

PRESS RELEASE

Vermont Agency of Natural Resources
September 29, 2011
Contact: Linda Riddell - 802-241-3808

Vermont Agency of Natural Resources Enters a New Phase in our Flood Recovery

Montpelier. The Vermont Agency of Natural Resources (ANR) announced today that staff will begin the shift from an exclusive focus on emergency response to working with municipalities, businesses and homeowners to maximize the long-term effectiveness of our state's flood recovery work. "The first phase of the disaster response primarily involved emergency river work that would enable Vermonters to get back to their homes and businesses," said Vermont Agency of Natural Resources Secretary Deb Markowitz. "The work of opening up travel routes remains critical to public health and safety and our economy," stressed Markowitz, "so we are still involved in emergency efforts to allow these repairs, but now is the time to prepare for the floods that will come with melting snow and spring rains."

The expedited process used by the state to authorize river work helped get important road and bridge repair underway as soon as possible during the first weeks of the disaster, and ANR will continue to use this process where true emergency work is ongoing. "ANR is here to help communities recover, and will be wherever we are needed to offer technical assistance during this extreme situation," Secretary Markowitz said, "but it is important to remember that the environmental protections that protect our streams are not suspended during flood recovery. With permission from our River Management Engineers, emergency and recovery in-stream work will proceed, and we will continue to do everything in our power to expedite the process." As permanent fixes are being developed, deliberation and documentation are more critical. Secretary Markowitz added, "We still need to stay on a fast track, so we will assist towns, state, and federal agencies and authorize upcoming river work in tandem with the documentation required for federal grants and reimbursements."

Recognizing that recovery in the aftermath of a statewide flood disaster requires extensive in-stream work, the Department of Environmental Conservation's (DEC) Rivers Program will assist landowners, municipalities, and other agencies as they conduct emergency and long-term recovery work. DEC staff will ensure that rebuilding occurs in the best possible way in order to minimize loss in the next flood.

State Rivers Program Manager Mike Kline, who works with and supervises the State's river engineers, said, "The ability to give technical assistance through verbal authorizations has made it just possible to keep up with the demands for forty or fifty site visits and dozens of calls for assistance in a single day. Resolving or managing conflicts between human investments and the dynamics of rivers, for longer term stability, however, will require us to move past the emergency phase. We need to document the authorized work when a temporary fix needs to evolve into a more permanent solution."

At the discretion of the DEC River Management Engineer, three levels of authorization to conduct stream alterations will be used:

1. Expedited assistance and approvals. DEC Rivers Program staff will use its emergency authorities, general permit process and expedited written and verbal approvals to address emergency situations that still exist as a result of the flood (i.e., necessary to avoid imminent danger to private and public property).
2. Documented guidance and approvals. DEC Rivers Program will use its emergency authorities and general permit processes to expedite written approvals or signoffs of stream alterations, related to the flood, but not deemed to be an emergency. The Rivers Program will not authorize this category of work using purely verbal approvals. These signoffs will also serve the purpose of documenting the compliance with state laws necessary to secure state and federal grants and reimbursement for flood recovery work.
3. Stream Alteration Permits. DEC Rivers Program will use its stream alteration general permit and individual permit authority to issue written permits for activities unrelated to the current flood disaster recovery effort, not including those activities that may already proceed as non-reporting activities under the State Stream Alteration General Permit (<http://www.anr.state.vt.us/dec/waterq/rivers.htm>). Emergency authorities will not be applied in these circumstances and verbal approvals will not be provided.

Practices that will require state and local approvals during the flood recovery period: The following practices can contribute to damage caused by flood erosion and inundation. Consequently, permits will be required from the DEC Rivers Program or municipality prior to the use of these techniques:

1. Berming – using gravel and other aggregate to fill and create a linear barrier between the river and its floodplain. Placement of fill in a mapped floodway or special flood hazard area must meet the requirements of the National Flood Insurance Program in those communities enrolled in the NFIP. Fill is not permitted in the floodway unless the applicant can demonstrate, using standard engineering practices, that the proposed development with fill will not result in an increase in base flood elevations (44 CFR §60.3). Municipal approval under the community's flood hazard bylaw and state review by the Floodplain Management Program are required for floodway and floodplain fills.
2. Excavating and rechanneling streams in unstable dimensions and/or elevations – excavating the channel substantially deeper, wider, and/or steeper than the dimensions and longitudinal slope of the channel required for the annual flood discharge; or extending dredging operations beyond that necessary for the removal of existing threats is curtailed. These activities may be authorized, however, in severely aggraded areas, where ongoing aggradation (i.e., sediment accumulation) is anticipated by the Rivers Program, and where use of materials in flood recovery may reduce other emergencies situations. However, commercial gravel mining in

streams is prohibited by law, and statutory limits for riparian landowner use of 50 cubic yards without a permit still apply in flood recovery periods.

3. Creating new straightened river channels –excavating new channels that did not exist prior to the flood event will be not be allowed, except in very limited circumstances, where threats to life and critical infrastructure would exist otherwise.

4. Reconstruction of streambanks and/or roadway embankments - encroaching into and excessively narrowing the stream channel and/or using undersized or otherwise unsuitable materials for streambank and/or roadway embankment stabilization.

If you have a complaint, concern or a questions about work going on in a river near you please call 211 and the operator will help you. Contact information and coverage maps for River Management Engineers is located at: <http://www.anr.state.vt.us/dec/waterq/rivers.htm>

Deb Markowitz, Secretary

Agency of Natural Resources
Center Building, 2nd Floor
103 South Main Street
Waterbury, Vt 05671-0301

802-241-3600

www.anr.state.vt.us