

**Testimony of Dale Azaria
Senior Fellow, Conservation Law Foundation Vermont
Before the
Legislative Committee on Administrative Rules
Related to Modifications to the Vermont Wetlands Rules, 25-P040**

May 14, 2026

- My name is Dale Azaria. 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.
- Lack of opportunity for public input:
 - The proposed rules as presented to LCAR include significant modifications that were added after the public hearings on the proposed rules in December and after the opportunity for public input closed in January.
 - There is a new 6-page section on Best Management Practices for Access and Linear Projects.
 - There is an important new section on 2:1 Mitigation Rules. In the Flood Safety Act of 2024 the Legislature required ANR to adopt 2:1 Mitigation Rules by July 1, 2025. When ANR proposed the changes to Allowed Use and to the Buffer Zone last fall, and offered them up for public input, they did not include the 2:1 Mitigation, notwithstanding the requirement and deadline embedded in the Flood Safety Act.
 - ANR did not conduct any public outreach and did not solicit any public input on these important aspects of the rule that is before you today.
- Arbitrariness of the proposed rules:
 - There is a lack of data on the extent of wetlands that may be impacted by the proposed rule changes.
 - There is an arbitrary reliance on "mapped" versus "unmapped" wetlands that does not correspond to any meaningful distinction between wetland quality, function, or significance.
 - The proposed rules are not supported by science. ANR has acknowledged the following concerns about the impact of the proposed rules:
 - Increased development in wetlands can exacerbate flooding and water quality issues;
 - It can impact adjacent properties;

- It can potentially increase costs borne by municipalities and taxpayers to address infrastructure damage.
 - ANR has acknowledged that these issues are all concerns. See pages 9-10 of ANR's Response Summary to comments received during the public comment period. ANR's only response to these concerns is to limit the location to which the rules apply and the timeframe. This is arbitrary.
- There are better ways to facilitate housing development, including adding DEC Staff to ensure timely review of permit applications. Putting people and communities in harm's way is an arbitrary response to one of the most important problems facing the state.