

## Act 173

### Surface Water Diversions Study Committee

#### Discussion Outline for August 30, 2021 Meeting

#### I. Reporting and Registration

1. Should the State adopt a registration / reporting requirement?
2. If yes, what should the threshold for requiring a registration?
3. Should the program require installation of measuring equipment or estimation of withdrawal amount?

#### II. Permitting

##### A. Interim Permitting Program / Moratorium

Should the State adopt an interim program or moratorium on large withdrawals while considering Vermont specific data collected through a reporting / registration program?

##### B. Water resource planning

1. Stream specific in stream flows (see NH). State planning process or permit by permit.
2. Water conservation planning. State planning process or permit by permit.

##### C. Permit Program

1. What should the jurisdiction of a permit program be?
  - Add State authority under 10 V.S.A. § 1253(h)(1).
  - Require permits when a critical need designation / state of emergency is issued.
  - Require permits for bulk water transfers greater than an amount. Distance from withdrawal point.
  - Require permits for a withdrawal greater than a specified amount. What amount? Should the amount vary based on the size of the watershed / streamflow from the withdrawal point.
2. Exemptions. Should there be any exemptions and if yes what should they be?
  - In stream uses.
  - Fire suppression.
  - Agriculture.
  - Snowmaking when in compliance with the snowmaking rule.

- Public water supplies provided that they have a surface water source protection plan, PWS limit on the amount that can be used, and incorporate any conditions needed for compliance with the VWQS.
- Certain uses with a greater amount for obtaining a permit (e.g. normally a permit is required at 10,000 gpd but agriculture is required to obtain a permit at 100,000 gpd.)

3. Scope of a permitting program.

- Permittees required to comply with the VWQS.
- Permittees required to incorporate a water conservation plan (permit specific or consistent with state plan)
- Permits allocate water use between users
  - \* All uses need to be reasonable; who decides?
  - \* Waste is prohibited?
  - \* Statutory priorities on what uses are preferred?

D. Interbasin transfers

Should there be a prohibition on interbasin transfers? If so what basin scale?

E. Conjunctive use

Should a permitting program look at surface and ground water as one system? Is that technically feasible? Is this cost prohibitive?