

1 H.374

2 Introduced by Representative Sheldon of Middlebury

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; State waters; Resilient Rivers

6 Commission

7 Statement of purpose of bill as introduced: This bill proposes to establish the
8 Resilient Rivers Commission to provide information to the public on the
9 importance of protecting riparian zones and rivers and current regulation of
10 riparian zones and rivers under current State law. The Commission would be
11 required to submit a report to the General Assembly recommending how the
12 State should preserve and improve the quality and health of waters of the State
13 and avoid degradation of waters.

14 An act relating to establishing the Resilient Rivers Commission

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

16 Sec. 1. RESILIENT RIVERS COMMISSION

17 (a) Creation. There is created the Resilient Rivers Commission to:

18 (1) provide information to the public on:

1 (A) the importance of protecting the riparian zones of rivers and
2 streams to improve and protect water quality, to support stream integrity from
3 erosion, and to provide habitat and movement corridors for wildlife; and

4 (B) current statutes or rules in place to protect the riparian zones of
5 rivers and streams of the State that are held in trust for the public, including the
6 deficiencies of current laws and regulations; and

7 (2) take testimony regarding water quality impacts due to the
8 disturbance and clearing of riparian zones of rivers and streams and the
9 creation of impervious surfaces in riparian zones.

10 (b) Membership. The Commission shall be composed of:

11 (1) four members of the Senate Committee on Natural Resources and
12 Energy; and

13 (2) four members from the House Committee on Environment and
14 Energy, two of whom shall be appointed by the Chair of the Committee on
15 Environment and Energy, provided that the Chair shall appoint different
16 committee members to attend different meetings of the Commission in order to
17 provide Commission membership that reflects the geographic region of the
18 State where a public meeting of the Commission is scheduled.

19 (c) Powers and duties. The Commission, with the assistance of the Agency
20 of Natural Resources, shall conduct all of the following:

1 (1) summarize the scope and requirements of existing regulation of
2 activities that preserve and improve the quality and health of waters of the
3 State and avoid degradation, including a summary of the programs and
4 requirements the State utilizes to meet the Total Maximum Daily Load plan for
5 Lake Champlain and water quality improvement plans for other impaired
6 waters of the State;

7 (2) summarize the need for regulation of the riparian zones of rivers and
8 streams as part of an integrated policy to preserve and protect waters of the
9 State;

10 (3) summarize how other states regulate activities in the riparian zones
11 of rivers and streams, including:

12 (A) what activities are regulated;

13 (B) how development, construction, or creation of nonvegetated
14 surfaces in riparian zones of rivers and streams is regulated;

15 (C) whether activities in the riparian zones of rivers and streams are
16 regulated by the state, a local authority, or some combination of state and local
17 authority;

18 (D) whether a buffer or other area of vegetated surface is required
19 within a specified distance of a lake, river, or stream; and

20 (E) what activities in riparian zones of rivers and streams are exempt
21 from regulation; and

1 (4) in response to the information provided under subdivisions (1)–(3)
2 of this subsection, solicit and hear input and proposals from the public
3 regarding how the State of Vermont should protect the health and quality of
4 waters of the State, aquatic habitat, and riparian habitat while also preserving
5 reasonable use of the property.

6 (d) Assistance. For purposes of fulfilling its charge under this section, the
7 Commission shall have technical assistance and services from the Agency of
8 Natural Resources. The Office of Legislative Counsel shall provide legal and
9 administrative services to the Commission. The Commission may request
10 financial services from the Joint Fiscal Office.

11 (e) Report. On or before January 15, 2024, the Commission shall submit a
12 report to the House Committee on Environment and Energy and the Senate
13 Committee on Natural Resources recommending how the State should preserve
14 and improve the quality and health of waters of the State and avoid degradation
15 of waters. The report shall take the form of draft legislation.

16 (f) Meetings.

17 (1) The Office of Legislative Counsel shall call the first meeting of the
18 Commission to occur on or before September 1, 2023.

19 (2) The Commission shall select a chair and vice chair of the
20 Commission, provided that both the chair and the vice chair shall be members
21 of the House Committee on Environment and Energy.

1 (3) A majority of the membership of the Commission shall constitute a
2 quorum.

3 (4) The Commission shall conduct not less than five public meetings in
4 the State to provide information and collect public input regarding the
5 proposed regulation of activities in riparian zones of rivers and streams. The
6 Commission shall collaborate with regional and municipal planning
7 organizations and the Agency of Natural Resources. The Commission shall
8 hold at minimum four of the five meetings in different regions of the State. At
9 least one meeting shall be held in Montpelier.

10 (5) The Commission shall cease to exist on February 1, 2024.

11 (g) Compensation; reimbursement; additional meetings. For attendance at
12 meetings during adjournment of the General Assembly, a member of the
13 Commission shall be entitled to per diem compensation and reimbursement of
14 expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings, three of
15 which shall be meetings in addition to the five public meetings required under
16 subsection (f) of this section. These payments shall be made from monies
17 appropriated to the General Assembly.

18 (h) Working Group. There is established a Resilient Rivers Commission
19 Working Group to develop, prior to August 15, 2023, the information and
20 educational materials to be presented or provided at the public meetings of the
21 Resilient Rivers Commission under subsection (f) of this section. The

1 Working Group shall consist of the Chair and Vice Chair of the Senate
2 Committee on Natural Resources and Energy, the Chair and Vice Chair of the
3 House Committee on Environment and Energy, the Commissioner of
4 Environmental Conservation or designee, and the Commissioner of Fish and
5 Wildlife or designee. The Working Group shall have the same services from
6 staff as provided to the Resilient Rivers Commission under subsection (d) of
7 this section.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.