

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**ADDENDUM 5 TO EXECUTIVE ORDER 03-23**

**[STREAM ALTERATION AND DAM SAFETY NOTICE MODIFICATIONS]**

**WHEREAS**, on Sunday, July 9, 2023, the Governor issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to July 2023 severe storms (“2023 Flooding”); and

**WHEREAS**, on July 10, 2023, the President declared that an emergency exists in the State of Vermont; and

**WHEREAS**, once it became clear flood damage and mudslides from a storm in the Killington area July 7, 2023, and excessive rain, flooding, water runoff, erosion and resulting damages statewide during the period July 9-11, 2023, were not going to be isolated incidents, but rather part of series of events which would continue throughout the coming week, with widespread flooding, repeated flash flooding, water runoff, erosion and mudslides due to inundated soils and slope instability, statewide, the Governor, in consultation with FEMA, requested a Presidential Declaration of a Major Disaster for the period July 7, 2023, and continuing; and

**WHEREAS**, on July 14, 2023, the President issued a Major Disaster Declaration based on flooding beginning on July 7, 2023, and continuing (the “Major Disaster Declaration”); and

**WHEREAS**, the scope and severity of the 2023 Flooding may exceed that of Hurricane Irene in 2011; and

**WHEREAS**, in order to expedite the issuance of dam safety orders and the processing of stream alteration permits needed by municipalities and individuals in connection with 2023 Flooding remediation so as to prevent delays which could cause further damage to the environment or threats to public health, I have determined the need to modify certain notice and public comment periods.

**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Vermont and Commander-in-Chief, Vermont National Guard by the Constitution of the State of Vermont, Chapter II, Section 20, and pursuant to the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws and the Emergency Management Assistance Compact, 20 V.S.A. Chapter 4:

**IT IS HEREBY ORDERED:**


1. In order to meet the needs of municipalities and property owners as they implement measures to protect health and safety and preserve and restore access to property, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 7, 2023 through December 31, 2023 to:
  - a. Modify ANR’s Stream Alteration Rules, §27-506 (Authorizations Under the General Permit) and §27-601 (Purpose; Application; Public Notice) by suspending the requirement that ANR provide notice of draft permit decisions and a public comment period for individual and general permit authorizations issued for the repair or replacement of

- infrastructure damaged by the flood, the timely repair or replacement of which is necessary to mitigate ongoing risk to public health and safety.
- b. For those projects that are not eligible for authorization as emergency protective measures under §27-701 (Purpose and Applicability of Emergency Protective Measures) of the Stream Alteration Rules but are still necessary to repair or replace infrastructure damaged by the flood, the timely repair or replacement of which is necessary to mitigate ongoing risk to public health and safety, ANR shall not require public notice of draft permitting decisions, or a public comment period on draft decisions.
  - c. ANR shall post the final permit decisions to the Environmental Notice Bulletin.
2. In order to meet the needs of municipalities and property owners as they implement measures to protect health and safety, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 14, 2023 through July 14, 2024 to:
- a. Modify the notice requirements for dam safety orders required under 10 V.S.A. § 1085(1), 10 V.S.A. § 7712, and 10 V.S.A. § 7714 by requiring a 10-day notice period instead of a 30-day notice period.
  - b. ANR shall post the final permit decisions to the Environmental Notice Bulletin.
3. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time-to-time issue recommendations, directives and orders as circumstances may require.


This Executive Order shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.

WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 1st day of August, 2023.



  
Philip B. Scott  
Governor

By the Governor:

  
Brittney L. Wilson  
Secretary of Civil and Military Affairs