

The Vermont Statutes Online

Title 10 : Conservation And Development

Chapter 041 : Regulation Of Stream Flow

Subchapter 001 : General Provisions

(Cite as: 10 V.S.A. § 1001)

§ 1001. Purpose

The Department of Environmental Conservation is created to administer the water conservation policy of this State. It is in the public interest that the waters of the State shall be protected, regulated, and where necessary controlled under the authority of the State. **The proper administration of the water resources now and for the future require careful consideration of the interruption of the natural flow of water in our watercourses resulting from the construction of new, and the operation of existing dams, diversion, and other control structures.** This subchapter is intended to identify this need, to provide a means for the investigation of the cause and effect of intermittent or diverted flow, and for the consideration of corrective actions required to assure as nearly continuous flow of waters in the natural watercourses as may be possible consistent with reasonable use of riparian rights. (1965, No. 37, § 1; amended 1981, No. 222 (Adj. Sess.), § 24; 1987, No. 76, § 18.)

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Chapter 041 : Regulation Of Stream Flow

Subchapter 003 : Water Withdrawal For Snowmaking

(Cite as: 10 V.S.A. § 1031)

§ 1031. Policy on water withdrawal for snowmaking

(a) This subchapter is intended to establish a policy for snowmaking that supports and is consistent with section 1001 of this title and with chapter 47 of this title, including the water quality standards.

(b) This policy established under this subchapter is to:

(1) assure the protection, maintenance, and restoration of the chemical, physical, and biological water quality, including water quantity, necessary to sustain aquatic communities and stream functions;

(2) help to provide for and enhance the viability of Vermont's ski industry, which uses certain of the State's waters for snowmaking;

(3) permit water withdrawals, diversions, impoundments, and the construction of appurtenant facilities for snowmaking, based on an analysis of the need for water and a consideration of alternatives, consistent with this policy and other applicable laws and rules;

(4) recognize that existing users of the State's waters for snowmaking, which may have an adverse effect on water quality, should have time and opportunity to improve water quality. (Added 1995, No. 15, § 1.)

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(Cite as: 10 V.S.A. § 1032)

§ 1032. Rulemaking on snowmaking withdrawals

The Secretary shall adopt rules to determine conservation flow standards for snowmaking, to be used in relevant Agency of Natural Resources regulatory processes governing water withdrawals, diversions, impoundments, and the construction of appurtenant facilities, and to be used in developing positions to be asserted by the Agency in other State regulatory processes governing conservation flows for snowmaking. These rules shall not supersede water quality standards adopted by the Secretary pursuant to chapter 47 of this title. These rules shall achieve the purposes of this subchapter, and shall provide for the periodic review of any decision issued under the rules. All existing water withdrawals, diversions, and impoundments for snowmaking that are permitted at instream flows below the standards shall be reviewed by July 1, 2000. (Added 1995, No. 15, § 1; amended 2003, No. 115 (Adj. Sess.), § 21, eff. Jan. 31, 2005; 2011, No. 138 (Adj. Sess.), § 27, eff. May 14, 2012.)