



VERMONT

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
341,000	220,000	121,000	-35%

Vermont Wetlands: Wetlands in Vermont include palustrine, lacustrine, and riverine. Palustrine wetlands consist of peatlands, scrub-shrub, and marshes. Lacustrine wetlands in Vermont include about 600 acres of open water, 200 acres of aquatic-bed wetlands, less than 50 acres of emergent wetlands, and 23,400 acres of unclassified near-shore wetlands in Lake Champlain. Riverine emergent wetlands cover about 174 acres.

Summary	Individual Features	Regulation	Water Quality Standards	Mitigation	Monitoring and Assessment	Restoration	Public/Private Partnerships
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Summary

The Vermont Department of Environmental Control Division of Water Quality Wetlands web page: <http://www.anr.state.vt.us/dec/waterq/wetlands.htm>.

Overall Program

The Vermont Wetland Rules (1990, amended 1990, 2001) <http://www.state.vt.us/wtrboard/wet/wetrule2002.pdf> regulate wetlands which provide significant functions and values. These are initially defined to include all palustrine wetlands on the National Wetland Inventory Maps. Wetlands are also regulated pursuant to Land Use Permits (Act 250), 401 Water Quality Certifications, and through town zoning permit review.

Innovative Features and New Programs/Initiatives

Includes buffer zones of 50 ft or more depending on the significance of the wetland functions and values.

State Wetland Conservation Plan

Vermont Wetlands Conservation Strategy, 1994. Not available on-line. Progress has been made in identifying significant wetlands by wetland community type or by focused studies (town, counties, and watersheds).

No Net Loss/Net Gain Goal

Policy as stated in the Vermont Wetland Rules, Sec. 1.1 Purpose and Authority: It is the policy of the State of Vermont to identify and protect significant wetlands and the values and functions which they serve in such a manner that the goal of no net loss of such wetlands and their functions is achieved.

Individual Features:

Regulation

Wetland Regulatory Statutes and Administrative Rules

Water Resources Management Act. VT Statutes Annotated, Title 10, chapter 37, Sec. 905(a)(7-9). The Water Resources Board has adopted the Vermont Wetland Rules to identify and protect significant wetlands.

Land Use and Development Act. (ACT 250). VSA, Title 10 Section 6001-6092. Wetland review is incorporated in criteria 1(G) for wetlands protected under the Wetland Rules. Other wetlands may be considered under criteria pertaining to water pollution, streams, wildlife habitat, aesthetics, natural areas, threatened and endangered species habitat, and erosion control.

Lands Lying Under Public Water. VSA Title 29, Chapter 11. A permit is required for fill or alteration of the boundaries or beds of state waters.

Wetland Definition and/or Delineation; Comparability With Federal Definition

As defined in the Vermont Wetland Rules, wetlands shall mean those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mudflats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Per the Rules, the delineation of wetlands follows the Corps 1987 Manual. (We stopped using the 1989 Manual in order to be consistent with the Corps.)

Evaluation Methodology

Functions and values of wetlands are evaluated following guidance in the Wetland Rules.

Regulated and Exempted Activities

As listed in the Rules. Generally, the Rules regulate all activities that involve draining, dredging, filling, grading, or changing the flow of water into or out of a significant wetland. There are some exemptions for silviculture and agriculture.

Special Provisions for Agriculture and Forestry

Many activities are either exempt or are considered allowed uses.

Penalties and Enforcement

The Agency Enforcement Division is responsible for enforcement, as specified in the Rules.

Permit Tracking

The Vermont Wetlands Program does not technically issue permits. However, Vermont's Conditional Use Determinations are tracked by the Department's permit tracking system. The Enforcement Division maintains the complaint and violation database.

State General Permit (PGP or SPGP) for 404

The Corps of Engineers administers the Vermont General Permit. Generally, Category A projects are non-reporting and impact less than 3000 sq. ft. of wetland. Projects with between 5000 and 3000 sq. ft. of impact are reviewed by the Corps, but are generally treated as Category A. Projects between 5000 sq. ft. and one acre are Category B projects and are reviewed by EPA and U.S. Fish and Wildlife Service. The Vermont DEC is also noticed and given the opportunity to comment and to require a 401 Water Quality Certification or a waiver of 401.

Assumption of Section 404 Powers

This has been discussed, but the state is not pursuing assumption at this time.

Joint Permitting

No.

Special Area Management Plans and Advanced Identification Plans

An advanced identification project was completed for 26 towns in the Lake Champlain basin, which is a recognized high growth area. Over 150 priority wetlands were identified.

Role of Local Governments

For towns that have zoning, notice must be given to ANR if the project involves designated wetlands.

Staffing

Currently, there is a State Wetland Coordinator, Carl Pagel, Ph.D., who is also the program supervisor. There are four full-time district wetland ecologists.

Water Quality Standards

Wetlands and Water Quality Standards

The Vermont Water Quality Standards do not directly address wetlands except as "waters of the United States." The definition of waters does not include wetlands. However, the protected functions and values of wetlands are considered designated uses. There are no narrative or numerical biological criteria for wetlands.

Wetland Definition

N/A

Designated Uses

N/A

Narrative and/or Numeric Criteria

N/A

Antidegradation Policy

N/A

Other

No additional information.

Staffing

N/A

Mitigation**Mitigation Policy**

This is described in Sec. 8.5 of the Rules.

Mitigation Banks

Due to the limited amount of compensatory wetland creation that has been required in Vermont, a mitigation bank is not needed, nor recommended.

In Lieu Fee Program

None.

Ad Hoc Arrangements

None.

Mitigation Database

None.

Staffing

None.

Monitoring and Assessment**Mapping/Inventory**

The Vermont Heritage Program has been inventorying wetland natural community types throughout the state using the Nature Conservancy classification system. NWI maps are available for the state, and some areas have been remapped. The wetlands from the NWI maps have been reformatted for

town use using GIS. Individual towns have also mapped wetlands using color infrared aerial photographs and field follow-up.

Wetland Classification and Assessment

Class One wetlands are our most significant wetlands, and are established through a petition process. Class Two wetlands are wetlands that provide a significant function or value, and are generally the palustrine wetlands shown on the NWI maps for the state. Class Three wetlands are those wetlands that do not have significant functions or values.

Biomonitoring and Assessment: A pilot study has been completed using bioassessment methods for vernal pools and northern white cedar swamps. Unfortunately, work in this area has not been continued due to staff reductions and lack of funds for new programs.

Overall Wetland Gain and Loss Tracking System

None.

Staffing

None.

Restoration

Program Description

Vermont does not have a restoration program. The U.S. Fish and Wildlife Service is the prime contact for wetland restoration projects and programs.

Restoration Program Goals

N/A

Eligibility Criteria

N/A

Restoration Database

N/A

Staffing

Not applicable.

Public/Private Partnerships

Acquisition Program

None.

Public Outreach/Education

This is provided on an “as requested” basis. An outreach and education plan was recently completed, but lack of funding prevents implementation.

Tax Incentives

None.

Technical Assistance

Technical Assistance is provided primarily through site visits on specific projects by district wetland ecologists.

Other Nonregulatory incentives for Private Landowners

N/A

Wetland Training and Education

N/A

Watershed Planning

Wetlands are being integrated into basin plans and basin planning activities, including assessment, inventory, monitoring, and restoration activities.

Special Problems

N/A

Coordination

N/A

Contact Person (s)

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Contact Points

Wetland Contacts website: http://www.anr.state.vt.us/dec/waterq/wetlands/htm/wl_districts.htm.

Guidebooks, Brochures, Websites, Other Educational Materials

For the Vermont Wetland Rules, fact sheets and other wetland information see the State of Vermont Home page and go to the Agency of Natural Resources, eventually to the Water Quality Division website.

Information on vernal pools can be found at:

http://www.anr.state.vt.us/dec/waterq/bass/html/bs_vernal.htm.

Vermont Water Resources Board Guide to Reclassification:

<http://www.state.vt.us/wtrboard/publications.htm>.

Vermont Native Plant Guide:

http://www.anr.state.vt.us/dec/waterq/wetlands/docs/wl_nativeplants.pdf.

Aquatic Nuisance Species

http://www.anr.state.vt.us/dec/waterq/lakes/html/ans/lp_ans-index.htm.

Websites:

State Home Page: <http://vermont.gov/>

The Vermont Department of Natural Resources Homepage: <http://www.anr.state.vt.us/>.

The Vermont Department of Environmental Control Homepage:

<http://www.anr.state.vt.us/dec/waterq/wetlands.htm>.

Information on water quality-related permits: <http://www.anr.state.vt.us/dec/waterq/permits.htm>.

Vermont Legislative Page: <http://www.leg.state.vt.us/>