



Watershed Management Division
Montpelier, Vermont

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 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 802-490-4093

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*.

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| Contact: | Stream Alteration Engineer, Patrick Ross | 802-279-1143 (Northeastern VT) |
| | Stream Alteration Engineer, Chris Brunelle | 802-777-5328 (Northwestern VT) |
| | Stream Alteration Engineer, Jaron Borg | 802-371-8342 (Central VT) |
| | Stream Alteration Engineer, Scott Jensen | 802-490-6962 (Southeastern VT) |
| | Stream Alteration Engineer, Josh Carvajal | 802-490-6163 (Southwestern VT) |

See also <https://dec.vermont.gov/watershed/rivers/river-management>

Wetlands Considerations

If the proposed dam or pond is located in or near a wetland, a representative of the Vermont Wetlands Office should be contacted. A site visit will often be necessary. The National Wetlands Inventory maps are available in all town offices and from the Wetlands Office. They show the general location of 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: Wetlands Office – 802-828-1115

Rare, Threatened and Endangered Species Considerations (*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: Vermont Natural Heritage Information Project - 241-3700

Fish and Wildlife Considerations

Requires approval 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: District Fish and Wildlife Office:

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|----------------|----------|---------------|----------|
| Barre | 476-0199 | Rutland | 786-0040 |
| Essex Junction | 878-1564 | St. Johnsbury | 751-0100 |
| Roxbury | 485-7566 | Springfield | 885-8855 |

US Army Corps of Engineers Regulations

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

Contact: Ms. Martha Abair, Senior Project Manager
8 Carmichael St, Essex Jct
872-2893

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 and the Division for Historic Preservation at 828-3226, etc. In addition, construction work that results in downstream turbidity and sedimentation could be a violation of Vermont Water Quality Standards (241-3777). Appropriate soil erosion prevention measures should be used to prevent such violations.

ADDITIONAL ASSISTANCE

The U.S. Department of Agriculture, 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:

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|-------------|----------|------------------|----------|
| Berlin | 828-4493 | Rutland | 775-8034 |
| Brattleboro | 254-9766 | St. Albans | 527-1296 |
| Colchester | 951-6796 | St. Johnsbury | 748-2641 |
| Middlebury | 388-6748 | White River Jct. | 295-7942 |
| Montpelier | 826-6080 | Williston | 865-7895 |
| Morrisville | 888-4935 | | |
| Newport | 334-6090 | | |

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
Colchester VT, 05446-5933
656-2990, toll free in VT: 1-866-622-2990
or your County Extension Office listed under *University of Vermont Extension Service*
in the white pages of your local telephone book.

For more information, visit the Watershed Management Division website at:

<https://dec.vermont.gov/watershed>