

**From:** MacLean, Alex  
**Sent:** Tuesday, February 21, 2012 10:12 AM  
**To:** Mears, David  
**CC:** Recchia, Chris; Markowitz, Deb; Johnson, Justin  
**Subject:** Re: Lakes Bill Comments

Hi David,

(1) Yes, support the amendment.

(2) Oppose.

Thanks

Sent from my iPad

On Feb 20, 2012, at 3:30 PM, "Mears, David" <David.Mears@state.vt.us> wrote:

> Alex, Deb, Chris: In the attached document, my staff have sketched out possible comments on the House Fish, Wildlife and Water Resources "Lakes Bill." We are scheduled to testify Tuesday afternoon. The key questions I have are:

>

> (1) Water Resources Preservation Program: Should we "oppose" or "support in concept with amendment"? The substance of what I want to propose for an amendment is for the legislation to replace the creation of a new fee on impervious surfaces with a requirement that ANR undertake a study. The study would be an evaluation of potential revenue schemes to help pay for water quality needs with input from experts and external stakeholders. My understanding is that you agree with that approach. My question relates to how we phrase this suggestion. I would prefer to say that we support the concept but can also direct folks to frame it as opposition until we have studied. Please let me know your preference.

>

> (2) Bottle deposit escheats: Staff suggest a similar approach here, replacing the requirement that the escheats go into a water quality fund with a requirement that ANR study the implications of doing so as part of the broader look at revenue sources. Should we support with that amendment or oppose? The Governor has been clear that he does not support using the escheats so it might be best to oppose.

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> There are a few other comments which you may want to read but none quite as sensitive. There is a provision relating to agricultural practices and we are coordinating with AAFM on that. There is also a creation of a St. Albans initiative which fits into our strategic priorities. David

>

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> From: Dolan, Kari  
> Sent: Monday, February 20, 2012 3:08 PM  
> To: Mears, David; Kline, Mike  
> Cc: LaFlamme, Pete; Smeltzer, Eric; Warren, Susan  
> Subject: RE: S.165 Redraft

>  
> Will do. David, Susan, Eric, Pete and I are working up our comments on the Lake Bill. (See attached DRAFT; it is still missing a discussion about the status of municipal zoning). I will be testifying tomorrow on the ERP budget and Lakes Bill.

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> Our question to you is whether it is appropriate to distribute our comments tomorrow.

>  
> We welcome your thoughts,

>  
> Kari

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> From: Mears, David  
> Sent: Monday, February 20, 2012 2:38 PM  
> To: Kline, Mike  
> Cc: LaFlamme, Pete; Dolan, Kari; Smeltzer, Eric; Warren, Susan  
> Subject: RE: S.165 Redraft

>  
> Mike: Thanks. Can you make sure this gets to VTrans, AAFM and ACCD?

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> Pete, Kari, Susan, Eric: Not sure what to make of Senator Lyons' proposal to link critical source areas to flooding legislation. Can you take a quick look and let me know what you think?  
David

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> From: Kline, Mike  
> Sent: Monday, February 20, 2012 2:35 PM  
> To: LaFlamme, Pete; Mears, David  
> Cc: Dolan, Kari  
> Subject: Fwd: S.165 Redraft

>  
> See below

>  
> Sent from my iPhone

>  
> Begin forwarded message:

>  
> From: "O'Grady, Michael" <mogrady@leg.state.vt.us<mailto:mogrady@leg.state.vt.us>>  
> Date: February 20, 2012 2:24:03 PM EST  
> To: "frontporch@gmavt.net<mailto:frontporch@gmavt.net>"  
<frontporch@gmavt.net<mailto:frontporch@gmavt.net>>, Aaron Adler  
<AAdler@leg.state.vt.us<mailto:AAdler@leg.state.vt.us>>,  
> "warren@mrvt.com<mailto:warren@mrvt.com>"  
<warren@mrvt.com<mailto:warren@mrvt.com>>, "Borg, Mary"  
<Mary.Borg@state.vt.us<mailto:Mary.Borg@state.vt.us>>, "Kline, Mike"  
<Mike.Kline@state.vt.us<mailto:Mike.Kline@state.vt.us>>,</p></div>

"pgregory@trorc.org<mailto:pgregory@trorc.org>"  
<pgregory@trorc.org<mailto:pgregory@trorc.org>>

> Subject: S.165 Redraft

>

> Attached is the redraft of S.165--the "flood bill"

>

> This draft incorporates the requested mark up of the committee. It also attempts to address many of the concerns previously voiced by advocates, albeit in a manner that may vary from what you may have specifically requested.

>

> In addition, Sen. Lyons today requested that the bill incorporate the concept of critical source areas in the regulation of development in flood hazard areas and in the mapping of river segments. I discussed with the senator how this may not be a concept that overlays well with flood regulation, but she wanted to see some language on the issue.

>

> There are still two issues left unresolved: 1) financial incentive language for river corridor planning requested by Sen. Benning; I have redrafted the incentives language to make it clearly a discretionary program, but I believe the senator will want more specificity; 2) there have been requests to include in Title 24 authority for municipalities to regulate "flood prone areas" in addition to flood hazard areas or river corridor protection areas--I would appreciate some additional comments on this need.

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> The draft has yet to be proofed and may undergo minor changes prior to distribution tomorrow, but I do not foresee major revisions prior to that time.

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> Thanks to each and all of you for your input, edits and advice.

>

> Mike O'Grady

> <Draft ANR Comments on Lake Bill 02-20-2012\_kd2.doc>