

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA, et al.,

Plaintiffs,

v.

JULIE MOORE, et al.

Defendants.

Civil Action No. 24-cv-1513 (MKL)

**DECLARATION OF KARL BISSEX IN SUPPORT OF
MOTION TO INTERVENE**

I, Karl Bissex, declare as follows:

1. I am a 45-year resident of Plainfield and current chair of the Plainfield Select Board. Before I retired, I ran my own engineering business.
2. I am a member of Conservation Law Foundation.
3. Plainfield is a town of about 1,200 residents. It's a wonderful community—people really look out for each other. After suffering a devastating flood in July 2024, we are grappling with what climate change means for the future of our community.
4. Like many small towns in Vermont, Plainfield was built along a river because water drove the economy: water powered industry and was the means of transporting things. The Winooski River and Great Brook both run through Plainfield.
5. Great Brook is seven miles long. It's normally a brook you can almost walk across without getting your feet wet. But on July 10, 2024, eight inches of rain fell at the brook's headwater. All of that water came rushing down in the middle of the night. This was more rain

than I've ever seen in my decades in Plainfield, and it came out of nowhere. There have been washouts from flooding in the past, but this was a whole other level of destruction.

6. The flood washed three homes and half of an eight-unit apartment building completely down the river. Twenty-seven more homes were severely damaged. The flood also took out eight of Plainfield's 11 bridges over Great Brook. It's astounding there was no loss of life.

7. Locals called the destroyed apartment building the "Heartbreak Hotel." An old converted rooming house, it was famous to anyone who passed through Plainfield because so many people lived there over the years. It was one of the few affordable places to live in town, and the tenants ranged from the very young to the very elderly. It was a real core of our community.

8. At 2 a.m. the night of the flood, the residents heard roaring water and rushed out of the building and watched from the parking lot as half the apartment building went down the river with everything they had, including their pets. While half of the building is technically still standing, the foundation is too damaged to repair and it's going to be torn down.

9. Another Plainfield resident was literally pulled from her window by the fire department two minutes before the flood swept her house down the river.

10. In the immediate aftermath of the flood, the Plainfield community came together, working nonstop. My wife and I were heavily involved. After a flood, there are a lot of immediate things that need to be done. For example, we had volunteers shoveling out basements full of wet dirt to make sure the homes didn't rot. It was quite inspiring to see over 100 people show up and say "Where's a bucket and a shovel? I'll help."

11. Plainfield is still dealing with the social and economic consequences of the flood. The people who lost their homes haven't been able to come back yet. The Federal Emergency Management Agency (FEMA) is offering buyouts to the people who live close to Great Brook. I'm hearing that people will take those buyouts—people want to use the buyout money to buy land at higher elevations, so they won't be at risk of another flood. It feels really awful to have over 30 families displaced at once. It's been a real loss to our community to lose those neighbors and know we might never get them back.

12. FEMA estimated that Plainfield suffered \$15-20 million in damage from the flood. Our annual municipal budget is only \$1.3 million, and our tax base is going down since so many families were forced out of Plainfield after the flood. Plainfield can't pay for the necessary repairs on its own. We have a volunteer grants group who has been working hard to find additional funding.

13. Some of the eight washed out bridges are still gone, which means Brook Road, a connector road linking two highways, remains closed. Three bridges have been reopened, but only temporarily. Plainfield has leased one temporary bridge from the state and we're entering into a contract with an engineering firm to replace the bridge, but construction on the new permanent bridge won't begin until 2027 and will likely cost around \$4 million. We're currently paying for the temporary bridge and many other emergency repairs with a million-dollar loan from the state bond bank. We hope we'll be able to repay that loan using money from FEMA or the state, but there are no guarantees.

14. Current federal and state resources are not enough to rebuild Brook Road. Some people in town are eager to see the bridges fixed so Brook Road can reopen. Others are worried that if we repair the bridges, they'll just be taken out by the next flood. It's just not realistic to

armor a seven-mile meandering brook against flooding. I fully expect Great Brook to flood again. We need to find a way to make the bridges more resilient, but that's going to take money Plainfield doesn't currently have.

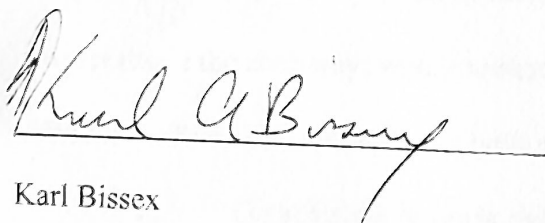
15. With additional funding, Plainfield could re-route Brook Road to maintain access between the two highways with a lower flood risk. That would be expensive.

16. A group of Plainfield residents has also been exploring a "village expansion project" to try and maintain the Plainfield community in a safer place. The goal is for Plainfield to purchase land at a higher elevation that is still connected to the Plainfield water and sewer system and walking distance to the village and sell those lots to people who want to build houses. This is going to take money too.

17. I support the Vermont Climate Superfund Act because it's not fair for communities like Plainfield to pay the entire cost of climate change on their own. I'm inspired by the resilience and flexibility my community has shown in the face of climate change, but we need additional resources to help us adapt. Oil companies should help fund the state's essential efforts to adapt to the conditions the companies themselves helped to create.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26 2025.


Karl Bissex