

MEMORANDUM

TO: Interested Parties

FROM: Mike Kline, DEC Rivers Program Manager

DATE: July 17, 2017

RE: Revisions to the DEC Flood Hazard Area and River Corridor Protection Procedure (12/5/2014)

A significant change has been made to the Procedure that establishes a threshold drainage area (DA), above which the ANR will proactively make Act 250 floodway determinations and Criterion 1(D) recommendation for small streams. In summary:

- **For streams with a DA \geq 0.25 square miles** – unless strong evidence of flow intermittency is provided, the Agency will move forward with preparing a floodway determination and making Act 250 Criterion 1(D) recommendations to the District Commission, consistent with the river corridor delineation procedures.
- **For streams with a DA $<$ 0.25 square miles** – unless strong evidence of fluvial erosion hazards and flow perenniality are provided, the Agency will consider the stream to be intermittent and not likely to create fluvial erosion hazards, and will not prepare a floodway determination and make Act 250 Criterion 1(D) recommendations to the District Commission.

This change is followed with a provision in the Procedure, reminding Act 250 applicants, that the Agency has a considerable interest in protecting headwater streams for their natural resource and water quality values and will likely seek setbacks under Act 250 Criterion 1(A) and 1(E).

The ANR also combed through the entire Procedure and also made several minor edits and additions that were thought to bring more clarity, based on two years of experience with the Procedure. Comments were added to some of the proposed changes to help explain why they were made. No major revisions to the Procedure were considered at this time, and only those comments and suggestions pertaining to the current edits will be included in an ANR responsiveness summary.

Please submit any comment on the current Procedure edits to Mike Kline, Rivers Program Manager, by August 25, 2017 at mike.kline@vermont.gov.