

Administrative Procedures – Proposed Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this proposed filing will be considered complete upon the submission and acceptance of the following components:

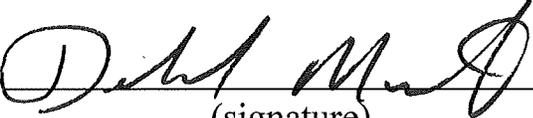
- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of the proposed coversheet form will be used to generate a notice of rulemaking in the newspapers of record. Publication of notices will be charged back to the promulgating agency based on the word count of the notices.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Vermont Stream Alteration Rule

 _____, on 7-10-13 _____.
 (signature) (date)

Printed Name and Title:
 Deb Markowitz, Secretary
 Agency of Natural Resources

RECEIVED BY: _____

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- Incorporated by Reference Statement (if applicable)
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- ICAR Approval received by E-mail.

1. TITLE OF RULE FILING:

Vermont Stream Alteration Rule

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Mike Kline

Agency: Agency of Natural Resources

Mailing Address: Watershed Management Division, 1 National
Life Drive, Main 2, Montpelier, VT 05620-3522

Telephone: 802 490 - 6155 Extension: Fax: 802 828 - 1544

E-Mail: mike.kline@state.vt.us

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://www.watershedmanagement.vt.gov/cfm/notices/rivers-notices.cfm>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Shayne Jaquith

Agency: Agency of Natural Resources (ANR)

Mailing Address: Watershed Management Division, 1 National
Life Drive, Main 2, Montpelier, VT 05620-3522

Telephone: 802 490 - 6154 Extension: Fax: 802 828 - 1544

E-Mail: shayne.jaquith@state.vt.us

5. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 V.S.A. § 1027

6. CONCISE SUMMARY (150 WORDS OR LESS):

The proposed Rule seeks to clarify how stream alterations within watercourses of the State shall be managed under the authority of the State during emergencies and otherwise. Stream alterations are activities that may change, alter, or modify the course, current, or cross section of any watercourse

within or along the boundaries of Vermont either by movement, by fill, or by excavation of ten cubic yards or more of instream material in any year. The Rule contains standards such that proposed activities: (1) will not adversely affect the public safety by increasing flood and fluvial erosion hazards; (2) will not significantly damage fish life or wildlife; (3) will not significantly damage the rights of riparian owners; and (4) in case of any waters designated as outstanding resource waters, will not adversely affect the values sought to be protected by designation.

7. EXPLANATION OF WHY THE RULE IS NECESSARY:

This Rule is necessary to comply with 10 V.S.A. § 1027(b) which requires ANR to adopt rules regarding the permitting of stream alteration activities during emergency conditions. Municipal officials may approve emergency measures implemented in a manner consistent with a general permit adopted pursuant to this Rule. The Secretary may also adopt rules to regulate non-emergency stream alterations (10 V.S.A. § 1027(a)). The Secretary shall pre-authorize non-emergency stream alterations, including activities necessary to address threats to public safety or property during next-flood conditions. Rules that include next-flood and emergency measures are advantageous because the State is often working simultaneously to address imminent and next-flood threats. The proposed Rule establishes that activities to address threats to public safety and property will be dealt with consistently between state and municipal authorities, while minimizing damage to the environment.

8. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Riparian landowners; municipalities; regional planning commissions; technical consulting and earthmoving contractors; utility companies; Agencies of Transportation, Commerce and Community Development, and Agriculture, Food and Markets; Departments of Forest, Parks, and Recreation, Fish and Wildlife, and Public Service; angling, environmental, and watershed-

interest groups; and Natural Resource Conservation Districts.

9. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

Establishing clear and enforceable standards for the regulation of stream alterations during emergency situations and otherwise will reduce local, state, and federal costs. Adopted state standards will enable towns to meet federal filling requirements for FEMA reimbursement. Managing watercourses toward least erosive forms avoids maintenance costs and losses that occur when structural stream controls fail. The technical assistance provided in the ANR's emergency regulatory response will assist municipalities in addressing legitimate threats while avoiding practices that may create further vulnerability to residents and to public infrastructure. This Rule will enhance the economic benefits of clean and healthy streams as post-flood stream channelization and berming practices are reduced over time. This Rule is cost neutral in that agricultural and silvicultural accepted practices remain exempt, and design standards for instream structures are not being increased over those currently in place.

10. A HEARING IS SCHEDULED .

11. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 9/12/2013

Time: 06:00 PM

Location: Montpelier: Winooski Conference Room,
Department of Environmental Conservation, 2 Main,
National Life Building, 1 National Drive, Montpelier,
VT

Date: 9/10/2013

Time: 06:00 PM

Location: Springfield: Downstairs Conference Room, Agency of Natural Resources Offices, 100 Mineral St., Springfield, VT

Date: 9/9/2013

Time: 06:00 PM

Location: Rutland: 1st Floor Conference Room, Vermont Fish & Wildlife Department, 271 North Main Street, Rutland, VT

Date:

Time: PM

Location:

12. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

13. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

stream alterations

regulation of emergency protective measures in streams

general and individual permits for stream work

Run Spell Check

