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TO: Senate Committee on Natural Resources and Energy  
Senate Committee on Government Operations  
Senate Committee on Institutions  
House Committee on Environment  
House Committee on Government Operations and Military Affairs  
House Committee on Corrections and Institutions

FROM: Doug Hoffer, Vermont State Auditor

DATE: January 23, 2026

SUBJECT: Dam Safety Rule Adoption

In 2022, my office released an audit of the [Department of Environmental Conservation's \(DEC\) Dam Safety Program](#). The audit found that some high-hazard potential dams, including those owned by the State, lingered in poor condition for many years. Indeed, some of the dams we reviewed lingered in poor condition for more than 18 years. These dams pose a risk to human lives if they fail.

We noted in the audit that DEC makes recommendations to dam owners to improve dams in poor condition, but did not provide timeframes for implementing those recommendations, lacked enforcement authority to require dam owners to implement those recommendations, and only followed up on recommendations during the next inspection of the dam (which in some instances was more than five years later).

We recommended that DEC adopt rules allowing them to compel dam owners whose dams are in poor condition to undertake repair work within a specified timeframe, and establishing the procedures needed to enforce those rules.

The Legislature initially required DEC to adopt these rules by July 2022, but granted extensions first to July 2024, and then to July 2025. Last year ANR testified that they would adopt the rules in 2026 but now do not plan to do so until 2027. It is my understanding that DEC has not communicated this latest delay to the Legislature.

DEC cites competing priorities to explain why the rules have not been adopted. As far as prioritization goes, it is worth reiterating that a High Hazard Potential dam is defined

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by ANR as one for which “failure or mis-operation *will* probably cause loss of human life.” Not *maybe* cause loss of life, but *probably*. And a dam in “poor” condition is defined as one for which “Significant structural and or operation and maintenance deficiencies are clearly recognized under normal loading conditions.” Not under extreme conditions, under *normal loading conditions*.

I can appreciate that statewide flooding impacted DEC’s workload, but the Department was closing in on proposing the rules in late 2023 so the continuous delays are hard to understand. Furthermore, DEC could have hired a consultant to help develop the rules if they faced staffing constraints.

Dam failures can lead to death and destruction. That’s why the Legislature called for these rules. No one wants a tragedy to strike that these rules could have prevented or mitigated.

I am happy to speak with you in more detail on this subject.