

17 January, 2024

Good morning Chair Bray and committee members- it's good to see you all again.

My name is Jason Batchelder and I'm the Commissioner for the Department of Environmental Conservation.

Thank you, first for hearing the testimony of DEC staff over the past week, and now for this opportunity for Secretary Moore and me to discuss S.213 with you and offer our thoughts and suggestions.

I'd like to begin by pointing out specific program highlights and challenges as we feel they relate to S.213 and I'll start with our **Wetlands Program** run by Laura LaPierre who you heard from last week.

- As Laura and Will pointed out, Conservation is core to our Agency Mission, and all three Departments work together to make sure we are taking advantage of our partnerships and opportunities around conservation.
- As both Laura and Will noted, wetlands mapping is crucial to wetlands restoration and protection, and DEC has long recognized these benefits.
- We have been actively mapping its wetlands for the National Wetlands inventory since 2019.
  - DEC appreciates the \$250k allocation of one-time General Funds in FY23 to complete a comprehensive update of statewide Vermont Significant Wetlands Inventory (VSWI) maps (coupled with an on-going base appropriation to keep maps current).

- Next - While the Vermont Wetland Rules currently require **no net loss** - data from the past five years show that permit projects are actually resulting in a net gain- extraordinary. (show Loss/Gain Slide) This is not reflected evenly across all counties and locations but is still significant.---
- The Agency has been protecting and restoring wetlands in Vermont for decades and, as you have heard, Fish and Wildlife is the largest owner of wetlands in the state. Some specific, recent stats in particular are worth mentioning from Fish and Wildlife alone-
- Using the EPA/Lake Champlain Basin Program Grant
  - \$2,775,000 Spent since 2020 on acquisitions and wetland restoration
  - 1,507 acres acquired in the Champlain Basin
  - 1,235 of those acres are wetlands or are being restored to wetlands.
  - Other DFW acquisitions since 2011
  - Over 2,500 acres of wetlands
  - Over \$2M spent
- ANRs coordinated wetland conservation and restoration initiatives is marrying the multitudes of water quality and flood resilience benefits with benefits to fish, wildlife and their habitats, to say nothing of the public benefits for wildlife-based activities like bird watching, photography, paddling, fishing, hunting and more.

## **Flood Hazard and River corridor management**

Rebecca Pfeiffer and Rob Evans- are the State's Floodplain Manager and Rivers Program Manager respectively and they spoke to you Thursday about their programs and the significant work they do- and how the understanding of floodplains and river corridors has changed since the 1960s.

- The language specific to inundation flood hazards in S.213 right now is unmanageable as written. The expansion of the FHARC rule would result in the State taking on the regulation of all land uses in the FEMA flood hazard area in the 274 communities that participate in the National Flood Insurance Program (NFIP).
- Currently, these 274 communities regulate land uses in FEMA-mapped flood hazard areas as part of their obligations as participants in the National Flood Insurance Program.
- S.213 flips this work to ANR to administer under the Flood Hazard Area and River Corridor Rule.
- Early estimates are that this shift in responsibility would likely take somewhere around 15-20 new staff to administer this mandate.
- S.213 also proposes that ANR regulate mapped river corridors – about 5600 miles of the larger rivers and streams around the state. Those 5600 miles of river and stream occupy 209,000 acres of river bottom land. This is 5 times the land mass as the Lake Shoreland Encroachment program (42000 acres).
- Given the scale of area contemplated for river corridor regulation, we think there are important steps that should be taken before rule jurisdiction is expanded.

## Dam Safety

Dam Safety was in the front of everyone's mind this past summer, and rightfully so, with our high inventory and aging infrastructure and the water that was held back by the three dams we rely on here locally.

I've spent a few days in the field since I arrived at DEC and undoubtedly one of the most impactful was the day I spent with Ben Green who is the Dam Safety Section Chief. I visited the 3 Washington County Dams that he's described in detail for you and was able to first hand how they were applied during the July floods. I hope you all get a chance to get out at some point and take a tour.

- We appreciate the attention on the Dam Safety Program, as we have many important improvements underway, including progress with the Army Corps of Engineers on our flood-controlled dams on the Winooski, our second phase of our Dam Safety Program rulemaking process, and completing our state-owned dam safety assessment.
- The dam safety program is undergoing a rulemaking process that is significant in that it will make mandatory, (a) what is currently voluntary, (b) dam ownership requirements, and this bill gets in front of that process.