VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Watershed Management Division
Lakes and Ponds Program

Private Ponds

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 situation. Questions regarding any of the information below should be addressed to the contact person or department listed.

Private ponds are defined as ponds owned by one person or entity and located entirely on the owner's property. If natural, they may be up to 20 acres in size. Artificial private ponds may be any size (10 V.S.A. Section 5210). Vermont has hundreds of small ponds, many of which provide a great habitat for plants, animals, and people.

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.

Dams, even small dams for backyard ponds, are significant structures that can have major public safety and environmental implications. As a result, dams are regulated by a variety of federal, state, and local laws. Additional information on dam safety and regulations can be found on the VTDEC Dam Safety Program Website.

Contact: Ben Green, P.E. Dam Safety Engineer benjamin.green@vermont.gov or 802-490-4093

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. Additional information on stream alterations, regulations, and permits can be found on the VTDEC River Management Program website.

Contact: VTDEC Rivers Program at ANR.WSMDRivers@vermont.gov or 802-490-4741

Contact information for your regional River Management Engineer can be found here.

Wetlands Considerations

Often proposed dam or ponds are located in or near a wetland. If the project is in or near a wetland, a representative of the Vermont Wetlands Office should be contacted. A site visit will often be necessary. The Vermont Significant Wetlands Inventory shows the general location of some of the wetlands protected under the Vermont Wetland Rules. Not all wetlands under state jurisdiction are mapped. Impacts to these wetlands or the adjacent 50-foot buffer zones will require a wetland permit under Title 10 V.S.A., Chapter 37, Section 905(b). Impacts to these and other wetlands may also be addressed through the 401 Water Quality Certification and Act 250.

Contact: VTDEC Wetlands Program at ANR.WSMDWetlands@vermont.gov or 802-490-6195

Contact information for your regional VTDEC Wetlands Staff can be found here.

Rare, Threatened, and Endangered Species Considerations

If the project has the potential to affect rare, threatened, or endangered species of plants and animals or their habitat, the Vermont Natural Heritage Inventory should be contacted. Title 10 V.S.A., Chapter 123, § 5401 establishes protection for these species and habitats.

Contact: VT Fish and Wildlife Department at fwinformation@vermont.gov or 802-828-1000

Contact information for the Vermont Natural Heritage Inventory Staff can be found here.

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: VT Fish and Wildlife Department at fwinformation@vermont.gov or 802-828-1000

Contact information for District Offices can be found here.

US Army Corps of Engineers Regulations

Construction, alteration or removal of dams or impoundments may require approval from the US Army Corps of Engineers.

Contact: Vermont Project Office 802-872-2893 or here.

Municipal Concerns

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

Contact: Zoning Administrator in your Town for information.

Other Concerns

- It is possible that other laws or programs could be involved, such as Act 250. Contact your District Environmental Office here.
- If the site potentially has historic or archaeological significance, contact the Division for Historic Preservation at 802-828-3223.
- In addition, construction work that results in downstream turbidity and sedimentation could be a violation of Vermont Water Quality Standards and appropriate soil erosion prevention measures should be used to prevent such violations.

Additional Assistance

The U.S. Department of Agriculture, Natural Resources Conservation Service 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.

Berlin	802-828-4493	Rutland	802-775-8034
Brattleboro	802-689-3037	St. Albans	802-527-1296
Middlebury	802-388-6748	St. Johnsbury	802-748-2641
Montpelier	802-826-6080	White River Jct.	802-295-7942
Morrisville	802-888-4935	Williston	802-288-8155
Newport	802-334-6090		

The University of Vermont Extension Service provides some education materials and information on small pond management. Contact your regional office or 802-656-2990 for more information.

For more information, visit the Watershed Management Division website at:
https://dec.vermont.gov/watershed