



Illustration by Libby Walker Davidson

WETLANDS FACT SHEET

Department of Environmental Conservation
Water Quality Division, Wetland Office
103 South Main St., Waterbury, VT 05671-0408
(802) 241-3770

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Topic: Town Wetland Responsibilities

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LOCAL WETLAND PROTECTION

In 1986, the Vermont Legislature passed an act that allowed for state and local protection of wetlands in Vermont. The legislation recognized that wetlands contribute to the health and safety of Vermonters and their environment by providing wildlife and fish habitat, flood control and water storage, water quality treatment, recreational opportunities and open space. The legislation enabled the Water Resources Board to adopt rules protecting significant wetlands at the state level and enabled Vermont towns and cities to protect wetlands at the local level.

Wetlands means those areas of the state that are inundated by surface or ground water with a frequency sufficient to support 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, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities. 24 V.S.A. §4303(19)

Local planning commissions and citizens should not assume the state or federal agencies can protect every wetland. The state's principal authority is to protect wetlands mapped on the Vermont Significant Wetland Inventory maps and wetland areas contiguous to mapped wetlands. Many ecologically productive small wetlands may not be protected under the state's protection program. Also, some landowners may not be aware that a wetland is protected at the state level and unknowingly violate the state rules. Local officials often have more direct contact with landowners than state employees, and therefore can be very effective in providing landowners with the information they need.

Municipalities in Vermont have the regulatory tools to effectively protect wetlands. These include the municipal plan, zoning and subdivision regulations, shoreland protection bylaws, health ordinances and flood hazard regulations. Check 24 V.S.A. Chapter 117 for a complete description of the statutes governing municipal and regional planning in Vermont or call the Vermont Wetlands Office for more information. ***Municipalities also were given a responsibility in the 1986 wetland legislation to notify the state about developments in wetlands in 24 V.S.A. §4409.***

24 V.S.A. § 4409 - STATE NOTIFICATION REQUIREMENTS

Even if a town's zoning regulations do not address wetlands, the wetlands legislation requires all municipalities to give the Department of Environmental Conservation a 30-day comment period prior to issuing any zoning permit for the development of a wetland (Title 24, Chapter 117, § 4409 (c)(2)(A)).

The legislation which was adopted reads as follows:

24 V.S.A. § 4409 (c)(2)(A)

"(c) No zoning permit for the development of land of the following types or located within the following designated areas may be granted by any municipality prior to the expiration of a period of 30 days following the submission of a report to the state agency designated in each case, describing the proposed use, the location requested and an evaluation of the effect of such proposed use on the plan of the municipality and on the regional plan, if any:

- (2) Department of Environmental Conservation. Any of the following uses or activities affecting ground or surface water resources:
 - (A) Any area designated as a floodplain or wetland."

Therefore, towns should submit the following items to the Agency of Natural Resources: a location map, a narrative including a description of the proposed use, the landowner's name and address, and whether or not the use would effect the municipal plan. The information should be submitted to:

Vermont Wetlands Office
Agency of Natural Resources
Building 10 North, 103 South Main Street
Waterbury, VT 05671-0408

The staff of the Vermont Wetlands Office will make all efforts to respond to the towns notification within the allowed 30-day period. After the 30 days are up, the zoning permit may be issued. *A zoning permit cannot be legally issued for the development of a wetland if this notification has not been given to the Vermont Wetlands Office.*

It should be noted that the Vermont Wetlands Rules are administered independently of this process. A Conditional Use Determination is required by the Agency of Natural Resources for all activities within a state protected wetland or adjacent buffer zone (usually 50 feet), other than those activities specifically allowed by the rules.

TECHNICAL ASSISTANCE

The Vermont Significant Wetland Inventory maps can be used as a first tool in determining if wetlands are present. These maps were distributed to every town in 1990. Revised maps were distributed in 1999. Municipalities may order new maps if needed by calling (802) 241-3770. The boundaries of the wetlands shown on the map are not always accurate; small wetlands may not be shown at all. Field work is usually necessary to determine if unmapped wetlands are present and to determine the actual boundaries of the mapped wetlands.

The Vermont Wetlands Office is available to meet with any local official or landowner to determine if a wetland is present on a piece of property at no charge. Usually a site visit can be scheduled within two to three weeks of a request, depending on the current work load at the time of the request. On private lands, site visits can only be made with permission from the landowner. We strongly encourage landowners and town officials to set up site visits with Wetlands Office staff early in the planning stages of projects that may affect wetlands or buffer zones.

Please call the Vermont Wetlands Office if you have any questions at (802) 241-3770