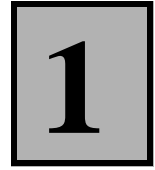




Illustration by Libby Walker Davidson

# WETLANDS FACT SHEET

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Water Quality Division, Wetland Office  
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## Topic: The Vermont Wetlands Office

February 1999

### VERMONT WETLANDS

The term wetland refers to those areas of the state that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and reproduction. These areas are commonly known as ponds, bogs, fens, marshes, wet meadows, shrub swamps, and wooded swamps. In Vermont, only 220,000 acres, or 4% of the land area in the state, have been identified as wetlands on the National Wetlands Inventory Maps. We estimate that an additional 80,000 acres of wetlands exists in Vermont that have yet to be identified.

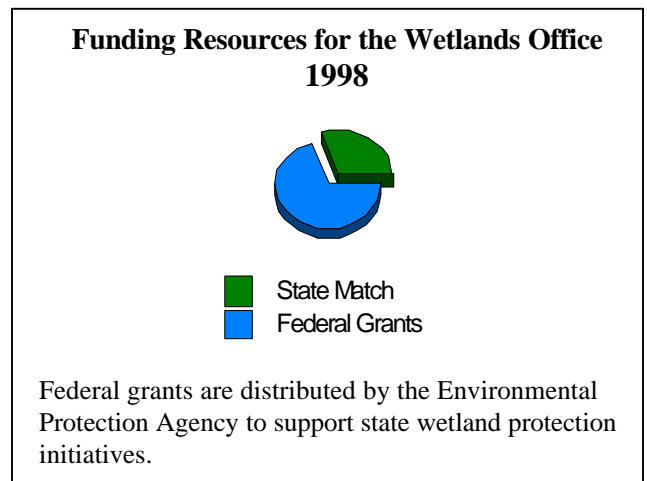
Wetlands in Vermont need to be identified and protected because they provide many valuable and irreplaceable functions that benefit the public. Some functions and values that wetlands provide include surface and ground water quality maintenance, flood water storage, fish and wildlife habitat, erosion control, threatened and endangered species habitat, open space and aesthetics, recreation, and education. More than 35% of the original wetlands in Vermont have been lost. In recent years, residential, commercial and industrial development have been the primary causes of wetland loss.

### RESPONSIBILITIES OF THE WETLANDS OFFICE

The goal of the Vermont Wetlands Office is to identify wetlands and to protect the functions and values that wetlands provide. Activities to achieve this goal include education, project review, and enforcement. Many of the activities are mandated under state and federal regulations. The primary wetlands legislation enacted by the Vermont State Legislature is the 1986 Act Relating to the Regulation of Wetlands. The Act directed the Water Resources Board to adopt rules for the identification and protection of those wetlands that are so significant that they merit protection. The Board subsequently adopted the Vermont Wetland Rules in February 1990. The Act also amended several existing programs to include wetland protection.

The following table and chart summarize the activities and the funding sources for the Wetlands Office.

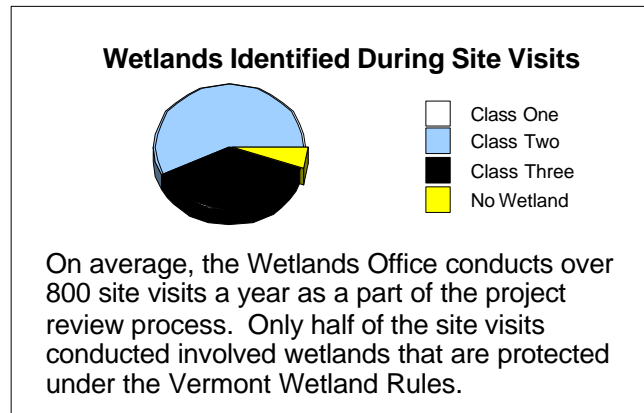
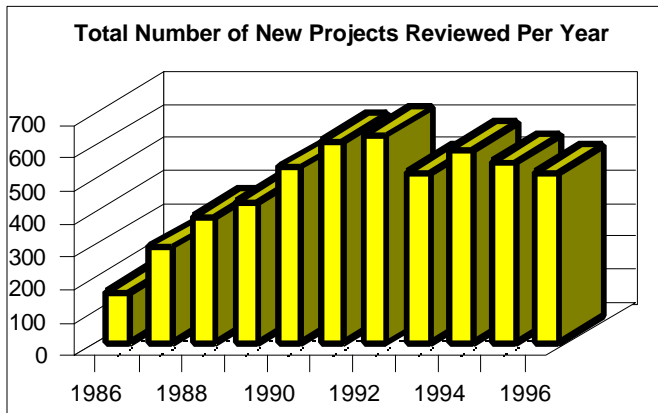
<b>State Mandated Activities</b>
< Administer Vermont Wetland Rules
< Project review and Conditional Use Determinations
< Enforcement
< Act 250 Review
< Project review with advisory comments
< Act 200 Review
< Project review prior to issuance of local zoning permits
< Compliance with Federal Clean Water Act
< Water quality certifications
<b>Federally Funded State Initiatives</b>
< Wetlands Conservation Strategy
< Education and outreach
< Improved inventory and mapping of wetlands
< Technical assistance to town officials
< Reclassification of wetlands
< Wetlands bioassessment



## PROJECT REVIEW

The Wetlands Office has jurisdiction under several state and federal programs to review projects for wetland impact. We summarize only the primary programs below.

Since 1986, the Wetlands Office has reviewed more than 5,000 projects.



### Vermont Wetland Rules

Under the Vermont Wetland Rules, the Wetlands Office is responsible for administration, implementation and informal interpretation of the Vermont Wetland Rules.

The Vermont Wetland Rules identify and protect 10 functions and values of “significant” wetlands. The Rules establish a 3-tier wetland classification system to identify significant wetlands. Only Class One and Class Two wetlands are considered significant and are protected by the Rules. The National Wetlands Inventory Maps identify the approximate location of protected wetlands.

**Class One and Two Wetlands:** The Rules contain a list of activities that are allowed within protected wetlands and their adjacent buffer zones. All activities not specifically listed are considered conditional uses and require a Conditional Use Determination (CUD) from the Wetlands Office. We can only issue CUDs when it is determined that the activity will not adversely impact the protected functions of the wetland.

Only 525 projects reviewed by the Wetlands Office between 1990 and 1996 have required an application for a CUD. The remaining projects involving Class One or Class Two wetlands were redesigned to avoid wetland impact or were abandoned. Of these 525 applications, 85% were approved, 7% are still active, 8% were withdrawn; less than 1% were denied.

**Percentage of CUD Applications by Major Project Type**

Residential Development	28%
Commercial Development	20%
Public Projects	11%
Ponds	9%
Roads	9%
Agriculture & Forestry	4%
Utility Projects	3%

**Class Three Wetlands:** Wetlands that are not identified on the National Wetlands Inventory Maps and wetlands that have been determined by the Water Resources Board to not provide functions at a significant level are considered Class Three wetlands.

Since 1990, the Wetlands Office has identified approximately 1300 Class Three wetlands. Approximately 84% of these wetlands serve at least one function at a significant level. The majority of these wetlands provide the surface and ground water quality maintenance function. The Rules outline a reclassification process, through the Water Resources Board, that allows for an increase or decrease in the level of protection for a wetland. The Board has received 16 reclassification petitions.

## **Act 250**

The Wetlands Office reviews approximately 650 Act 250 permit applications annually and provides advisory recommendations on projects with potential wetland impacts to the District Environmental Commissions. Wetland functions and values of all Vermont wetlands are reviewed under several criteria including water pollution, groundwater, streams, shorelines, sediment and erosion control, storm water and flood water control, natural areas, and wildlife habitat. Act 250 also requires compliance with the Vermont Wetland Rules for Class One and Class Two wetlands.

Approximately 30% of the Act 250 permits involve wetlands.

## **The Municipal and Regional Planning and Development Act**

Approximately 80% of the towns in Vermont have adopted zoning bylaws under 24 V.S.A. Chapter 117. Under 24 V.S.A. § 4409, Zoning Administrators of these towns are required to notify the Wetlands Office of activities proposed within wetlands prior to the issuance of a local zoning permit. The Wetlands Office has 30 days to provide comments on the project to the zoning administrator. This review mechanism protects zoning administrators from issuing local permits that might violate state and federal wetland regulations.

## **Federal Clean Water Act**

The primary federal program that provides protection for Wetlands is Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers. Section 404 regulates the placement of fill or dredged material into "waters of the U.S." which includes all wetlands in Vermont.

Federal permits require review by the state under Section 401 of the Clean Water Act, to ensure that State water quality standards are not violated by any activity within the waters of the U.S.

Eligibility for federal permits is contingent on the issuance or the waiver of a water quality certification from the Agency of Natural Resources through the Wetlands Office.

Questions regarding the federal wetlands regulatory programs should be directed to the Vermont Field Office of the Army Corps of Engineers at (802) 655-0334.

## **Enforcement**

The number of citizen complaints about wetland alteration activities has increased since the adoption of the Vermont Wetland Rules, presumably because of increased awareness about the importance of wetlands. Citizen complaints initiate the majority of enforcement actions.

Many complaints involve activities that are not in violation of the Vermont Wetland Rules (due to exemptions, allowed uses, or limited jurisdiction). Complaints that are found to be violations are often resolved by the landowner voluntarily applying for a Conditional Use Determination, or the landowner undertaking restoration of the wetland.

A small number of cases involving substantial wetland impact or willful violation are resolved through formal enforcement proceedings.

### **Enforcement Activities 1990-1996**

Citizen Complaints	528
Notices of Alleged Violations	123

## Education

The Wetlands Office staff recognizes that education is a critical component to effective wetland protection. Education efforts include “one on one” education through site inspections and project reviews, informational meetings to groups of all ages upon request, writing and distributing numerous wetland related publications, video and slide show production, and consultation over the phone followed up with written information.

### Annual Average Number of Activities

Presentations	40
Letters Written	1700
Site Visits	900
Telephone Calls	7500

The products most frequently distributed are the Vermont Wetlands Inventory (VSWI) maps, which are used to identify the approximate location of protected wetlands. Other products are available for distribution.

#### ! Informational fact sheets including:

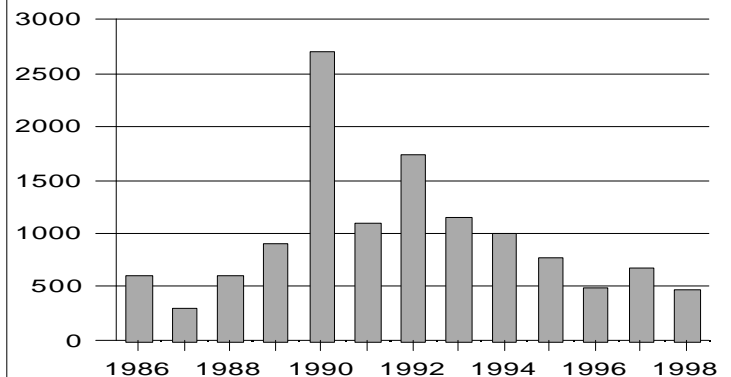
- What is a Wetland?
- Vermont Wetland Rules Summary
- Conditional Use Determinations
- Pre-Act 250 and Act 250 Review Guidelines
- Wetland Functions and Values
- Agricultural Activities in Wetlands
- Erosion Control
- Stormwater and Wetlands

- ! Landowner's Guide to Wetland Regulations
- ! Pond Construction Guidelines
- ! Buffer Zone Protection
- ! Guide to Federal Permits
- ! Wetlands Activity Guide
- ! List of Wetland Consultants

The Wetlands Office conducts informal meetings on request. We have held previous presentations for town officials, industry groups, nonprofit organizations, school classes, and others. In addition, the Wetland Office has participated in several television presentations. Some topics presented include the following:

- , Wetland Identification and Delineation
- , Wetland Functions and Values
- , Use of VSWI maps
- , Wetland Inventory and Mapping
- , Wetland Curriculum in the Classroom
- , Wetland Regulations
- , Town Involvement and Responsibility

### Number of VSWI Maps Distributed Annually



Most of the maps distributed are to landowners, consultants, and towns. In 1990, maps were distributed to every town in Vermont following the adoption of the Vermont Wetland Rules, as one means of notification to Vermont citizens.

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For more information regarding wetlands and wetland protection in Vermont contact:

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