



Vermont Agency of Natural Resources

Office of the Secretary

1 National Life Drive, Davis 2

Montpelier, VT 05620-3901

[Phone] 802-828-1294

**Testimony of Karla Raimundí, Civil Rights and Environment Justice Director
Vermont Agency of Natural Resources**

Senate Committee on Natural Resources and Energy

February 12, 2024

Dear Chair Bray and Members of the Committee:

Thank you for the opportunity to provide written testimony regarding applying an environmental justice (EJ) perspective on S.213, “an act relating to the regulation of wetlands, river corridor development, and dam safety.”

In 2022, the VT Legislature enacted and Governor Phil Scott signed Act 154 into law (S.148, an act relating to environmental justice in Vermont). The purpose of Act 154 (VT’s EJ Law) is to ensure all Vermonters regardless of race, cultural background, or income have equitable access to environmental benefits such as clean air and water, healthy food, and public transportation. The VT EJ Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. Further, it requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes.

The VT EJ Law created an EJ State Policy that declares:

It is the policy of the State of Vermont that no segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits. It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy. (3 V.S.A. §6003)

Environmental justice principles compel consideration of **who** is **impacted** by S.213 and to evaluate the benefits and burdens the proposed bill would create on those impacted. This also includes whether the negative impacts would disproportionately affect a certain sector of the population, especially **environmental justice focus populations** (EJFPs). The VT EJ Law defines EJFPs as “any census block group in which: (A) the annual median household income is not more than 80 percent of the State median household income; (B) Persons of Color and Indigenous Peoples comprise at least six percent or more of the population; or (C) at least one percent or more of households have limited English proficiency. (3 V.S.A. §6002(4)).

To aid in this analysis, there are a myriad of tools that may be utilized to assess impacts and help develop legislation that (1) advances the legislative intent, (2) is tailored and responsive to actual needs on the ground, and (3) does not accomplish those goals by unduly burdening certain sectors of our

population. These tools include conducting analyses such as mapped data reviews, ground truthing, and engaging with impacted communities. It is also crucial to recognize that what benefits one person may impose burdens on another. This underscores the importance of ground truthing and community engagement in EJ work. This is also why providing the Agency time and resources to do the work, and do the work well, is important. The Agency continues to provide timelines that the Legislature dials back and under-resources, which makes it impossible to chart a path forward consistent with the EJ State Policy.

Anecdotally, the Agency has seen that many homeowners with parcels of land composed mostly of wetlands or located in floodplains tend to be lower-income Vermonters due to property being more affordable because of its low development potential and increased risk of flood damages. For example, between the July 2023 flooding and Tropical Storm Irene, there was a clear identification of manufactured housing communities (MHCs) as a sector being impacted by and vulnerable to flood events.¹ MHCs are an important source of affordable housing and an opportunity for homeownership for many Vermonters. Studies have shown that 40% of MHC households have incomes that would be considered “extremely low” or “very low.”² Further, VT has identified that climate change presents many risks to Vermonters, and not everyone will be affected equally. For example, a 2022 UVM study found that “flood risk is not equally distributed across socioeconomic and demographic groups. In general, those who are most vulnerable and least resilient to natural hazards are disproportionately exposed to flood hazards. In the US, these groups include racial and ethnic minorities, low-income households and mobile homeowners.”³

Increasing regulation and management of wetlands and floodplains may seem like a net benefit to all Vermonters and those living in and near those areas, but when we focus our attention on those potentially most impacted by the proposed legislation, we may find that these individuals are now limited in their ability to navigate the permitting process by putting additional requirements on them. Compliance may also be more difficult to achieve for reasons such as affordability and lack of available technical assistance.

For example, the potential restrictions on the use of land within mapped river corridors may cause adverse impacts to lower-income Vermonters and MHC residents. The technical knowledge needed and cost associated with obtaining a permit for property improvements in a mapped river corridor may be prohibitive for these homeowners. These homeowners are also likely not able to just move from their homes or sell their properties to avoid being impacted by this proposal. This type of policy could benefit from the aforementioned environmental benefit and burden analysis as well as community engagement and meaningful public participation with the frontline and most impacted communities to determine the impacts of the bill on them.

To a certain extent, some of these questions may be investigated and answered through river corridor infill mapping and education and outreach to communities, as proposed by the Agency. **Ground truthing, community engagement with frontline and most impacted residents, meaningful**

¹ A 2014 UVM-led Study on [Rapid Flood Exposure Assessment of Vermont Mobile Home Parks Following Tropical Storm Irene](#) found that nearly 32% of all mobile home parks in the state have some of their land in floodplains, and more than 20% of all mobile home parks have at least one house in the floodplain. Statewide, nearly 12% of mobile homes in parks are in floodplains. According to [REJOICE](#), mobile home park residents make up 8% of state population, but 40% of those affected in Hurricane Irene. Further, the July 2023 flooding caused 5 MHCs to evacuate and 14 were impacted.

² [Baker, Hamshaw, & Woodward. \(2012\). Vermont Mobile Home Parks: Resident Demographics \[Fact Sheet\]. University of Vermont: Burlington, VT.](#)

³ A 2022 UVM Study on [Inequities in the distribution of flood risk under floodplain restoration and climate change scenarios](#) further demonstrates the connection between flood risk and the inequities faced by low-income Vermonters.

public participation opportunities, and data checking the potential impacts are needed. Without this work, the implication remains that this proposed bill may have unknown and undue adverse impacts on EJFPs and other vulnerable Vermonters.

VT ANR generally supports the goals of this bill, however, as provided in previous testimony, opposes S.213 as drafted due to significant concerns about each section of the legislation as drafted. Thank you for the opportunity to provide an Environmental Justice perspective to the Committee.