

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 778
3 entitled “An act relating to dam safety” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 20 V.S.A. § 10 is amended to read:

7 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

8 The all-hazards event provisions of this chapter shall not be brought into
9 action unless the municipal director of emergency management, a member of
10 the legislative body of the municipality, the city or town manager, or the mayor
11 of a city that is within the area affected by an all-hazards event shall declare an
12 emergency and request the Governor to find that a state of emergency exists
13 and the Governor so finds, or unless the Governor declares a state of
14 emergency under section 9 of this title. This section shall not be construed to
15 prevent the Governor or the Director of Emergency Management without
16 municipal approval from requiring the evacuation of an area subject to
17 inundation from a dam failure when there is a dam failure or an imminent risk
18 of failure.

1 Sec. 2. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING
2 PILOT PROJECT; REPORT

3 (a)(1) The Division of Emergency Management, in coordination with the
4 Department of Environmental Conservation, shall conduct a pilot project under
5 which the Division shall develop a set of emergency operations plans (EOPs)
6 for two State-owned dams that have been classified as high-hazard potential.
7 One of the dams shall have a population at risk of 1,000 or more persons and
8 the other shall have a population at risk of 100 or more but fewer than 1,000
9 persons.

10 (2) The set of EOPs for each dam shall include an EOP for each
11 municipality in the inundation zone of the dam.

12 (b)(1) In preparing the EOPs required under subsection (a) of this section
13 and in order to ensure the sufficiency of the EOPs to protect public lives and
14 property, the Division shall coordinate with and collect input from those
15 entities traditionally involved in regional and municipal emergency
16 management, including municipal officials; emergency responders; regional
17 planning commissions; State and regional search and rescue partners, including
18 swiftwater rescue providers; and other relevant interested parties located in the
19 regional area that would be inundated if the dam were to fail. The Division
20 also shall coordinate with any owner or operator of a hydroelectric generation
21 facility located at a State-owned dam.

1 (2) The Division of Emergency Management may hire a contractor,
2 including a regional planning commission, to complete the requirements of this
3 section, including one or both of the EOPs required under subsection (a) of this
4 section.

5 (c) Each EOP required to be completed under subsection (a) of this section
6 shall:

7 (1) be coordinated with each dam’s emergency action plan and shall
8 utilize each dam’s emergency action plan inundation maps;

9 (2) identify planned evacuations and evacuation routes based on
10 possible inundation scenarios, including how to evacuate vulnerable
11 populations such as medically vulnerable individuals who need access to
12 electricity or specialized medical equipment;

13 (3) identify where individuals shall evacuate to, such as a shelter, higher
14 ground, or reunification location;

15 (4) engage facilities that house vulnerable populations, such as schools,
16 shelters for the unhoused, and senior living communities, in the plan
17 development;

18 (5) plan for the use of mutual aid and State resources, and coordinate
19 such use between municipalities downstream of the dam;

1 (6) address how to implement the use of pre-event communication and
2 early warning systems to alert persons in the inundation areas, including the
3 use of the VT-Alert system; and

4 (7) include any additional provisions deemed useful by the Division in
5 developing the EOP or for inclusion in the EOP.

6 (d) On or before July 1, 2028, the Division of Emergency Management
7 shall submit to the House Committee on Environment and the Senate
8 Committee on Natural Resources and Energy the results of the pilot project
9 required under subsection (a) of this section, including:

10 (1) copies of the EOPs for the two dams;

11 (2) a summary of the process of developing the EOPs, including
12 whether the Division completed the EOPs with Division staff, contracted with
13 regional planning commissions, or hired other contractors to complete the
14 EOPs;

15 (3) a summary of how the Division or the Division contractor
16 coordinated with municipal officials; State and regional search and rescue
17 entities, including swiftwater rescue partners; owners or operators of
18 hydroelectric facilities at a dam; and emergency responders representing
19 municipalities in the area of potential inundation from each dam;

1 (4) the cost of the EOPs completed under the pilot project;

2 (5) a summary of early warning and communications systems

3 municipalities may use to communicate recommendations or requests for

4 evacuation, including the best use of the State’s VT-Alert System; and

5 (6) a scope, timeline, and budget for the Division to develop an EOP

6 template or templates and a training on EOP development for municipalities.

7 (e) As part of the report required under subsection (d) of this section, the

8 Division of Emergency Management shall, based on the results of the pilot

9 project EOPs:

10 (1) recommend how EOPs should be completed for all State or federal

11 dams in Vermont that are high-hazard potential dams and that have a

12 population at risk of 100 or more persons, including:

13 (A) whether and how to prioritize completion of the EOPs for all

14 high-hazard dams with a population at risk of 100 or more persons;

15 (B) whether the Division of Emergency Management can complete

16 or contract for completion of the EOPs for all State or federal dams with a

17 population at risk of 100 or more persons by 2035;

18 (C) whether the Division of Emergency Management can complete

19 an EOP for a federal dam or whether the Division may only assist those local

20 entities authorized to complete an EOP under federal law; and

1 (D) what it would cost for the Division of Emergency Management
2 to complete the EOPs for dams with a population at risk of 100 or more
3 persons or what it would cost for the Division to contract with a qualified
4 consultant to complete the EOPs;

5 (2) recommend how EOPs should be completed for high-hazard dams
6 with a population at risk of fewer than 100 persons;

7 (3) recommend potential funding sources that the Division or individual
8 municipalities could access to complete or contract for the completion of
9 EOPs;

10 (4) recommend how to best educate municipalities, regional planning
11 commissions, and emergency service providers about the need for and
12 importance of EOPs for dams;

13 (5) recommend whether and how an EOP should identify structures that
14 persons would reasonably be expected to occupy and how to geotag these
15 structures for purposes of inclusion in the VT-Alert system; and

16 (6) recommend how often the Division, regional planning commissions,
17 or municipalities should conduct practice emergency response for the EOPs
18 required under subsection (a) of this section and ultimately for all EOPs
19 prepared for dams in the State.

1 Sec. 3. APPROPRIATIONS

2 (a) In addition to other funds appropriated to the Department of Public
3 Safety for the Division of Emergency Management in fiscal year 2027,
4 \$250,000.00 is appropriated from the General Fund to the Department for
5 completion by the Division of Emergency Management of the emergency
6 operations plan pilot project required under Sec. 2 of this act.

7 (b) In addition to other funds appropriated to the Department of
8 Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated
9 from the General Fund to the Department of Environmental Conservation for
10 the Department’s assistance in completing the emergency operations plan pilot
11 project required under Sec. 2 of this act.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE