

***What are some of the concerns about dams and the inspection of them?***

First, dams may interfere with fish and wildlife. For example, 10 V.S.A. § 1097 addresses the effect dams may have on salmon preservation and propagation. New dams will cause flooding of previously dry land, affecting agriculture, wildlife, and property values. The removal or breach of an existing dam will also have damaging effects on fish and wildlife and may have serious consequences for landowners downstream in the form of flooding and property damage. The same event may also affect people upstream if they lose their lake and no longer have waterfront property.

There are some concerns that are of particular interest to municipalities. First, municipalities that own dams may be held liable for damage in case of a breach and/or flooding. Second, if there is serious property damage or loss, it will affect property values and the tax base. Third, towns should be aware of the impact dams can have on flood plains, and whether this changes their town plans or land use bylaws. Fourth, at this time, owners of dams are responsible to pay for repairs ordered after state inspections.

Fifth, dams can have a significant (positive or negative) influence on the drainage of town highways. Sixth, towns with a dam located upstream or within town limits should consider developing an emergency action plan (EAP) in the event of a significant flood or breach. Finally, a municipality that owns a valuable hydroelectric facility may suffer significant damage to municipal property as a result of flooding or breaching of the dam itself.

The Agency of Natural Resources is considering introducing legislation to improve the inspection and maintenance of dams. While this has its advantages, it also may increase the cost and liability for municipalities regarding dams owned by them. The Agency has held one informational meeting about dams and will be holding others, with a view to developing proposed legislation regarding dams and their attendant liability issues. Municipalities should be aware of these meetings and send representatives if they have a particular interest or concern. Interested persons may call 802/241-3454 or 241-3451 for more information on these meetings.

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