



**Testimony of Dale Azaria
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**Before the House Committee on Environment
On ANR's Proposed Amendment to S.223
Related to Housing Development in Wetlands**

April 16, 2026

Good morning, Chair Sheldon and Members of the Committee,

- Thank you for the opportunity to testify on the proposed amendment to S.223. My name is Dale Azaria and I'm an attorney with Conservation Law Foundation. In addition to being an attorney, I have a Master's Degree in Natural Resources from UVM's Rubenstein School. Prior to coming to CLF, I was General Counsel for the State of Vermont Department of Housing and Community Development.
- While CLF recognizes the severity of the housing shortage, and knows that we need to address it, encouraging development of housing in wetlands is not the way to go about it.
 - Problematic for the future residents of that housing, who will be at risk of flooding, mold, etc.
 - Problematic for residents of existing housing in the area, whose homes will become more vulnerable.
 - Problematic for all of us -- losing flood attenuation, water quality protection, costs to taxpayers of infrastructure damage, etc., not to mention the environmental impacts.
 - Jon Groveman and Karina Daily of VNRC already covered all of this.
 - One thing they didn't get a chance to mention yesterday is drought resilience, another important function of wetlands that will only grow in importance as the climate warms.
- For these reasons, we do not support defining housing projects as an "allowed use" under Vermont law, as proposed in the amendment before you today.
- That being said, we recognize that the Wetlands Permit process can be a source of delay, even for projects that are not going to impact wetlands.
- For that reason, we do support the concept of a Wetlands Housing General Permit at a general level. This could facilitate housing development without undue adverse impact on wetlands.

- It's essential that the legislature gives ANR adequate guidance, or "sideboards," about protecting wetlands, and that guidance needs to be in the authorizing legislation. The proposed amendment doesn't do that.
 - Limiting the geographic scope of the General Permit, so that it applies only in areas designated by the state for growth (designated centers, areas served by sewer and water, Tier 1A and 1B).
 - This geographic limitation is not in ANR's draft legislation.
 - Requiring mitigation of any wetland impacts, following the state's requirement of a 2:1 ratio for mitigation.
 - ANR has in fact done the opposite, proposing lower mitigation ratios in certain instances. This contradicts the "net gain of wetlands" policy that the legislature adopted in 2024.
 - Including guidance on the size or density of the proposed housing allowed under this General Permit.
 - While the proposed amendment refers to "best management practices," it doesn't provide any detail. It would be important to know what BMPs will be included.
 - For example, the existing Wetland General Permit (for small projects) includes BMPs on:
 - Preventing the transport of sediment into wetlands
 - Minimizing impact from temporary stockpiles and from construction equipment
 - Avoiding the introduction of invasive species into the wetland
 - Re-vegetation following completion of the work
 - Marking the boundaries of the wetland and buffer, permanently, prior to occupancy of the project
 - These are just examples of the kind of "sideboards" that we think the Legislature should incorporate into any legislation that creates a general permit program for allowing housing in or near wetlands. The final details would be worked out through a public process, but it's up to this body to set the minimum on issues to be considered.
- The last thing I want to note is that this has been proposed as an amendment to S.223, the Water Quality Study Group. That bill is an important step in moving Vermont forward with protecting one of our most important assets. I hope that you won't allow the issues with this proposed amendment to de-rail that important bill.