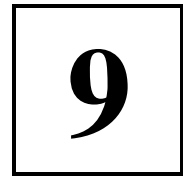




Illustration by Libby Walker Davidson

WETLANDS FACT SHEET

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



Topic: Act 250 Review Guidelines

April 2003

BACKGROUND

The Wetlands Office of the Agency of Natural Resources reviews all Act 250 permit applications and makes recommendations to the District Environmental Commissions and the Environmental Board to protect wetlands. The recommendations of the Wetlands Office are only advisory in nature since the District Commissions are a separate legal entity responsible for granting or denying land use permits.

Several criteria of Act 250 relate directly to the protection of wetlands. The District Commissions and the Environmental Board protect wetlands under criteria related to water pollution, groundwater, streams, shorelines, sediment and erosion control, storm and floodwater control, natural areas, wildlife habitat, public investments, recreation, and aesthetics.

In 1986, the Legislature passed a law requiring the Water Resources Board to adopt rules for identifying, evaluating, and providing protection for significant wetlands. The Water Resources Board adopted the Vermont Wetland Rules, which became effective on February 23, 1990. Amendments to the rules became effective on January 1, 2002. The Legislature also added criterion 1(G), Wetlands, to Act 250 to ensure that projects would comply with the new rules. Therefore, Act 250 applicants now must demonstrate that their projects comply with the Vermont Wetland Rules, in addition to several other criteria of Act 250 that protect wetland functions and values.

REVIEW GUIDELINES

For Act 250 projects, the Division of Water Quality will review Class One and Class Two wetlands, as defined in the Vermont Wetland Rules, under criterion 1(G). Class Three wetlands, or wetlands that have not been identified on Vermont Significant Wetland Inventory (VSWI) maps, will continue to be evaluated under other Act 250 criteria (1, 1B, 1D, 1E, 1F, 4, 8, 8A, and 9K).

VERMONT WETLAND RULES AND ACT 250's CRITERION 1(G)

With the adoption of the Vermont Wetland Rules all Act 250 applications are reviewed under criterion 1(G) to determine compliance with the Water Resources Board's rules for significant wetlands. Act 250 states that **a permit will not be issued unless an applicant demonstrates, in addition to other criteria, that a proposed development complies with the Vermont Wetland Rules.** Wetlands identified on VSWI maps and contiguous wetlands are designated "significant" wetlands. Any activity in a significant wetland or its associated buffer zone, other than allowed uses, requires a Conditional Use Determination from the Agency of Natural Resources. Copies of the Vermont Wetlands Rules and Conditional Use Determination application forms are available from the Wetlands Office at the address above or on our website at www.vtwaterquality.org/wetlands.htm.

RELATED ACT 250 CRITERIA

Regardless of whether a wetland is designated "significant" under criterion 1(G), all wetlands may provide functions that are specifically protected by other Act 250 criteria. These criteria are listed below with a brief description of the wetland function related to each criterion.

Criterion 1--Water Pollution

Wetlands can protect the quantity and quality of both ground and surface waters by chemically removing pollutants and by storing sediment and associated pollutants.

Criterion 1(B)--Waste Disposal

Wetlands can provide direct recharge to groundwater and also reduce levels of contaminants in surface waters which then, in turn, recharge underlying groundwater.

Criterion 1(D)--Floodways

Wetlands can retain stormwater runoff, reduce peak flows and flooding, and delay flood crests.

Criterion 1(E)--Streams

A wetland that is associated with a stream may contribute to the water quality of the stream and may help maintain the natural character of the stream by stabilizing the streambank and contributing to the baseflow of the stream.

Criterion 1(F)--Shorelines

Wetlands located along the shorelines of lakes and rivers buffer the shoreline against erosion. Wetland plants stabilize shorelines by binding soil with their roots and reducing wave and current velocities.

Criterion 4--Erosion Control

Many wetlands are important for trapping sediments prior to discharge into surface waters and for reducing peak flow velocities. This function is related to the characteristically slow movement of floodwater through dense wetland vegetation.

Criterion 8--Rare and Irreplaceable Natural Areas and Aesthetics

Because certain wetland types, such as bogs and fens, have not yet been successfully replicated by humans, wetlands are often considered irreplaceable. An uncommon wetland type could qualify a wetland as "rare and irreplaceable." Many wetlands also contribute to the open space character and overall beauty of the landscape.

Criterion 8(A)--Necessary Wildlife Habitat

Wetlands often provide a wide diversity of habitat for fish and wildlife; therefore, a wetland may constitute necessary wildlife habitat as defined by Act 250. Wetlands may also provide habitat for threatened and endangered species. The Wetlands Office relies heavily on comments from Fish and Wildlife Managers and the Nongame and Natural Heritage Program when evaluating a wetlands importance for necessary wildlife habitat.

Criterion (9K)--Public Investments

Some wetlands represent public investments providing important recreational, educational, economic, and research opportunities to the public.