



2017 Vermont Wetland Rules



An overview of changes
(Callers, please mute your mics)



Presented by: Laura Lapierre, Wetlands Program Manager,
March 13, 2017

Changes to the Vermont Wetland Rules (VWR)



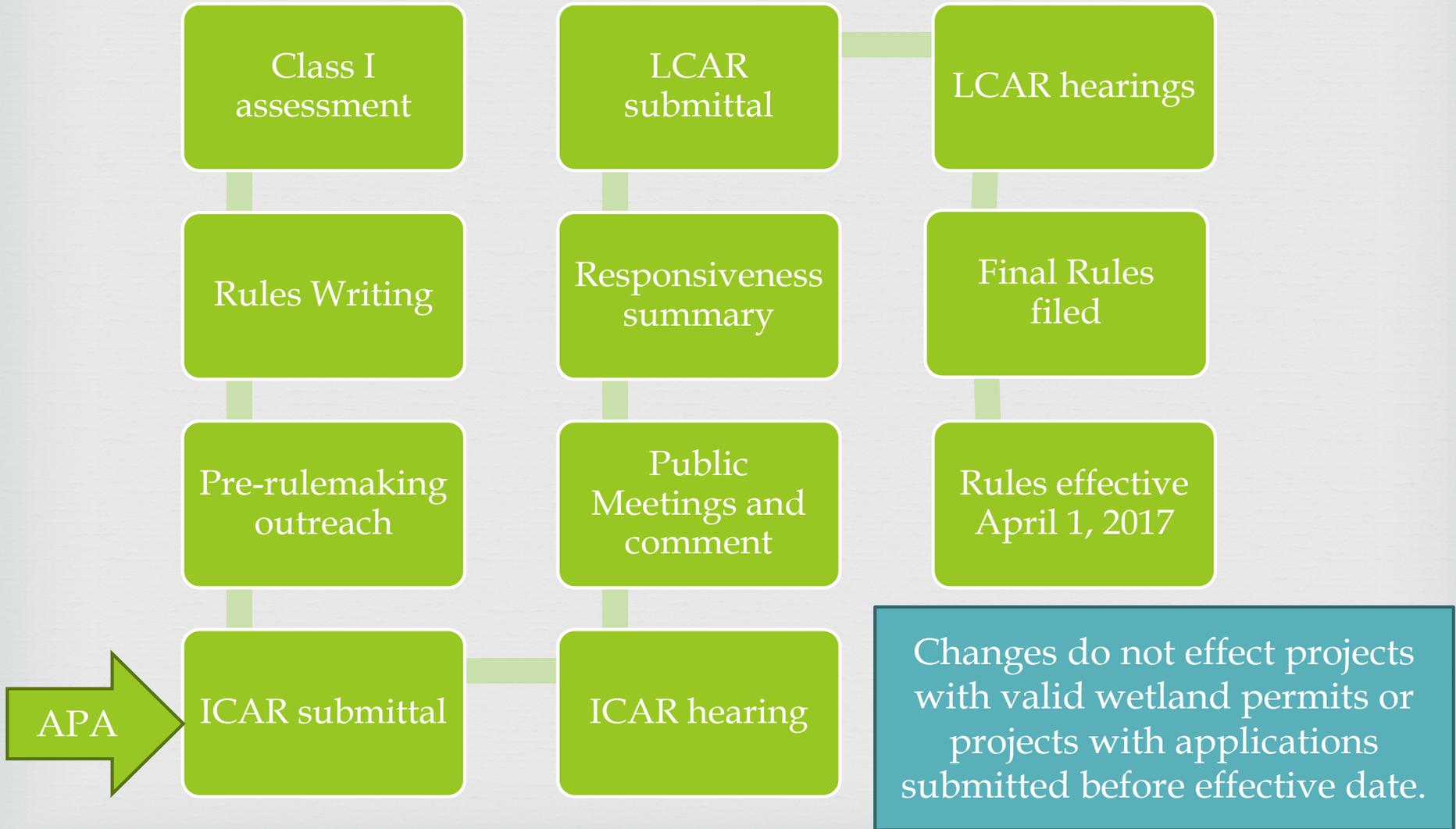
2017 VWR:

- ❧ “Housekeeping”
- ❧ Water Resources Panel Removal
- ❧ Act 150 – Application Notice changes
- ❧ Class I wetland additions

(anticipated) 2019 VWR:

- ❧ Comprehensive rule change to improve clarity, efficiency, and protection.
- ❧ Currently gathering stakeholder feedback
- ❧ Will be writing amendments this summer

2017 Rule Changing Process



Water Resources Panel



- Act 138 of 2012 transferred wetland rulemaking authority from the Natural Resources Board's Water Resources Panel to the DEC.
- from 2012-2017: Panel = ANR Secretary
- Now: ~~Panel~~ Secretary
- Other Statutes updated

Class I Wetlands



- ❧ Vermont has a three tier system for wetland management: Class III, Class II, Class I
- ❧ Class I wetlands receive the highest protection
- ❧ Allowed uses still apply for Class I wetlands
- ❧ Permitting activities within the Class I wetland can only occur if activity is meeting a compelling need for public health or safety
- ❧ Permitting activities within the Class I buffer is much like Class II permitting



- Legend**
- Proposed Map of Buffer Boundary
 - Proposed Map of Wetland Boundary
 - Town Parcels (VCGI)

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

APPENDIX A - Class One Wetlands

This appendix lists those wetlands that have been designated as Class I wetlands as provided for in Section 7 of the Vermont Wetland Rules. The relative locations of these wetlands are depicted on the Vermont Significant Wetlands Inventory maps.

Addison County

NONE

Bennington County

Dorset Marsh, Dorset, (43.23793, -73.09057), Established April 22, 1992, Wetland file 1990-03. The wetland buffer extends 100 feet from the delineated wetland boundary.

Caledonia County

NONE

Chittenden County

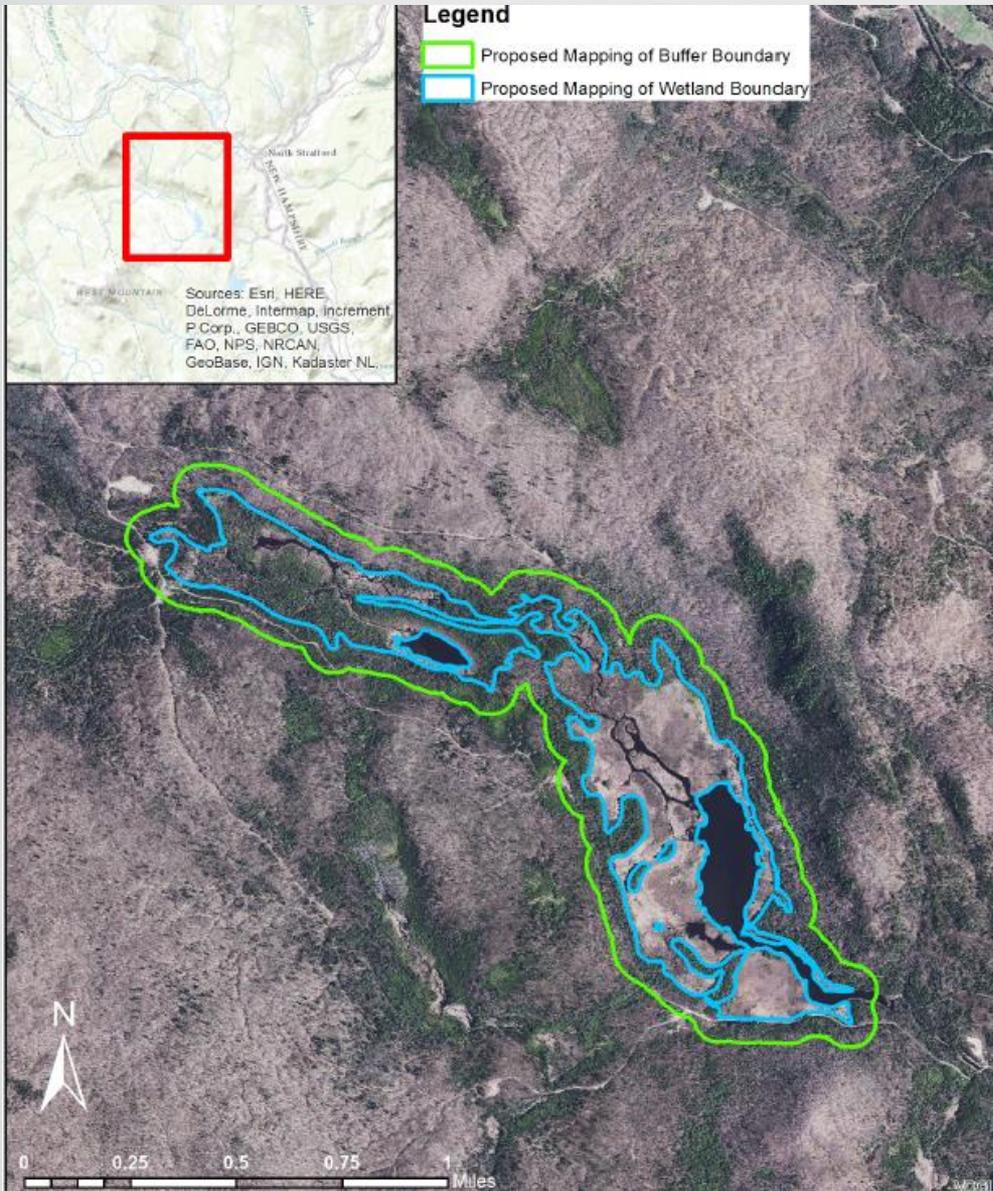
Northshore Wetland, Burlington, (44.52465, -73.27132) Established September 18, 2009, Wetland file 2000-03. The wetland buffer extends 300 feet from the delineated wetland boundary except where the easterly side of such buffer would encroach upon the City of Burlington recreational path, in which areas the buffer shall extend from the delineated boundary parallel to, and 25 feet westerly from, the centerline of the City of Burlington recreational path as it existed September 18, 2000.

Sandbar Wetlands, Colchester and Milton, (44.61165, -73.23203 and; 44.62095, -73.23306). Established in 2017, Wetland file 2016-346. The wetland buffer extends 100 feet from the delineated wetland boundary.

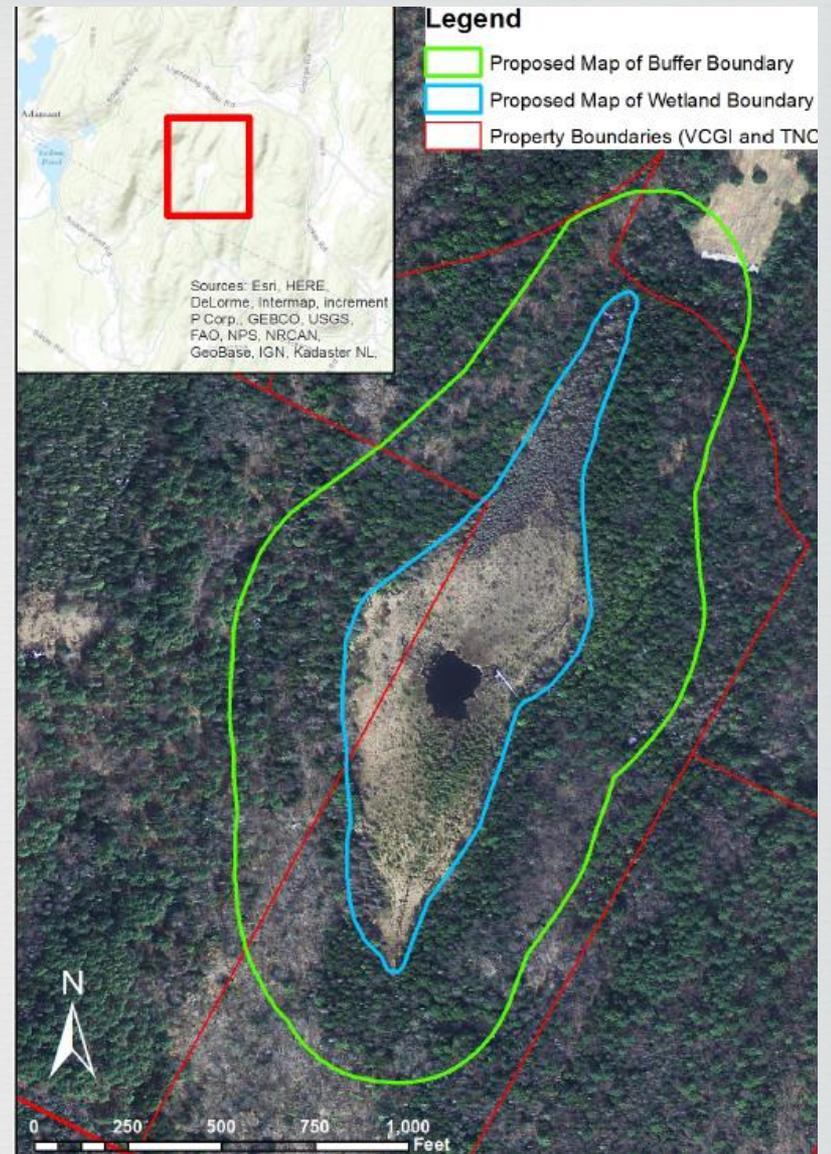


Sandbar Wetlands

Dennis Pond Wetlands



Chickering Fen



Determination Petition Form



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WETLAND PERMIT INFORMATION

Any activity within a Class I or II wetland or buffer zone which is not exempt or considered an "allowed use" under the [Vermont Wetland Rules](#) requires a permit. In order to obtain a permit, an applicant must show that they are unable to perform the activity outside of the wetland or buffer zone and that they are not lowering the quality of the wetland's protected functions and values. Wetland permit applications take 3-6 months to review dependent on the complexity of the project and completeness of the application. Applicants must plan accordingly. See the links below for more permit information.

- [General Permit](#) - The Secretary may issue general permits for discrete categories of Class II wetlands and for discrete categories of activities or uses in accordance with the provisions of this section. Click on the link to view the current general permit and see if your activity applies.
- [Wetland Permit Fees](#) - In 2015 wetland permit application fees were updated. Click on the link to learn the current fee schedule
- [Permit Application Checklist](#) - Use this checklist to help walk through the steps and documents needed in applying for a Vermont wetlands permit.
- [Individual Permit Instructions](#) - Additional instructions and details of the individual permit process.

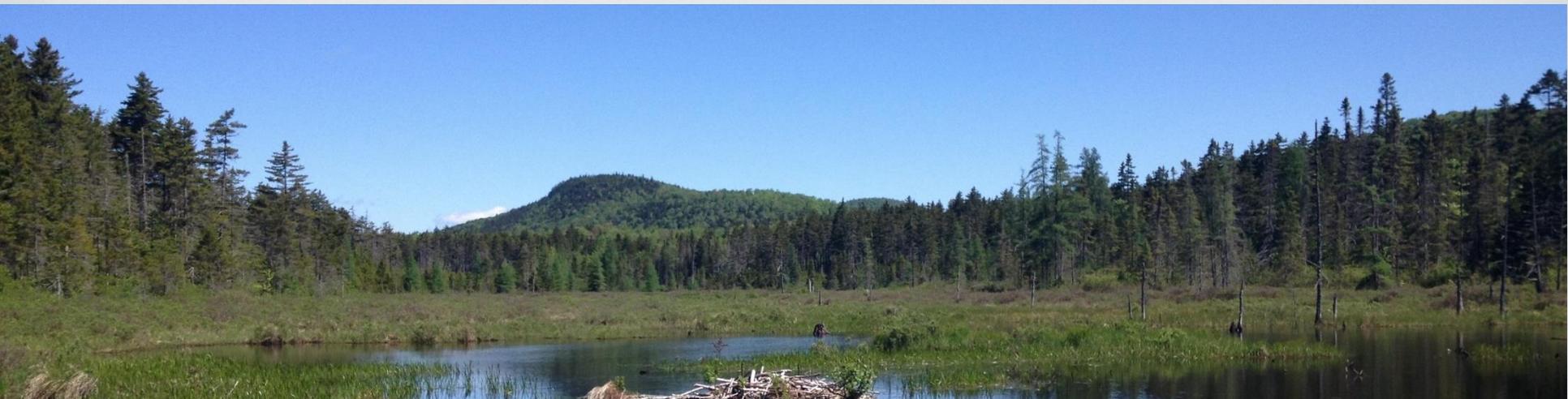
Application Materials:

- [Vermont Individual Permit Application](#)
 - [Vermont Wetlands General Permit NOAI](#)
 - [Permit Application Supplemental Table](#) (download an Excel workbook)
 - [Wetlands Evaluation Form](#) (use for multiple wetland applications)
 - [Determination and Class I Rulemaking Petition Form](#)
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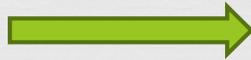
2017 VWR: Notice and Amendments



- œ Initiated by Act 150
- œ Extended comment period(s)
- œ Online notice
- œ Three official amendment types



Permit Application Process



Application Submittal
anr.wsmdwetlands@vermont.gov

Administrative Review
Technical Review

Applicant Distributes
Materials



Public Comment
Period

Review and Response
to Comment

Final Permit Decision
Issued

Act 150



- ☞ An act relating to standardized procedures for permits and approvals issued by the DEC. Signed May 31, 2016. Fully effective Jan. 1, 2018.
- ☞ DEC has until July 1, 2019 to make all rule changes to conform with the new statute.
- ☞ Standardizes noticing, public comment process, and amendments.



Notice Changes



- ❧ For Individual Permits: Notice is to those abutting the parcel where the activity is taking place and all persons owning property within or adjacent to affected wetland. Applicant must send a notice when the application is submitted.
- ❧ Newspaper notices are not required under 150.
- ❧ Individual Permit – 15 day application notice to 30 day notice. The draft permit decisions will also be placed on notice, along with the application.
- ❧ General Permit Authorizations – 10 day to 14 day notice. No notice sent to abutters. Notice is posted online.

Notice Changes Cont...



- ❧ Online notice is posted for the following: application received, application is deemed administratively complete, application is deemed technically complete and decision is drafted, and when decision is issued.
- ❧ Secretary must hold a public meeting whenever a written request is made within 14 days of the start of the draft decision notice period.
- ❧ Reconsideration requests of permit decisions can only be made by persons entitled notice and anyone who filed written comments.

What is the Difference?



Applicants

- ☞ Will now need to notify abutters of application submittal (earlier)
- ☞ Longer notice periods
- ☞ Standardized amendment process
- ☞ Request for a meeting will not extend the notice period

Abutters/Commenters

- ☞ Will know when an application is received
- ☞ Will have a longer comment period
- ☞ Will need to go online to see notices (other than initial applicant notice, for abutters)
- ☞ Will need to request a public meeting within 14 days of a draft decision notice

What Can Be Amended?



- ⌘ Administrative changes – name changes, corrections in spelling etc. No notice period.
- ⌘ Minor amendments – no technical review beyond what is in the original application. 14 day notice period.
- ⌘ Major amendments – anything so long as the project purpose is the same and the changes meet the permitting standards. 30 day notice period (same as IP notice period).

What Cannot Be Amended?



- ⌘ General Permit Authorizations (unless administrative)
- ⌘ Permits issued prior to April 1, 2017, other than administrative



Administrative Amendments



⌘ Typographical Errors

⌘ Permit Transfers (form)

Vermont Wetlands Program Permit Transfer Individual or General Permit	
VWP# <input type="text"/>	Issue Date: <input type="text"/>
Instructions: If construction has not been completed prior to change in ownership, the permit needs to be transferred to the new Permittee. No public notice is required for a permit transfer with no changes to wetland and buffer impacts. Fill out this form and submit it to the address shown below.	
Certification: I (<i>current permittee-print</i>) <input type="text"/> certify that I have not commenced construction of the above referenced permit, or have partially completed work in compliance with the above referenced permit, including filing the permit with the town. I hereby relinquish all rights and responsibilities of the permit to the person(s)/enterprises listed below. <input type="text"/> <input type="text"/> (<i>current permittee signature</i>) (date) Please transfer the above referenced permit to the following new permittee: Company Name: <input type="text"/> Persons Name: <input type="text"/>	

Minor Amendment Qualifications



- ❧ Involve the same delineated wetland area as submitted in original application
- ❧ Are within the same property as original application
- ❧ Consist of no more additional impact
- ❧ Are within the same or lesser cover type in wetland or buffer
- ❧ Activity does not move from a managed area to a natural area
- ❧ Activity does not move to areas with rare, threatened or endangered species habitat or an exemplary wetland natural community
- ❧ Have no further encroachment into wildlife habitat, and
- ❧ Are no closer to surface water bodies

Major Amendment



- ❧ Changes which are more than an administrative or minor amendment
- ❧ Any net increase in wetland impact
- ❧ Any new parcels
- ❧ Any new wetlands impacted
- ❧ Depending on the scope, you may be requested to submit an individual permit application for the amendments

Prevent Amendments



Reduce project delays:

- ☞ Carefully consider your impact areas before submitting an application
- ☞ Show site plans to contractors, when possible, to discuss feasibility
- ☞ Review draft permit conditions – and make comments during the comment period before the permit is issued

Permit Extensions



- ❧ Permits may be extended up to 10 years from the original issuance date *if*: the permittee re-evaluates and re-delineates the wetland resources impacted by the authorized activity and the Secretary determines there will be no impact to current Class I or Class II wetland or buffer beyond those impacts permitted under the original permit.
- ❧ Otherwise the extension would also need a major amendment.
- ❧ Extension form asks for proof of re-evaluations.

Website Updates

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 - Wetland Functions and Values
 - Wetland Maps
 - Learn, Protect, Conserve and Restore
 - Jurisdictional Wetlands and Permitting
 - Allowed Uses and BMPs



Welcome to the Wetlands Program

The Vermont Wetlands Program is responsible for identifying and protecting wetlands and the functions and values they provide by the implementation of the [Vermont Wetland Rules](#). Activities to achieve these goals include education, project review, and enforcement.

UPDATE: It is now past the growing season and wetland characteristics are difficult to see, especially when under snow. Verification of wetland boundaries will need to take place in the spring.

Quick Links

- [Landowner's Guide to Wetlands](#)
- [Search Wetland Permits](#)
- [Wetland Permit Information](#)
- [Wetland Consultant List](#)
- [Wetlands Inventory Map](#)

What's New

- [Vermont Wetlands Rule Amendments - 2017](#)
- [Class I Wetlands](#)
- [2015 Wetland Permit Fees](#)
- [Solar Power Guidance](#)
- [Vermont Wetlands Photo Gallery](#)
- [VT Wetlands Silviculture Guidance](#)

Questions? (type in chat box)



Class I?

Comment period?

?

Minor Amendment?

?

?



Forms?

?

?

Major Amendment?

Act 150?

?

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New Rules Effective April 1, 2017