

**H.778. An Act Relating to Dam Safety**  
Section by Section Summary

**Sec. 1. 20 V.S.A. § 10. Emergency Authority for Evacuations**

- During discussion of this bill, interested parties asserted that neither the Governor or State agencies could order an evacuation due to potential dam failure without the approval of municipal officials.
  - Legislative Counsel and the Division of Emergency Management do not agree with that assertion.
- However, Sec. 1, amends the authority of municipal authorities during all hazard events to clarify that municipal authority does not prevent the Governor or the Director of Emergency Management, without municipal authority, from requiring evacuation of an area subject to inundation from a dam failure when there is a dam failure or an imminent risk of failure.

**Sec. 2. State of Vermont Emergency Operations Planning Pilot Project; Report**

- Sec. 2, requires the Division of Emergency Management, in coordination with the Department of Environmental Conservation, to conduct a pilot project that requires development of a set of emergency operations plans (EOPs) for two State-owned high hazard dams.
  - One of the dams shall have a population at risk of 1,000 or more persons and the other shall have a population at risk of 100 or more but fewer than 1,000 persons.
- In preparing the EOPs required, the Division shall coordinate with and collect input from the Whole Community.
  - The term Whole Community is a term of art in emergency preparedness. It is a narrative concept by which emergency management practitioners assess the needs of a community and the businesses, organizations, and public that it must engage with for planning in a community.
- The Division may hire a contractor, including a regional planning commission, to complete the requirements the pilot project or components of the pilot project.
- Each EOP required under the project shall:
  - be coordinated with each dam's emergency action plan and shall utilize each dam's emergency action plan inundation maps;
  - identify planned evacuations and evacuation routes based on possible inundation scenarios, including how to evacuate vulnerable populations;
  - identify where individuals shall evacuate to, such as a shelter, higher ground, or reunification location;
  - engage managers or administrators of facilities that house vulnerable populations, such as schools, in plan development;
  - plan for the use of mutual aid and State resources, and coordinate such use between municipalities downstream of the dam;
  - address how to use pre-event communication and early warning systems; and
  - include any additional provisions deemed useful by the Division.

- The Division reports the results of the project to the Legislature by July 1, 2028, including:
  - copies of the EOPs for the two dams;
  - a summary of the process of developing the EOPs, including whether the Division completed the EOPs or hired contractors;
  - a summary of who the Division or contractor coordinated with in development of the EOP;
  - the cost of the EOPs completed under the pilot project;
  - a summary of early warning and communications systems municipalities may use to communicate recommendations or requests for evacuation,; and
  - a scope, timeline, and budget for the Division to develop an EOP template or templates and a training on EOP development for municipalities.
- As part of the report required, the Division shall:
  - recommend how EOPs should be completed for all municipalities downstream of a State or federal dams in Vermont that are high-hazard potential dams and have a population at risk of 100 or more persons, including:
    - whether and how to prioritize completion of the EOPs for all municipalities downstream of a high-hazard dams with a population at risk of 100 or more persons;
    - whether the Division can complete or contract for completion of the EOPs for all municipalities downstream of a State or federal dam with a population at risk of 100 or more persons by 2035;
    - whether the Division can complete an EOP for municipalities downstream of a federal dam or whether the Division may only assist local entities complete EOPs for federal dams; and
    - what it would cost for the Division to complete or contract for the EOPs for all municipalities downstream of dams with a population at risk of 100;
  - recommend how EOPs should be completed for all municipalities downstream of a high-hazard dams with a population at risk of fewer than 100 persons;
  - recommend organizations that may assist municipalities in accessing potential funding sources that municipalities could access to assist in the completion of EOPs;
  - recommend how to best educate municipalities, regional planning commissions, and emergency service providers about the need for and importance of EOPs for dams;
  - recommend whether and how an EOP should identify structures that persons would reasonably be expected to occupy and how to include them in the VT-Alert system; and
  - recommend how often the exercises should be conducted to validate the EOPs completed under the pilot project and for all EOPs in the State.

### **Sec. 3. Appropriations**

- Sec. 3 appropriates \$250,000 to the Division to complete the pilot project and \$150,000 to DEC for their role in the project.

### **Sec. 4. Effective Date**

- The act takes effect on passage.

## Definitions

**Emergency Action Plan (EAP)** – An ongoing, written plan prepared by a dam owner that identifies the area (or region) that would likely be inundated by the failure of a dam and identifies the actions that should be taken by the dam owner to protect life, property, lifelines, and the environment in the event of a dam failure or threatening condition at the dam. The plan is usually implemented in cooperation with the local, regional, and State emergency personnel. (§ 37-103 of the Vermont Dam Safety Rule)

**Emergency Operations Plan (EOP)** – An ongoing plan prepared by local emergency managers and maintained by various jurisdictional levels for responding to a wide variety of potential hazards. It is a response-oriented plan that describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines how all actions will be coordinated. A dam failure EOP can be prepared by local emergency managers once an EAP has been prepared by a dam owner.

**High Hazard Potential Dam** – a dam where failure or mis-operation will probably cause loss of a human life. While the failure of a HIGH hazard potential dam may also cause economic loss, environmental damage, disruption of lifeline facilities, and impact other local concerns, these considerations are not considered in determining this hazard potential classification.

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