

## **Karina Dailey's LCAR Wetland Testimony 5/14/26**

-Karina Dailey is the Science and Restoration Director at Vermont Natural Resources Council

**-The Allowed Use as Proposed Does not meet legislative intent-**

**-The Legislature has made its intent to protect Wetlands very clear:**

- **Section 10 VSA Section 905b (18)** states that the purpose and intent of wetland statute and ANR's rulemaking authority is protecting wetland functions and values.
- **Through Act 121** - Legislature has said that Decisions must be guided by science. 10 VSA 901 – Section 4.4 of the existing VWR recognized maps as not reliable, need delineation and then design. This is the process, due diligence just like you hire an engineer. **This is also how its done at the federal level - according to the Clean Water Act /Army Corps of Engineers.**
- **The Legislature** has said that decisions must lead to a net environmental benefit to the State. 10VSA Section 901.
- **The statute** has made it crystal clear that flood safety isn't the only function and value for wetlands. Also, water quality, drought resilience, and habitat.
- In addition to statute this is recognized in **numerous Statewide Planning Documents** including the Governors Resilience Implementation Strategy, the Climate Action Plan, Conservation Design, the Lake Champlain

-All of these points are in existing legislation – Vermont believes in wetland protection!

**The proposed Rule is contrary to Legislative intent as it would:**

- **Decrease the buffer** to an arbitrary 25' around Significant Class II wetlands (those that are on the VSWI). No science to this. Buffers are our protective shell.
- **Create an "allowed use"** to build housing in Significant wetlands (those that haven't yet been added to the state's wetland inventory maps.
- **The proposed rule would allow dredging, filling, and other permanent damage** to wetlands for housing construction this is a dis-service to society at large and would cause public health and safety issues including landslides, erosion, flooding, access to clean water, mold.
- **Proposed rule is beyond the scope and scale of other wetland allowed uses. This Rule proposed permanent, long-term impact wetland impact in development areas.**
- **None of the actions** serve to protect wetland functions and values. They are not guided by science. They will not lead to a net environmental benefit to the State. **And the need for housing does not outweigh** the obvious public health and safety risk of building in wetlands.