

# VWP Individual Permit Application Instructions

## General

The Vermont Wetland Program's (VWP) Wetland Permit/Determination Application encompasses VWP Individual Permit, the VWP General Permit NOI, and Wetland Determinations. The sections of the application to be completed depend on the type of permit you are applying for. The application includes instructions embedded into the form. The website will contain the most recent version of the application, and only this version will be accepted. The Application form is available in Microsoft Word and is a protected document. Dropdown menus, check boxes, and text fields are available for you to fill out. The text fields have unlimited characters, so no supplemental narratives will be required. Any supporting narratives should be inserted directly into the application. Once the application is filled out in its entirety, the application should be printed and submitted with signatures, project plans, a site location map, ACOE Wetland Delineation Sheets, and any landowner easements or permissions. **We request that an electronic version of the application be submitted with the paper copy.**

## Application Sequence

In general, each of these application processes follows a similar sequence:

- A site visit occurs with the District Wetlands Ecologist;
- An application is filled out by the applicant or their representative and submitted to the Vermont Wetland Program;
- The application is reviewed for administrative and technical completeness by the Vermont Wetlands Program. More information may be required, or the application is called complete and moves on to the next step. **NOTE:** The quality and completeness of the application is the most critical factor in determining how long an application takes to process;
- Once the application is called technically complete, the applicant proceeds with distribution, and notifies the Vermont Wetland Program once this distribution is complete (this does not apply for a General Permit NOI);
- The VWP puts the application on notice for public comment;
- The VWP investigates any comments. The Program may require a response to comments from the Applicant if appropriate.
- The permit is denied or approved and notice is sent regarding the decision to the distribution list. The applicant receives a complete copy of the permit.

## VWP Individual Permit

1. **Regulations and Qualifications:** The process and requirements for applying for and receiving a Vermont Wetland Permit are outlined in Section 9 of the Vermont Wetland Rules. All activities in a Class I or Class II wetland or their associated buffer zones that are not considered an Allowed Use, require a Vermont Wetland

Permit or Vermont General Wetland Permit. In order to receive a Vermont Wetland Permit, the applicant must demonstrate the proposed project will not have an undue, adverse impact on the functions and values of the wetland (Section 9.5a). Avoidance and minimization of impacts to the wetland or buffer zone is required (Section 9.5b). Review the Application Checklist to verify that submittal requirements for the application are met.

2. **Application Sections:** The applicant completes all sections of the permit application except for Section 14, which pertains to the Vermont General Wetland Permit.
3. **Fee Schedule:** A \$100 processing fee plus \$0.12 per square foot of wetland impact and \$0.09 per square foot of buffer zone impact are required. The check sent with the application should EXACTLY reflect the fee calculation. Please do not round up or down. If a newspaper notice is required, the applicant will be billed for the notice (see Modified Distribution section for more information on newspaper notice).
4. **Distribution and Notification Requirements:**

**Distribution:** The distribution requirements are outlined in Section 9.2 of the Vermont Wetland Rules, and are the responsibility of the applicant to fulfill once an application is called technically complete by the Vermont Wetland Section. The distribution requirements are as follows:

- a. *The applicant shall, in addition to filing an original copy with the Secretary, file a complete copy of the request for an individual permit with the following:*
  1. *the clerk of each Vermont municipality in which the wetland or buffer zone is located,*
  2. *each regional planning commission serving the geographical area in which the wetland or buffer zone is located.*
- b. *In addition, copies of the location map, the description of the specific action(s) for which a permit is sought, a supporting narrative and a listing of where complete copies of the request have been filed shall be provided to the municipal planning commission and/or conservation commission and to all persons owning property within, or adjacent to, the affected wetland area or buffer zone in question.*
- c. *The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may dismiss*

*the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request.*

The applicant shall certify to the VWP in writing that such notice has been provided, and shall state in the written certification the name and address of each person notified and the date and manner that notice was provided.

**Modified Distribution:** In situations where there is an application within a large wetland and buffer zone that has a large number of landowners, the applicant may choose to limit the distribution list with a supplemental newspaper notification. At a minimum, the applicant must 1) provide notice to the immediate abutters, 2) provide notice to all persons owning property containing the wetland or the buffer zone within 1000 feet of the project area, and 3) shall have the VWP publish notice of the application in a local newspaper generally circulating in the area where the wetland is located, at the expense of the applicant. The applicant will be billed directly by the newspaper.

Newspaper fees generally range between \$80 and \$200. The selection of the newspaper is at the discretion of the applicant or their representative, and should be indicated in Section 13.5.1 of the application. Delays in the notification may occur due to publishing dates, ranging from a few days to over a week depending on whether a daily or weekly paper is selected. The notice will begin on the day it is scheduled to publish in the paper in order to allow for the appropriate 15 day comment period.

**Notification:** The notification requirements for the VWP are listed in Section 9.3 and 9.4 of the Vermont Wetland Rules. The Wetland Section is responsible for placing the application on public notice for 15 days, and for publishing a final notice of issuance or denial. However, the applicant is responsible for providing correct and complete list of abutters, including names and mailing addresses. If this information is incorrect, an application can be appealed on the grounds of improper notice.