



State of Vermont
PERMIT AND LICENSE INFORMATION

WHAT YOU SHOULD KNOW ABOUT CONSTRUCTING A POND OR DAM

The Department of Environmental Conservation (VTDEC) has developed the following information to assist the general public in determining what State, Federal and local laws/regulations apply to the construction of dams or manmade ponds in the State of Vermont. Prior to the construction or alteration of a dam or pond, it is important to determine if any of these apply to your project. Questions regarding any of the information below should be addressed to the contact person listed.

It should be noted that the construction of a dam that impounds a free-flowing stream may conflict with Vermont Water Quality Standards. Consequently, most permits are now issued for construction of off-stream ponds or repair or modification of dams on streams, but not for new dams that are on-stream.

VTDEC does not provide design services or financial assistance to persons interested in the construction or alteration of ponds or dams.

Dams

If the proposed dam or pond will impound or be capable of impounding 500,000 cubic feet or more of water, a permit will be required under *Title 10 V.S.A., Chapter 43 Dams*.

Contact: Ben Green, P.E. Dam Safety Engineer (802) 622-4093 Benjamin.Green@vermont.gov
 Facilities Engineering Division (802) 828-1550
<http://dec.vermont.gov/facilities-engineering/dam-safety>

Stream Alterations

If the project necessitates any work in a stream, a stream alteration permit or other approval may be required under *Title 10 V.S.A., Chapter 41. Subchapter 2. Alteration of Streams*.

<http://dec.vermont.gov/watershed/rivers/river-management>

Contact: Contact Rivers [via Webform](#)
[Map](#) of regional contacts and phone numbers
 Email: ANR.WSMDRivers@vermont.gov
 (802) 490-6195

Wetlands Considerations

If the proposed dam or pond is located in or near a wetland, a representative of the Vermont Wetlands Program should be contacted. A site visit will often be necessary. Impacts to these wetlands or the adjacent 50-foot buffer zones will require a Vermont Wetlands Permit under *Title 10 V.S.A., Chapter 37, Section 905(a)*. Impacts to these and other wetlands may also be addressed through the 401 Water Quality Certification and Act 250.

Contact: Wetlands Program – (802) 490-6100
 Email: ANR.WSMDWetlands@vermont.gov
<http://dec.vermont.gov/watershed/wetlands/contact>

Rare, Threatened and Endangered Species Considerations

Under *Title 10 V.S.A., Chapter 123, § 5401*, if the pond project has the potential to affect rare, threatened or endangered species of plants and animals or their habitat, you should contact the Vermont Non-game and Natural Heritage Program.

Contact: Jon Kart – (802) 595-1810 Jon.Kart@vermont.gov
<http://vtfishandwildlife.com/threatenedspecies.html>

Fish and Wildlife Considerations

Approval is required by the Fish and Wildlife Commissioner for placing obstructions in streams that block passage of fish under *Title 10 V.S.A., Chapter 111, § 4607 Obstructing Streams*.

Contact: Vermont Fish and Wildlife Department, (802) 828-1000
 Email: FWinformation@vermont.gov
<http://vtfishandwildlife.com/>

US Army Corps of Engineers Regulations

Persons contemplating the construction, alteration or removal of dams or impoundments or construction in wetlands are advised that approval may be required from the U.S. Army Corps of Engineers.

Contact: Regulatory Division, Vermont Project Office, (802) 872-2893
Angela.C.Repella@usace.army.mil or Michael.S.Adams@usace.army.mil
<http://www.nae.usace.army.mil/Missions/Regulatory/>

Municipal Concerns

Some Towns may regulate the construction of ponds through their zoning bylaws.

Contact: Zoning Administrator in your Town

Other Concerns

It is possible that other laws or programs could be involved, such as [Act 250](#) or the [State Historic Preservation Office](#); contact your [Regional Permit Specialist](#) or the Environmental Assistance Hotline (800) 974-9559 for more information.

In addition, construction work that results in downstream turbidity and sedimentation could be a violation of [Vermont Water Quality Standards](#) (802) 828-1535. Appropriate soil erosion prevention measures should be used to prevent such violations.

Additional Assistance

The U.S. *Natural Resources Conservation Service* (formerly Soil Conservation Service, SCS) may be able to provide consultative assistance regarding design and construction of ponds. The nearest field office should be contacted to see if assistance is available and what publications they distribute.

Contact: Vermont NRCS State Office
 (802) 951-6796
www.vt.nrcs.usda.gov

The *University of Vermont Extension Service* provides some education materials and information on small pond management.

Contact: UVM Extension Service
 Burlington State Office: (802) 656-2990
[UVM Extension - Ask an Expert](#)
 County Extension Office [contact info](#)