



## Connecticut River Conservancy

*Clean water. Healthy habitat. Thriving communities.*

PO Box 6219, Brattleboro, VT 05301  
802.258.0413 · [www.ctriver.org](http://www.ctriver.org)

March 25, 2022

Vermont Legislature  
Senate Committee on Natural Resources and Energy  
Via email to: Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>

RE: Testimony of Kathy Urffer, River Steward for Connecticut River Conservancy, 3/25/22

Dear Chair Bray and Senators:

Thank you for the opportunity to provide testimony on H466. For the record, I am Kathy Urffer, River Steward for Connecticut River Conservancy. Tuesday was World Water Day and I wanted to share this quote from an email subscription I got that morning from Farmers.Gov – which is the USDA website, “Only 3 percent of the Earth’s water supply is freshwater, with only a half a percent of that available for our use.” I thought it was just too apropos to pass up sharing that given the timing.

I am the river steward for Connecticut River Conservancy in VT and NH and in that role take responsibility for working to support the health of VT and NH’s rivers. I routinely participate in regulatory proceedings affecting our rivers and provide public education about potential impacts to our rivers. Because we are a four-state organization, and I work in both VT and NH, I have some insight as to how issues are handled in our other watershed states. Additionally, as an organization, Connecticut River Conservancy works directly with landowners to implement projects on their land to protect and enhance water quality, reduce erosion, and increase habitat.

In that role we often work with farmers and on farmland in the eastern side of the state. CRC is a non-voting member of the Connecticut River Watershed Farmers Alliance. We have worked closely with the Farmer’s Alliance for several years on the relicensing of the Wilder, Bellows Falls and Vernon dams and are working to address concerns about erosion and loss of farmland specifically along the Connecticut River explicitly. I have a great deal of respect for the farmers in that group and acknowledge that I have a lot to learn from them. Conversely, I hope that I bring some expertise because of my background, training, and position as river steward to those conversations as well.

CRC participated in the initial permit review that included the interbasin transfer which started this policy development process. That permit highlighted for me that fact that there was a huge lack of information about surface water withdrawals occurring in the State. As I did further research it became clear that anyone with riparian access to our rivers could withdrawal as much water as they wanted with little to no oversight. As I further learned about riparian rights law, I became more concerned about farmers’ access to surface water for irrigation in the face of climate change and expected droughts.

We are basically like the frog in the pot of boiling water - from moment to moment it is difficult to perceive the changes, but if you consider a longer time period it is clear that we are living in a rapidly changing climate. When I was working on my Masters degree in 2009, one of my first assignments was to dig into the details of what climate change will look like in New England. What I have seen occur in the past decade is exactly what was predicted, increased flooding and increased droughts due to reduced snowpack and more run-off. And these changes are happening on a very local watershed scale with more intense localized

storms and weather patterns. During 2018, when I drove up I-91 to go to meetings in the upper valley, for most of the summer the White River was bone dry – even though, where I live in southern Vermont, we had been inundated with rainstorms almost weekly during that whole summer. If you look at the [current drought monitor](#) for the State of Vermont right now you will see that the entire northern half of the state has been considered abnormally dry for the past month. In July and August of 2021, the northern half of the State was in a moderate drought. There was a Secretarial Disaster Declaration for drought in 9 counties in Vermont beginning in June 2020.

Simultaneously we are seeing catastrophic local flooding. There were 10 counties considered Natural Disaster areas in 2019 for flooding. In 2021 Vermont and New Hampshire requested more than \$7 Million in [Federal Disaster Relief funding for infrastructure due to storm damage](#). Any research that you do regarding our changing weather patterns bears out the same result. We cannot anticipate what the hydrology of our states rivers are going to look like over the next 10, 20, 30 years, but I can tell you it is not going to look like what has been happening for the past 50 years. We should fully expect flooding and drought to increase, and we need to adapt now to avoid the worst of it.

Add on to this scenario increased developmental pressure from climate migrants and recent Covid migrants – Vermont saw a [38% increase](#) in out of state buyers in 2020 compared to 2019 - and you have the perfect situation to create scenarios where our rivers are potentially sucked dry, like, for example, what is currently happening to the Ipswich River in MA, which is running dry every year, even with the MA Water Management Act which has been in place since 1986:



All three of the other Connecticut River watershed states, NH, MA, and CT, [have some surface water use registration or permitting system](#) in place. While Vermont is often the one taking the lead on policy, in this

case we are woefully behind.

As I started to understand that the State of Vermont has no data on surface water users, or who is taking what amount of water out of our rivers and streams, as I said, my first thought was what happens to the farmer who might rely on irrigation water from a stream if someone moves in upstream of them and starts to withdrawal unlimited amounts? There is nothing right now to protect that farmer's access to the water that they may need. They can hope that their upstream user would be neighborly enough to save them some water, but if not, their only recourse would be to take them to court to try to access their riparian rights to that water. You could apply that scenario to any surface water user – which is why everyone needs to be included in this program.

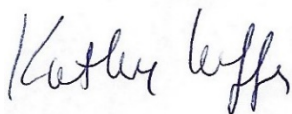
One of the most important aspects of this bill is that it allows the State to consider cumulative impacts on a stream. The snowmaking and *de minimus* requirements are limited to considering one surface user's impact on the entire volume of a waterbody, but there is currently no way to consider the cumulative effect of multiple surface water users taking water at the same time – especially if taking water during a period of low flow or drought.

Before I close, I would like to make one additional point. I have been a Town Meeting Representative in Brattleboro for about 14 years now, and one of my pet peeves is when a body dismisses the many hours invested by a committee in discussing, researching, and exploring intricate details of an issue. The Surface Water Diversion and Study Group, as required by Act 173 of 2020, met 10 times between January and December of 2021, did a great deal of research, brought in riparian rights experts and regulators from other States, conducted hours of conversations, and collectively filed a report to the Vermont Legislature. They were not required to provide draft legislation, but they collectively decided that effort was the best way forward. That legislation is in front of you now and was drafted with considerable discussion and consideration for the many parties that might be affected by it. Experts on the committee recommended the reporting threshold at 5,000 gallons specifically to capture all data needed to assess further action.

In the face of climate change, Vermont needs a comprehensive, equitable way to ensure access to surface water users for decades to come. CRC feels that H.466 creates that pathway by setting up a system to do the data collection that needs to be done in the short term to understand current surface water usage and then, once we understand what the potential impacts are, providing a public process to create a permitting system for larger users to make sure that downstream users have access to water, as well as protecting the living creatures in that stream or river. All Vermonters who want to protect the health of our rivers and streams and who also need to take water from those rivers and streams to support their livelihood should support the passage of this bill to ensure that they have equitable access to that water in the future.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Kathy Urffer". The signature is written in a cursive, flowing style.

Kathy Urffer  
River Steward, VT/NH