

MEMORANDUM

To: Chair Alice Emmons and the House Committee on Corrections and Institutions
From: Ben Green, PE, Dam Safety Program (DSP), Dept. of Environmental Conservation (DEC)
CC: Julie Moore, PE, Secretary, Agency of Natural Resources (ANR)
Misty Sinsigalli, Commissioner, DEC
Neil Kamman, Deputy Commissioner, DEC
Emily Bird, Director, Water Investment Division, DEC
Date: April 8, 2026
Re: STATE-OWNED DAM GOVERNANCE

Thank you for the opportunity to discuss considerations for state-owned dam governance and possible consolidation of ownership/management. Our recommended approach to evaluating governance structure improvements is outlined below. We would be happy to meet to discuss further or address any questions.

Overall, we agree with the utility and value of this exercise with some modifications to the approach. Regarding timeline, the DSP must remain focused on completion of rulemaking before taking on additional policy directives. We propose a timeline that sequences a legislative report on this concept *after* completion of rulemaking. We also note that H.778 would require DSP participation in an Emergency Operations Planning pilot study which is currently proposed for completion by July 2028. Our proposed timeline takes this additional directive into consideration, if it were to pass.

Over the last few years ANR staff have undergone iterations of this type of evaluation to identify opportunities to align departmental missions and staff expertise with the needs of ANR-owned dams. The three key considerations to a legislative report on this topic include approach, timeline, and scope.

- 1) Approach.** A large multi-stakeholder working group is not necessary for the DSP to produce a legislative report and suite of recommendations. Given prior similar efforts, and the relatively internal-focused subject matter, we believe it may be more efficient to have the Department, in coordination with other state dam owners, independently produce a summary of these findings and recommendations within a legislative report for legislative and public consideration.
- 2) Timeline.** The DSP is charged with two sets of substantial rule-making requirements that we respectfully request take precedence prior to engaging in this initiative. [Act 161 of 2018 An Act Relating to the Regulation of Dams](#), requires the Dam Safety Program to develop “Administrative” and “Standard” Dam Safety Rules. As of August 1, 2020 the [Administrative Dam Safety Rule](#) is in effect and we are working to implement the associated requirements. The

development of the Technical Standards is still underway with adoption targeted for 2027 (although originally due in 2022). Additionally, [Act 121 of 2024](#), Vermont's Flood Safety Act, made changes to the Unsafe Dam Revolving Loan Fund which demands changes to the [Unsafe Dam Revolving Loan Fund Rules](#) also on pace for completion by 2027. Rulemaking has been delayed due to significant flood events in recent years. Additionally, the DSP team has grown to meet increased demands with a focus on recruitment, onboarding, and training. The Program's highest priority is to complete these two sets of rules through 2027. After which, we believe it would be feasible to generate a report over the course of 2028 for delivery in early 2029.

- 3) **Scope.** ANR owns the majority of state-owned dams (~100), with only a handful of others owned by the Agency of Transportation and some state colleges (~7). We recommend narrowing the scope to ANR-owned dams with some contemplation of how the recommended improvements could be scaled up or phased in overtime to serve other state dam owners. This narrowed initial scope will expedite drafting and review of the recommendations.