

**Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Watershed Management Division**

**Class I Determination Rulemaking Decision  
Issued Pursuant to Section 7 of the Vermont Wetland Rules**

In the matter of:

Vermont Natural Resources Council

**Petition for the reclassification of the LaPlatte River Marsh Complex from Class II to Class I with a 100-foot buffer zone.**

Located north of Harbor Road and west of Route 7; and east of Route 7 and Falls Road,  
Shelburne, Vermont

File #: 2016-699

The Secretary may, upon a petition or on his or her own motion, determine whether any wetland is a Class I wetland, pursuant to 29 V.S.A. § 410. The Secretary may establish the necessary width of a buffer zone of any Class I wetland as part of any wetland determination pursuant to the Rules. Section 4.2 of the VWR

As required under 29 V.S.A. § 410 and Section 7 VWR, this wetland determination is based on an evaluation of the extent to which the wetland serves the functions and values of Rules, is **exceptional or irreplaceable in its contribution to Vermont's natural heritage** and, therefore, merits the highest level of protection. Public notice of this wetland determination has been given in accordance with Section 8.3 of the VWR.

**Petition**

1. A complete petition was received from the Vermont Natural Resources Council for a Wetland Determination 2016-699 on 5/25/2017. The Wetland Determination was put on notice from 7/11/2017 until 9/13/2017.
2. The subject wetland is located along the shores of the lower reaches of the LaPlatte River north of Harbor Road, west of Route 7 and extends to its confluence with Lake Champlain. It also extends east of Route 7 and Falls Road. A map showing the location of the Class I wetland is attached.
3. The complex is approximately 276 acres in size and consists of a mosaic of wetland types. Examples of natural communities include wet clayplain forest; silver maple-sensitive fern riverine floodplain forest; lakeside floodplain forest; cattail marsh; wet sand-over-clay forest; alder swamp; shallow emergent marsh; buttonbush swamp; deep bulrush marsh; black ash seepage swamp; and river mud shore. The LaPlatte River and McCabe's Brook

serve as the complex's main hydrological influence, and the wetland also receives flooding from Lake Champlain when lake levels are high.

4. Wetland Program staff conducted a site visit to the wetland on 8/16/2013.

The wetland in question is currently identified as a Class II wetland on the Vermont Significant Wetlands Inventory (VSWI) map. The petition is to reclassify this wetland from Class II to Class I, and to update the VSWI map to define the general location of the Class I wetland.

5. Public comments were received from during the public comment period. A responsiveness summary which includes a summary of comments and Agency responses is provided as an attachment.

### **Findings**

As required by 10 V.S.A. § 914 and Section 8 of the VWR, this wetland determination is based on an evaluation of the functions and values of the subject wetland as described in Section 5 of the VWR. Section 5 provides that in evaluating whether a wetland is a Class II or a Class I wetland, the Secretary shall evaluate the functions that the wetland serves both as a discrete wetland and in conjunction with other wetlands by considering detailed functional criteria. Consideration shall be given to the number of and/or extent to which protected functions and values are provided by a wetland or wetland complex.

1. The protected functions of the subject wetland include the following: water storage for flood water and storm runoff as described in Section 5.1 of the VWR; surface and groundwater protection (Section 5.2); fisheries habitat (Section 5.3); wildlife and migratory bird habitat (Section 5.4); exemplary wetland natural community (Section 5.5); rare, threatened and endangered species habitat (Section 5.6); education and research in natural science (Section 5.7); recreational value and economic benefits (Section 5.8); open space and aesthetics (Section 5.9); and erosion control through binding and stabilizing the soil (Section 5.10).
2. The following protected functions are considered exemplary or irreplaceable: water storage for flood water and storm runoff as described in Section 5.1 of the VWR; surface and groundwater protection (Section 5.2); fisheries habitat (Section 5.3); wildlife and migratory bird habitat (Section 5.4); exemplary wetland natural community (Section 5.5); rare, threatened and endangered species habitat (Section 5.6); education and research in natural science (Section 5.7); recreational value and economic benefits (Section 5.8); and erosion control through binding and stabilizing the soil (Section 5.10).
3. **Water Storage for Flood Water and Storm Runoff**

Wetlands that provide for the temporary storage of floodwater or stormwater runoff to the extent that they make an important contribution to reducing risks to public safety, reducing damage to public or private property reducing downstream erosion or enhancing the stability of habitat for aquatic life are significant wetlands.

The wetland is significant for the water storage for flood water and storm runoff function as demonstrated in Section 15 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River Marsh is approximately 267 acres in size and is an assortment of different natural wetland community types, including floodplain forests, deep and shallow emergent marshes, and scrub-shrub swamps. The wetland complex has physical space for floodwater storage and dense, persistent and woody vegetation that slows down floodwaters and stormwater runoff, releases it slowly, or facilitates water removal by evaporation and transpiration. The wetlands of the LaPlatte River are crucial for the retention of floodwater that otherwise would flow into Lake Champlain. According to the petitioner, the complex also has the capacity to store flood backwaters from Lake Champlain during major storm events such as Tropical Storm Irene in 2011 where water levels at the Shelburne Bay access were over 102 feet. The wetlands immediately upstream of Lake Champlain function to slow down floodwaters to lakeshore properties that have historically experienced flooding. The petitioner included a map that shows the available storage volumes in the wetland complex at a series of Lake Levels (Medalie and Olson, 2013).

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the storage of floodwater and storm water runoff.

#### **4. Surface and Ground Water Protection**

Wetlands that make an important contribution to the protection or enhancement of the quality of surface or of ground water are significant wetlands.

The wetland is significant for the surface and ground water function as demonstrated in Section 16 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River is the largest watershed draining into Shelburne Bay, and the Bay is the drinking water source for thousands of Chittenden County residents, which makes the wetland complex critical for water quality protection. According to the petitioner, Lake Champlain saw an all-time high of phosphorus loading between April and June 2011 (Medalie and Olson, 2013), and phosphorus levels continue to rise in Shelburne Bay. The wetlands of the LaPlatte help to ameliorate phosphorus loading and other pollutant input because the complex is significant in size and contains a variety of wetland natural community types that provide microtopography, which acts as a natural filter between surface and groundwater and adjacent land uses. The surrounding landscape is a mix of commercial and residential development, roads, and agricultural operations that contribute both point and nonpoint sources of pollution, and the wetlands of the LaPlatte are the last line of defense for water quality protection before waters reach Lake Champlain.

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the surface and groundwater protection function.

#### **5. Fish Habitat**

Wetlands that are used for spawning by northern pike or that are important for providing fish habitat are significant wetlands.

The wetland is significant for the water storage for the fish habitat function as demonstrated in Section 17 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River Marsh wetlands and its diversity of floodplain forests, shrub swamps, and deep and shallow marshes provide essential spawning, nursery, feeding and cover habitat for many different fish species. The wetlands provide food resources such as terrestrial insects and macroinvertebrates, overhanging vegetation and undercut banks that provide cover and shading, and streambank stability. According to the petitioner, there are 23 fish species identified in the LaPlatte from a recent survey (Biodrawiversity, 2016).

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the fish habitat function.

## 6. **Wildlife Habitat**

Wetlands that support a significant number of breeding waterfowl, including all Vermont species of ducks and geese, or broods of waterfowl or that provide important habitat for other wildlife and migratory birds are significant wetlands.

The wetland is significant for the wildlife habitat function as demonstrated in Section 18 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River Marsh wetland complex is host to an incredible variety of wildlife, including waterfowl, songbirds, shorebirds, reptiles, amphibians, and mammals. It serves as a “hot spot” in biodiversity and is critically important for wildlife movement through a developed landscape. These wetlands provide the habitat structure and horizontal interspersions that are ideal for many wildlife species in order to breed, feed, and thrive. The wetlands comprise open water habitat, river shores, deep and shallow marshes, floating-leaved aquatic habitat, shrub swamps, early successional forests and mature forests. The wetland’s position in the landscape being adjacent to Lake Champlain allows for many species to use the lake. The wetlands along the LaPlatte have more than 50% of the adjacent upland as undeveloped which provides a wetland-upland interface for many species that use the area.

The wetlands provide feeding, breeding, and nesting habitat for many different species of waterfowl, shorebirds, raptors, and songbirds. According to the petitioner, The Nature Conservancy (TNC) has documented 204 bird species within the complex and adjacent uplands (TNC, 2003). Waterfowl species that nest in the wetlands include mallard, wood duck, Canada goose, and common merganser. Cormorants and grebes have been documented within the wetlands. Shorebirds including yellowlegs, killdeer, 3 species of plover and 8 species of sandpiper use the wetlands as a food source. The American bittern, American woodcock, common snipe, black-crowned night heron and great blue heron spend most of the life cycles in these wetlands and can be found in the deep and shallow emergent

marshes. Raptor species such as osprey, bald eagle, northern harrier, American kestrel, merlin, peregrine falcon use the wetlands for hunting, and in some cases, nesting.

According to the petitioner, the Vermont Herp Atlas has documented a wide variety of reptile and amphibian species within the complex. Frog species include northern leopard frog, spring peeper, bullfrog, and green frog. Frog species that have been documented to breed in these wetlands include the gray tree frog, wood frog, and American toad. Salamander species such as the spotted salamander, eastern newt, the uncommon blue-spotted salamander, and the rare four-toed salamander have also been documented in the LaPlatte River Marsh wetland complex. Snapping turtles and painted turtles are common within the marshes, and the wood turtle and map turtle, both uncommon species, have been documented in the complex. Snake species that have been found within the wetlands include the milk snake, garter snake, and ring-necked snake. The petitioner stated that “other species may be present but have not yet been documented including the Northern dusky salamander, Northern two-lined salamander, the rare mudpuppy, pickerel frog, the rare Eastern musk turtle, and the uncommon Northern watersnake (J. Andrews, personal communication, 12-8-2016)”.

Wetland-dependent mammals, such as beaver, otter, muskrat, and mink flourish within the complex and use the wetlands for feeding, breeding, and lodging. Evidence of these mammals is common through the wetlands- lodges and dams can be seen within the marshes and in the river, and mink and otter tracks along the muddy shores of the LaPlatte.

The LaPlatte River Marsh Complex is critically important as a wildlife corridor and its connection to associated upland habitats plays additional important roles in wildlife function. Below is an excerpt from John Austin’s (VT Fish & Wildlife Department) narrative of the wildlife functions the LaPlatte River Marsh wetland complex plays at the landscape level:

*“The assemblage of cattail marsh, deep rush marsh, button bush swamp and floodplain forests provide outstanding habitat for all the wetland dependent wildlife... These habitat conditions occur on a relatively large scale in this wetland system and as such, are considered unique and irreplaceable within the Lake Champlain basin. In addition, the connection to associated upland habitats around the wetland also supports these same wildlife functions by providing a protective buffer from surrounding development and agriculture, as well as other necessary habitat conditions such as cover and denning habitat for wide-ranging bobcat, and critical winter habitat for white-tailed deer (*Odocoileus virginianus*) (softwood cover within and around the wetland is mapped as deer winter habitat). Maintaining the interconnectedness of the wetlands to the remaining upland habitat is essential for supporting the wildlife functions. Relatedly, the proposed 100-foot buffer for the reclassification of the wetland is an absolute minimum distance to ensure the integrity of these sensitive wetland functions that transcend the boundary of the wetland itself.”*

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the wildlife function.

## 7. **Exemplary Wetland Natural Community**

Wetlands that make an important contribution to Vermont's natural heritage are significant wetlands. These include wetlands that are identified as high quality examples of one of Vermont's recognized natural community types.

The wetland is significant for the exemplary wetland natural community function as demonstrated in Section 19 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River Marsh wetland complex is composed of 14 wetland natural community types as identified and mapped by the Vermont Natural Heritage Program (NHP) (Sorenson et al. 2016). These communities include Lakeside Floodplain Forest, Silver Maple- Sensitive Fern Riverine Floodplain Forest, Sugar Maple-Ostrich Fern Riverine Floodplain Forest, Wet Sand-Over-Clay Forest, Alder Swamp, Buttonbush Swamp, Cattail Marsh, Deep Broadleaf Marsh, Shallow Emergent Marsh, Sedge Meadow, Seep, Vernal Pool, and River Mud Shore.

The 5-acre Buttonbush Swamp within the complex is an A-ranked example of this rare (S2) natural community type and considered state significant (Sorenson et al. 2016). The Deep Bulrush Marsh, although a common wetland community, occupies 28 acres of the deeper areas along the lower section of the LaPlatte River and McCabes Brook. The size of this community makes it state significant (Sorenson et al. 2016). Along the LaPlatte is an area of a River Mud Shore Community that stretches approximately 0.65 miles in length, and is an A-ranked example of this uncommon (S3) natural community type, and is thus state significant (Sorenson et al. 2016). The Floodplain Forest natural community types, once extensive, have suffered a dramatic loss of extent due to agricultural and lakeside development conversions, and the Floodplain Forests adjacent to the LaPlatte are representative examples of these uncommon (S3) communities. The Silver Maple-Sensitive Fern Riverine Floodplain Forest is an A-ranked example because it is 62 acres in size and is of high quality. The Lakeside Floodplain Forest within the complex is 24 acres and relatively undisturbed, and "is one of the most significant natural communities in the LaPlatte Marsh" (Sorenson et al. 2016).

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the exemplary wetland natural community function.

## 8. **Rare, Threatened, and Endangered Species Habitat**

Wetlands that contain rare, threatened, or endangered species of plants or animals are significant wetlands.

The wetland is significant for the rare, threatened and endangered species habitat function as demonstrated in Section 20 of the petition and as confirmed through a site visit by Agency staff.

The varied assortment of wetland types within the LaPlatte River Marsh is home to 22 different rare, threatened, or endangered plant and animals. This is broken down to 13 plant species, 2 fish species, and 7 animal species.

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for the rare, threatened, or endangered species habitat function.

## 9. **Education and Research in Natural Sciences**

Wetlands that provide, or are likely to provide valuable resources for education or scientific research are significant wetlands.

The wetland is significant for the education and research in natural sciences function as demonstrated in Section 21 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River Marsh's mosaic of wetland types and abundance of outstanding wildlife has attracted academic researchers and educators for decades. The wetland complex is located in Chittenden County in close proximity to many schools including the University of Vermont (UVM). Undergraduate and graduate students from UVM have worked within the wetlands for research projects and assessments for many years. The wetland complex has also been an educational opportunity for several non-profit organizations in promoting the significance of wetland ecosystem functions. The LaPlatte River Marsh Natural Area was established in 1977 and is a 245-acre property owned by The Nature Conservancy (TNC), a non-profit organization dedicated to "secure clean water for both wildlife and people". This preserve has a 2.5-mile-long interpretive trail along the LaPlatte and McCabe Brook wetlands. Additionally, another non-profit organization known as the LaPlatte Watershed Partnership (LWP) has a mission to learn and disseminate information about the LaPlatte River, its tributaries, and the watershed.

The LaPlatte River Marsh wetland complex is exceptional for education and research in natural sciences.

## 10. **Recreational Value and Economic Benefits**

Wetlands that provide substantial recreational values or economic benefits are significant wetlands.

The wetland is significant for the recreational value and economic benefits function as demonstrated in Section 22 of the petition and as confirmed through a site visit by Agency staff.

Much of the LaPlatte River Marsh wetlands are either owned by non-profit organizations or the Town of Shelburne. TNC property hosts a 2.5-mile trail system through the wetlands and uplands that are publicly accessible. The Town owns portions of the wetlands along the east and west sides of Route 7, in which there is ADA-accessible recreational trail on the west

side of Route 7. On the east side of Route 7, the Town owns and maintains the 145-acre LaPlatte River Nature Park that hosts a large recreational trail network.

The LaPlatte River itself is accessible via the Shelburne Public Launch Access, in which the public can explore the wetlands by paddling. This allows access to most of the northern portion of the wetland, especially during times of high water. There are also fishing and hunting opportunities.

The LaPlatte River Marsh wetland complex is exceptional for the recreational value and economic benefits function.

#### **11. Open Space and Aesthetics**

Wetlands that contribute substantially to the open-space and aesthetic character of the landscape are significant wetlands.

The wetland is significant for the open space and aesthetics function as demonstrated in Section 23 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatte River floodplain forests, shrub swamps, and marshes are distinguished features in an otherwise developed landscape as the river meanders towards its confluence with Lake Champlain. The system's wetland features are readily observable to the public, especially along Bay Road where the LaPlatte River empties into Shelburne Bay, and from the various recreational trail networks that wind in and around the wetlands.

According to the petitioner, the 2016 Shelburne Comprehensive Town Plan identifies the LaPlatte River wetland complex as a Conservation Area district. The Town established the LaPlatte River Conservation Corridor because it contains significant natural features and has been identified on the LaPlatte River Greenway Map.

The LaPlatte River Marsh wetland complex is significant for the open space and aesthetics function.

#### **12. Erosion Control through Binding and Stabilizing Soil**

Wetlands that are important for erosion control are significant wetlands. Such wetlands are typically located along stream, river, pond or lake shorelines, where erosive forces are present.

The wetland is significant for the erosion control through binding and stabilizing soil function as demonstrated in Section 24 of the petition and as confirmed through a site visit by Agency staff.

The LaPlatter River's lower reaches are dominated by floodplain forests, shrub swamps, and emergent marshes. The dense vegetation associated with these different wetland types provide shoreline stability by slowing down high velocity surface waters and reducing erosion.



According to the Petitioner, Phase 2 Stream Geomorphic Assessments were conducted by the Lewis Creek Association in 2011. This study revealed significant erosion occurring in upstream reaches of the LaPlatte River from reduced riparian buffer widths. Lack of sufficient buffers resulted in a reduction in channel resistance and increased erosion. This has led to sediment and nutrient loading of the system and deposition in downstream reaches. Little erosion was documented in the lower reaches, where the large riparian and wetland buffers stabilized the shoreline.

The stability of the LaPlatte shoreline due to the adjacent wetlands is critical for the water quality protection of Shelburne Bay. The large wetland complex along the lower reaches of the LaPlatte acts as a sediment trap from upper reaches, and are reducing the amount of sediment and phosphorus that could be potentially reaching Lake Champlain.

The LaPlatte River Marsh wetland complex is exceptional and irreplaceable for erosion control through binding and stabilizing the soil.

The Secretary shall also determine whether the wetland is exceptional or irreplaceable based on an evaluation of the extent to which the wetland contributes to Vermont's natural heritage. In determining whether a wetland is exceptional and/or irreplaceable in its contribution to Vermont's natural heritage the Secretary shall, at a minimum, consider the whether the wetland is categorized as one or more of the following:

13. The exceptional or irreplaceable characteristics of the wetland include the following: Community Assemblage/Wetland Complex; and Landscape Association.

14. **Community Assemblage/Wetland Complex**

Wetlands that are considered exceptional for this criteria are larger wetland complexes usually associated with, multiple wetland community types and bodies of water, which have high species diversity and function. These provide exceptional function and value.

The LaPlatte River Marsh wetland complex is a 267-acre complex that hosts an assemblage of natural community types, all closely integrated due to the hydrology of the system, its geographic position, and various wetland functions. The wetlands comprise the shores of the LaPlatte River, its tributary McCabe's Brook, and the LaPlatte's confluence with Lake Champlain. These waterbodies and resulting hydrologic regimes influence the surrounding wetland types and bind them together. Factors such as the distance from these waterbodies and topographic variations in the landscape result in hydrological differences that give rise to 14 different wetland community types. These communities include Alder Swamp, Buttonbush Swamp, Cattail Marsh, Deep Broadleaf Marsh, River Mud Shore, Sedge Meadow, Seep, Shallow Emergent Marsh, Vernal Pool, Wet Sand-Over-Clay Forest, two types of Clayplain Forest, and three types of Floodplain Forest. The Lakeside, Silver Maple-Sensitive Fern, and Sugar Maple-Ostrich Fern Riverine Floodplain Forests; Buttonbush Swamp; Deep Bulrush Marsh; River Mud Shore; and Clayplain Forests have been identified

by the Natural Heritage Program as state significant examples of their type. The great variety of wetland types existing next to the LaPlatte River, McCabe's Brook, and Lake Champlain result in outstanding wildlife habitat, especially for a natural system existing in the most developed area of the state. According to the petitioner, The Nature Conservancy has documented the wetlands are home to 20 species of mammals, 60 species of birds, and 50 species of fish, reptiles, and amphibians (TNC 2013).

**15. Landscape Association**

These wetlands are irreplaceable because of the critical nature of their landscape position, and the corresponding functions in that landscape. They are often exceptional because of their size, function and value.

The LaPlatte River Marsh wetland complex is approximately 267 acres in size and is comprised of 14 different wetland natural community types, and is located along the shorelines of the LaPlatte River, McCabe's Brook, and Lake Champlain. Due in part to its landscape position it is significant for all ten of the listed functions and values defined in the Vermont Wetland Rules. Out of those ten functions, it is exceptional and/or irreplaceable in nine of those functions. The wetland system's association with the LaPlatte River and McCabes Brook makes it extremely important for flood storage, water quality protection, erosion control, and fish habitat. The mosaic of wetland communities creates extraordinary wildlife habitat, and are home to 22 different rare, threatened, or endangered plant and animal populations. The wetlands extend to the mouth of the LaPlatte and exist at the confluence with Lake Champlain, where it provides water quality protection to the Lake and drinking water for thousands of Chittenden County residents. Additionally, the convergence of the LaPlatte River with Shelburne Bay enhances wetland values of aesthetics, education and research, and recreation. The wetlands are critical to the health of Lake Champlain, which in turn influence tourism and other economic drivers, and thus the protection of this wetland system is crucial.

In addition to the above criteria, when determining whether a wetland is exceptional and/or irreplaceable in its contribution to Vermont's natural heritage the Secretary may also consider the following qualities, functions and values that would contribute to a wetland being exceptional and irreplaceable:

**16. Rare, Threatened, or Endangered Species**

The wetland is a diverse mosaic of habitats that are home to 22 different rare, threatened, or endangered plant and animal populations. This includes 13 plant species, 2 fish species, 4 freshwater mussel species, and one each of an insect, bird, and amphibian species.

**17. Connectivity**

This factor includes those wetlands that serve as important wildlife or waterfowl corridors, connecting natural areas and/or serving in migration.

The wetland is exceptionally significant as critical wildlife habitat for migrating waterfowl and is both a wildlife and waterfowl connecting corridor. Below is an excerpt from a narrative of the LaPlatte River Marsh wildlife functions written by John Austin of the Vermont Fish and Wildlife Department:

*“From a landscape perspective, the lower LaPlatte River wetland complex provides the only area of intact forest cover (in this case associated with a wetland system) between Shelburne Pond and Lake Champlain. Surrounded by commercial, residential, transportation development and agriculture, this area provides a critical network of upland and wetland habitat that supports both wetland-dependent and other wildlife. Bobcat (*Lynx rufus*) are a wide-ranging carnivore that typically avoid human disturbance. However, bobcat are known to routinely utilize the LaPlatte River wetland complex as refugia from surrounding development and as important feeding habitat providing ready access to an abundance of small prey species such as Eastern cottontail (*Sylvilagus floridanus*). Recent research conducted by the Vermont Fish and Wildlife Department and the University of Vermont confirms this understanding and found that bobcats use the LaPlatte River corridor up to Shelburne Falls and beyond as a means of accessing this important area of feeding habitat. It is unlikely that bobcat would occur in this area of Shelburne without the wetland/upland complex of the lower LaPlatte River. This highlights one of several important wildlife functions supported by the wetland complex that has landscape level implications. Other examples include use of the river and wetland system by river otter (*Lontra Canadensis*), mink (*Mustela vison*), and beaver (*Castor Canadensis*), all of which are species that move long distances to meet their life requisites and use the area proposed for reclassification as core habitat for feeding, refuge, movement, and reproduction. Other species that are less directly associated with wetland habitat, but are known to use the area include red fox (*Vulpes Vulpes*) and coyote (*Canis latrans*). Muskrat, although not considered wide-ranging, are most certainly wetland dependent and rely on the marsh habitats of this system for survival.”*

Mr. John Austin’s narrative titled “LaPlatte River Wetland Complex: Wildlife Functions” is attached to this determination.

### **Determination of Wetland Classification**

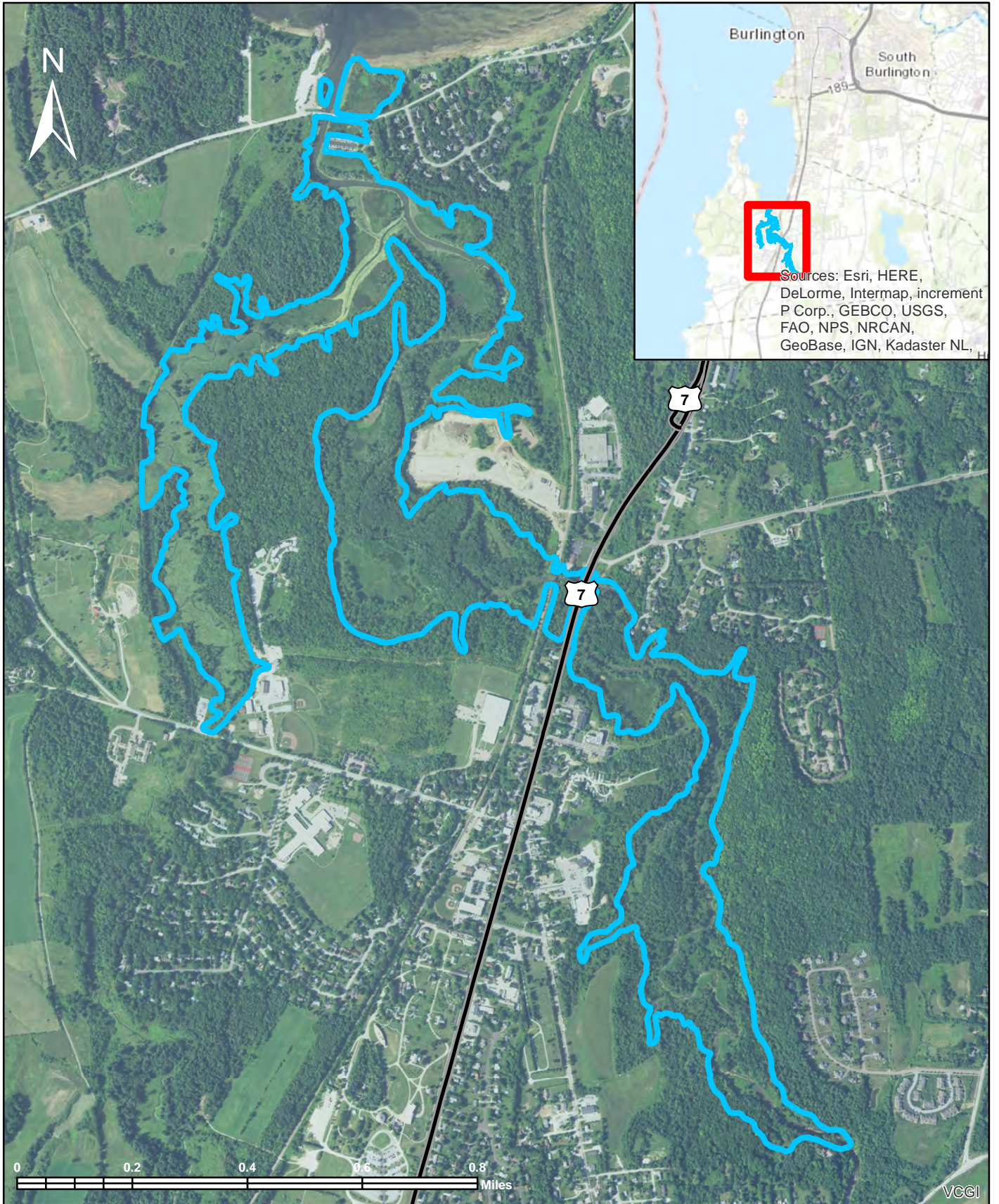
Based on the petition, information obtained during a site visit by Wetlands Program staff on, comments received during the public notice period and an evaluation of the functions and values of the wetland and the natural heritage value of the wetland, the Secretary has determined that the wetland under consideration is a Class I wetland and will initiate rule making.

### **Effect of Class I Wetland Determination**

Activity in a Class I wetland or its associated buffer zone is prohibited unless it is an allowed use under the VWR, or unless it is authorized by a permit, conditional use determination or order issued by the Secretary. The Secretary may impose any permit conditions as necessary to achieve the purposes of the VWR. Section 9.1 of the VWR. This Determination does not relieve the petitioner or any other person of the responsibility to comply with all other applicable federal, state or local laws.

Date: December 22, 2017





Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,

Proposed Mapping of Class I Wetland  
LaPlatte Wetland, Shelburne Vermont



VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**WATERSHED MANAGEMENT DIVISION**  
WETLANDS PROGRAM