRC. Specifically, in regard to the stream and floodplain topics of which I have expertise, I am in favor of the Administration's and VNRC's proposed changes to Act 250 language and furtherance of the state's jurisdiction in river corridor protection.

I am writing to propose the following change to the "ANR - Act 250 proposed language" in regard to the rules for designating highest priority river corridor (from page 77 of the January 14, 2020; Version 1.1):

(2) On or before November 1, 2022, the Secretary shall adopt rules pursuant to 3 V.S.A. chapter 25 that designate highest priority river corridors and establish requirements for the issuance and enforcement of permits applicable to uses located in highest priority river corridors. Highest priority river corridors are those that provide critical floodwater storage or flood energy dissipation thereby protecting adjacent and downstream lands and property that are highly vulnerable to flood related inundation and erosion.

First, I applaud this approach. I believe the science and methods are well established for identifying those river corridors that, when properly functioning, help protect public infrastructure and settlements known to be highly vulnerable to flood damage. State jurisdiction for the protection of river corridors should be expanded, and this is the place to start. I am offering these amendments based on my years of experience in explaining the purpose of river corridor protection. One of the most common misperceptions is that the corridor setbacks are only intended to protect property within and immediately adjacent to the proposed development. My proposed amendment makes clear that the floodwater storage and flood energy dissipation are critical to the protection of downstream lands and property as well. The restriction and diversion of flows due to a river corridor encroachment often results in higher inundation and erosion in downstream river reaches that are not immediate to the encroachment itself. Without these amendments, the language implies that it is only the flood related erosion within the designated river corridor that is of concern. This could confound the designation process.

Thank you for your attention to this concern. I am happy to answer any questions you or other Committee members may have.

Respectfully,

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cc. Rep. Kimberly Jessup (Middlesex)
Matt Chapman, ANR
Jon Groveman, VNRC