

# S.213 – The Flood Safety Act

Conservation and development; wetlands; river corridors; dam safety

Vermont Agency of Natural Resources

Julia S. Moore, P.E., Secretary

# Introduction

Ensuring no net loss of wetlands, protecting river corridors and floodplains and dam upkeep and/or removal – are all issues of critical importance to the Agency and areas of active focus and considerable work.

S.213 lays-out a substantial body of work with aggressive timelines

What is envisioned in S.213 requires significant, additional resources:

- Base budget funding to support new FTEs;
- One-time contractual funding; and
- Time necessary to do the work.

# S.213

- Sec. 3-5: State regulation of mapped river corridors.

Requires ANR to adopt rules and stand-up a statewide river corridor permitting program, prohibiting development in a mapped river corridor without a permit from the Agency.

Anticipated to effect 5,600 miles of riparian areas along of the larger rivers and streams around the state, or over 209,000 acres of land that includes part, or all, of an estimated 45,000 parcels.

ANR requested a timeline where rules would be adopted by January 2029 and permit requirements go into effect by January 2030.

- S.213 has proposed rules be adopted by January 2027 and permit requirements that go into effect on January 2028.

Requires 6 new FTEs; \$225,000 of one-time contractual support

Lead ANR Expertise: Rob Evans

# S.213

- Sec. 6 -10: State Flood Hazard Area Standard

Directs the Agency to establish a statewide Flood Hazard Area Standard Rule that any town participating in the NFIP would need to adopt the state-wide floodplain standards.

Would allow DEC to provide direct technical assistance including developing guidance, templates, supporting documents, and training and education materials to the new state standard.

- Responsive to capacity concerns being expressed by many small Vermont communities

Requires 2 new FTEs; \$225,000 of one-time contractual support

ANR Lead Expertise: Rebecca Pfeiffer

# S.213

- Sec. 12 - 17: Wetlands Mapping

ANR agrees that better mapping is crucial for wetland management. It helps developers plan to avoid wetlands and will be used to improve the wetland restoration prioritization model.

- And we are making these investments
- On-track to complete a statewide National Wetlands Inventory update by 2026
- This section is largely duplicative of what the Agency is already doing, but on a faster timeline

Requires 2 new FTEs; \$150,000 of one-time contractual support

ANR Lead Expertise: Laura Lapierre

# S.213

- Sec. 18 - 24: Dam Safety Program

Expands Dam Safety authority

- Inconsistent with Phase II rulemaking underway

Moves regulatory authority from PUC to ANR for their dam portfolio

- PUC and ANR agree the transition of the PUC dams to ANR jurisdiction makes sense, but adequate time and resources are critical to the successful transition.
- The Agency would like to add language that requires that dams remain under PUC jurisdiction until a FERC determination is made on petitions for FERC jurisdiction.

Expands revolving loan fund to support both emergency and non-emergency dam removal and repair

Requires 6 new FTEs for regulatory work; in addition, 1 FTE and \$2-4M annually for 5 years to capitalize and manage revolving loan fund

ANR Lead Expertise: Ben Green

# S.213

- Sec. 25: Dock Foam Encapsulation

Requires expanded polystyrene foam used for flotation, including buoys, docks, or floating structures, shall be encapsulated by a protective covering or shall be designed to prevent the expanded polystyrene foam from disintegrating into the water.

Directed ANR to lead education and outreach effort

- Directive was removed when appropriations were stripped in the Senate

Requires \$50,000 of one-time contractual support

ANR Lead Expertise: Pete LaFlamme

# S.213

- Study Committees
  - Enrollment of floodplain management land in use value appraisal
    - Shall have the administrative, technical, legal, and fiscal assistance of the Department of Taxes
  - State administration of the National Flood Insurance Program
    - Shall have the administrative, technical, legal, and fiscal assistance of ANR
  - Dam emergency operations planning
    - Shall have the administrative, technical, legal, and fiscal assistance of ANR
- No resources have been provided for any of these committees; support functions will fall to the staff charged with implementing other initiatives established in the bill



# Resources Required

- \$4.9M and 16 FTEs

Fiscal note identifies \$4.9M in appropriations needed to implement S.213  
Includes:

- \$500,000 in one-time expenses;
- \$2.4M base appropriation for staffing and recurring expenses
- \$2M annually (for a minimum of the next five years) to capitalize the Unsafe Dam Revolving Loan Fund
  - An additional FTE will be needed business office if expanded scope envisioned by Senate is maintained