

# Administrative Procedures – Proposed Rule Filing

**Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” (CVR 04-000-001) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

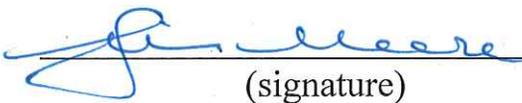
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**PLEASE REMOVE ANY COVERSHEET OR FORM NOT  
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

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**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Vermont Wetland Rules**

 \_\_\_\_\_, on 04/29/17  
(signature) (date)

Printed Name and Title:  
Julie Moore, Secretary  
Vermont Agency of Natural Resources

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed

1. TITLE OF RULE FILING:

**Vermont Wetland Rules**

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Laura Lapierre

Agency: Agency of Natural Resources

Mailing Address: Main Building, 2<sup>nd</sup> Floor, One National Life Drive, Montpelier, VT 05620-3522

Telephone: 802 490 - 6177 Fax: 802 828 - 1544

E-Mail: laura.lapierre@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://dec.vermont.gov/watershed/laws#Rulemaking>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Hannah Smith

Agency: Agency of Natural Resources

Mailing Address: One National Life Drive, Davis 2 Montpelier, VT 05620-3802

Telephone: 802 461 - 0818 Fax: 802 828 - 1544

E-Mail: hannah.smith@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

10 V.S.A. 905b(18)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The Department of Environmental Conservation, within the Agency of Natural Resources, is given explicit authority in 10 V.S.A. 905b(18) to adopt rules to address the identification, classification, and protection of wetlands in the state.

8. CONCISE SUMMARY (150 WORDS OR LESS):

This rule amendment proposes to classify the Beaver Meadows Wetland Complex, in Ripton Vermont, as a Class I wetland. The proposed Class I change appears in Appendix A of the Rule.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

Vermont statute mandates that the Vermont Department of Environmental Conservation identify and propose wetlands to be classified as Class I. Class I wetlands are those wetlands that the Secretary, based upon an evaluation of the extent to which the wetland serves the functions and values set forth in subdivision 905b(18)(A) of Vermont title 10, determines are exceptional or irreplaceable in their contribution to Vermont's natural heritage and, therefore, merit the highest level of protection. The Beaver Meadows Wetland Complex has been determined to have functions and values that make it an exceptional and irreplaceable wetland, and the complex should be afforded the highest level of protection available under Vermont Statute and the Vermont Wetland Rules.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The designation of Class I wetlands is a statutorily-authorized function of the Agency of Natural Resources. Wetlands are selected to be classified as Class I based on an extensive assessment of the functions and values they serve. Evaluation of the significance of the Beaver Meadows Wetland Complex was initiated after the Agency received a petition from the Ripton Conservation Commission. The Beaver Meadows Wetland Complex was determined to provide all ten functions listed in state statute and Section 5 of the Vermont Wetland Rules, and was determined to be irreplaceable in its contribution to water storage for flood and stormwater, exemplary

wetland natural communities, and education and research in natural science.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Landowners, including individuals, organizations, and state agencies, with property adjacent to the proposed Class I wetlands.

Potentially engineers, designers, consultants, developers, and contractors who are hired to design and build structures on property adjacent to the proposed Class I wetlands and their buffers.

The public at large, with an interest in wetland integrity, water quality, Vermont natural communities, and outdoor educational and recreational opportunities.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The designation of a new Class I wetland that provides exemplary water storage through both storage and dispersion via evaporation and transpiration will protect water quality and flood storage in a state where poor water quality and flooding events have harmed the state economy. Flood storage also provides economic benefit by reducing the public safety risks associated with flooding, and reducing damage to public and private property caused by flooding events. The Beaver Meadows wetland complex is a headwater wetland with large amounts of microtopography and springs that protect and enhance surface and groundwater quality, enhancing Vermont's investment in water quality protection. The wetland complex also provides economic benefits through recreational and educational opportunities, including access to recreational trails. The wetland complex is within the Green Mountain National Forest, so no economic impact to private landowners is anticipated.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Proposed Rule Coversheet

Date:

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Wetlands

Vermont Wetland Rules

Beaver Meadows

Class I

Water Quality

Ripton

Green Mountain National Forest

Bog

Marsh

swamp