

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred Senate
3 Bill No. 213 entitled “An act relating to the regulation of wetlands, river
4 corridor development, and dam safety” respectfully reports that it has
5 considered the same and recommends that the House propose to the Senate that
6 the bill be amended as follows:

7 First: In Sec. 3, Department of Environmental Conservation; River
8 Corridor Base Map; infill mapping; education and outreach, in subsection (a),
9 after “On or before January 1, 2026, the Department of Environmental
10 Conservation” and before “shall amend” by inserting the words “, in
11 consultation with the Agency of Commerce and Community Development and
12 the regional planning commissions.”

13 Second: By adding a new section to be Sec. 6a to read as follows:
14 Sec. 6a. 24 V.S.A. § 2291(25) is amended to read:

15 (25) To regulate by means of an ordinance or bylaw development in a
16 flood hazard area, ~~river corridor protection area~~, or other hazard area consistent
17 with the requirements of section 4424 of this title and the National Flood
18 Insurance Program. Such an ordinance or bylaw may regulate accessory
19 dwelling units in flood hazard ~~and fluvial erosion~~ areas. However, such an
20 ordinance or bylaw shall not require the filing of an application or the issuance

1 of a permit or other approval by the municipality for a planting project
2 considered to have a permit by operation of subsection 4424(c) of this title.

3 Third: By adding two new sections to be Secs. 8a and 8b to read as follows:

4 Sec. 8a. 24 V.S.A. § 4413(a)(2) is amended to read:

5 (2) Except for State-owned and -operated institutions and facilities, a
6 municipality may regulate each of the land uses listed in subdivision (1) of this
7 subsection for compliance with the National Flood Insurance Program and for
8 compliance with a municipal ordinance or bylaw regulating development in a
9 flood hazard area ~~or river corridor~~, consistent with the requirements of
10 subdivision 2291(25) and section 4424 of this title. These regulations shall not
11 have the effect of interfering with the intended functional use.

12 Sec. 8b. 24 V.S.A. § 4414(1)(G) is amended to read:

13 (G) ~~River corridors and buffers~~ Buffers. In accordance with section
14 4424 of this title, a municipality may adopt bylaws to protect ~~river corridors~~
15 ~~and buffers~~, as ~~those terms are~~ that term is defined in 10 V.S.A. §§ 1422 ~~and~~
16 1427, in order to protect public safety; prevent and control water pollution;
17 prevent and control stormwater runoff; preserve and protect wetlands and
18 waterways; maintain and protect natural channel, streambank, and floodplain
19 stability; minimize ~~fluvial erosion and~~ damage to property and transportation
20 infrastructure; preserve and protect the habitat of terrestrial and aquatic
21 wildlife; promote open space and aesthetics; and achieve other municipal,

1 regional, or State conservation and development objectives for ~~river corridors~~
2 ~~and buffers. River corridor and buffer~~ Buffer bylaws may regulate the design
3 and location of development; control the location of buildings; require the
4 provision and maintenance or reestablishment of vegetation, including no net
5 loss of vegetation; require screening of development or use from waters;
6 reserve existing public access to public waters; and impose other requirements
7 authorized by this chapter.

8 Fourth: By adding a new section to be Sec. 13a to read as follows:

9 Sec. 13a. 10 V.S.A. § 913 is amended to read:

10 § 913. PROHIBITION

11 (a) Except for allowed uses authorized under this chapter or adopted by the
12 Department by rule, no person shall conduct or allow to be conducted an
13 activity in a significant wetland or buffer zone of a significant wetland except
14 in compliance with a permit, conditional use determination, or order issued by
15 the Secretary.

16 (b) A permit shall not be required under this section for:

17 (1) any activity that occurred before the effective date of this section
18 unless the activity occurred within:

19 (A) an area identified as a wetland on the Vermont significant
20 wetlands inventory maps;

1 (B) a wetland that was contiguous to an area identified as a wetland
2 on the Vermont significant wetlands inventory maps; or

3 (C) the buffer zone of a wetland referred to in subdivision (A) or (B)
4 of this subdivision (1); or

5 (2) any construction within a wetland that is identified on the Vermont
6 significant wetlands inventory maps or within the buffer zone of such a
7 wetland, provided that the construction was completed prior to February 23,
8 1992, and no action for which a permit is required under the rules of the
9 Department was taken or caused to be taken on or after February 23, 1992.

10 (c) The following are allowed uses of a wetland subject to the requirements
11 for allowed uses adopted by the Department in rule:

12 (1) the relocation of utility poles and lines from a wetland or other area
13 to a wetland located in the right of way of a highway; and

14 (2) wetland, river, and floodplain restoration projects, including dam
15 removal and temporary access to the project.

16 Fifth: In Sec. 15, 10 V.S.A. §§ 918 and 919, in section 918, in subdivision
17 (c)(1), by striking out the last sentence in its entirety.

18 Sixth: In Sec. 24, transition; dams, by striking out subsection (a) in its
19 entirety and inserting in lieu thereof a new subsection (a) to read as follows:

20 (a) On or before July 1, 2025, the Department of Environmental
21 Conservation shall assume jurisdiction under 10 V.S.A. chapter 43 of all high

1 hazard classification dams within the jurisdiction of the Public Utility
2 Commission as of July 1, 2024. On or before July 1, 2028, the Department of
3 Environmental Conservation shall assume jurisdiction under 10 V.S.A. chapter
4 43 of all remaining dams with the jurisdiction of the Public Utility
5 Commission as of July 1, 2024.

6 and by adding a new subsection to be subsection (f) to read as follows:

7 (f) On or before January 15, 2025, the Agency of Natural Resources shall
8 complete its analysis of the capital and ongoing operations and maintenance
9 costs of the Green River Dam, as authorized in 2022 Acts and Resolves No.
10 83, Sec. 46, and shall submit the results of the analysis to the House
11 Committees on Environment and Energy and on Appropriations and the Senate
12 Committees on Natural Resources and Energy and on Appropriations.

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16 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE