



State of Vermont  
**PERMIT AND LICENSE INFORMATION**

**FEDERAL PERMIT REQUIREMENTS  
 FOR WORK IN WETLANDS**

**SUMMARY  
 DESCRIPTION  
 OF PERMIT**

Permits required for the discharge of dredged or fill material or mechanized land clearing in all waters of the United States, including wetlands, under Section 404 of the Clean Water Act. Impacts subject to Federal review include not only the area of wetland directly filled, but also any inundation or drainage of wetlands caused by the placement of fill or mechanized land clearing.

**EXAMPLE OF  
 ACTIVITY**

Filling a wetland adjacent to Lake Champlain; construction of a pond in wetland.

**CRITERIA FOR  
 JURISDICTION**

Projects or activities, which involve the placement of fill, excavation, or mechanized land clearing in jurisdictional wetlands. Certain small projects may be eligible for authorization under abbreviated procedures.

**DEFINITION OF “WETLAND”:** The term “wetland” is defined by Federal regulations to mean “...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions...” (33 CFR Part 328.3 (b), as published in the November 13, 1986 Federal Register). Wetlands generally include swamps, marshes, bogs and similar areas.

**DEFINITION OF “FILL”:** The term “fill material” is defined by Federal regulations to mean “...any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste...” (33 CFR Part 323.2 (b), as published in the November 13, 1986 Federal Register).

**INFORMATION  
 REQUIRED**

Requires submission of completed application form, vicinity map, site plan and cross-sections of proposed activity. A wetland delineation using the [1987 Corps of Engineers Wetlands Delineation Manual](#) and [Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region](#) is required. The Natural Resources Conservation Service should be contacted for delineation of agricultural lands. Plans should be drawn to scale and include the wetland boundary, dimensions of the proposed work, and extent of wetland encroachment. Waterways and wetlands are vital areas that constitute productive and valuable public resources, the unnecessary alteration or destruction of which is to be discouraged. Therefore, Federal regulations state that filling of these resources shall not be permitted unless the applicant clearly demonstrates the following:

- a. that the activity associated with the fill must have direct access or proximity to or be located in the water resources in order to fulfill its basic purpose, and that other site or construction alternatives are not practicable; or
- b. if the activity associated with the fill does not have to have direct access to the water resources, you must provide information on the need to place fill in the waterway and/or wetlands and the feasibility of alternative sites or methods to accomplish the objective of the project.

In addition to a and b above, the possibilities for mitigation of any unavoidable damages to the resources must be discussed. If mitigation is possible, it should be included as part of the application. The applicant must submit information that thoroughly and clearly documents the need for the fill, alternatives, and mitigation possibilities.

**WEB ADDRESS** <http://www.nae.usace.army.mil/Missions/Regulatory/>

**FEES** \$0 - \$100; dependent upon type of permit to be processed.

**APPLICATION TIMEFRAME** Dependent upon type and complexity of project. Small, non-controversial projects can be processed in 15-90 days; large, controversial projects can take considerably longer.

**ADMINISTERING AGENCY**

**U.S. ARMY CORPS OF ENGINEERS**

**CONTACT:** U.S. Army Corps of Engineers  
Vermont Project Office  
802-872-2893

**ADDRESS:** 11 Lincoln St, Room 210  
Essex Junction, Vermont 05452

**AUTHORITY** 33 USC 1344 (Clean Water Act)

**APPLICABLE RULES** 33 CFR Part 323 as published in the November 13, 1986 Federal Register

**APPEAL PROCESS** None