



Want to help us protect Class I Wetlands?

Here are some ways to get involved:

- Volunteer to distribute outreach materials
- Check the Tactical Basin Plan for your area, and let us know of any potential Class I candidates
- Attend a wetland workshop
- Participate in a public meeting

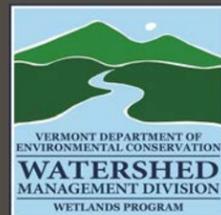
To request info or learn about upcoming opportunities, contact the Vermont Wetlands Program:

Vermont Wetlands Program
1 National Life Drive, Davis 3
Montpelier, VT 05620-3522

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

802-490-6195

anr.wsmdWetlands@vermont.gov



Frequently Asked Questions

Q: How do I find out where Class I wetlands are located?

A: Wetlands currently designated as Class I are shown on the Vermont Wetlands Inventory Map, at <http://anrmaps.vermont.gov/websites/WetlandProjects/default.html> and are listed in the Vermont Wetland Rules. Other wetlands may be designated as Class I in the future. If you're curious about a particular wetland, contact the Vermont Wetlands Program to determine if it may be a candidate for Class I status. If a wetland on your property is proposed for Class I status, you will be notified.

Q: I'm a landowner, with a Class I wetland on or adjacent to my property. How does this affect me?

A: You may still enjoy the recreational opportunities, open space the wetland offers, maintain existing buildings and roads, and your property boundaries will not be impacted in any way. However, if you intend to develop, clear, fill, dredge, or otherwise modify your land, you should plan ahead to ensure your project falls outside the boundaries of the wetland and its buffer. If you cannot avoid impacting the wetland, the project is unlikely to be authorized. Wetland permits are often issued for private projects impacting Class II wetlands and their buffers, but Class I permits for wetland impacts will only be issued to meet a compelling public need to support public health or safety. Class I buffer permits are treated the same as Class II, but the buffer zone is expanded by 50 ft.

Q: What would be "a compelling public need to protect public health or safety?"

A: An example would be the upgrade of a failing bridge crossing a Class I wetland on an existing public roadway. Locating a storage facility in a Class I wetland would not be considered a compelling public need.

Q: I'm a farmer. Will I be able to farm within a Class I wetland or buffer?

A: The growing of food or crops is exempt from the Vermont Wetland Rules, provided the land has been continuously in ordinary rotation as of February 23, 1990. This applies to both Class I and II wetlands. So if you have always cropped an area to be designated, you will be able to continue to grow food there. You would not be able to convert non-cropped Class I wetland for farming or place farm structures in the wetland.

Q: Is timber harvesting and associated land use allowed in Class I wetlands and buffers?

A: Yes, certain silvicultural activities are considered allowed uses and may be done in both Class I and II wetlands and their buffers without a permit; however, all silvicultural activities occurring within a Class I wetland must comply with a plan approved in writing by the VT Department of Forests, Parks, and Recreation.

Q: Are Class I wetlands open to the public for recreation?

A: Class I designation does not preclude property rights. Landowners may still post their land even if it is designated Class I. If you wish to visit a Class I wetland, be sure to find out about any restrictions as it may or may not be open for the public or certain uses may be prohibited.

Q: How does reclassification provide additional protection and improvement to the wetland functions?

A: Increasing the permitting standard to Class I will decrease the encroachments allowed within the wetland to only those that are necessary for public health or safety. Increasing the buffer zone would limit the growth of development of the 100 ft perimeter of the wetland. Studies have shown that buffer zones of varying widths are important to maintain or enhance wetland function. This is especially true for wildlife habitat. Portions of Class I wetlands or adjacent wetlands in need of restoration would be more eligible for State restoration funds.



Class I Wetlands

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Photo Credit: VT Fish & Wildlife

The Functions & Values of a Wetland

- ◆ Water Storage for Flood Water & Storm Runoff
- ◆ Surface & Ground Water Protection
- ◆ Fish Habitat
- ◆ Wildlife Habitat
- ◆ Exemplary Wetland Natural Community
- ◆ Rare, Threatened, & Endangered Species Habitat (RTE)
- ◆ Education and Research in Natural Sciences
- ◆ Recreational Value & Economic Benefits
- ◆ Open Space & Aesthetics
- ◆ Erosion Control

Exceptional and irreplaceable wetland protection.

Wetlands are special ecosystems that provide critical environmental functions and social values. The State of Vermont protects significant wetlands with the goal of preserving their functions and values (see sidebar) for the benefit of the environment and the general public. The State goal is to have no net loss of wetland. Wetlands are ranked in three classes according to the significance of functions and values they provide.

Class I Wetlands are exceptional or irreplaceable in their contribution to Vermont's natural heritage. They are healthy, in great condition, and intact. Because these wetlands are so exceptional and irreplaceable, these wetlands are given the highest level of protection where regulated activities are only allowed for public health or safety reasons.

Read more to learn how Class I designation affects land use in Vermont wetlands.

Current Class I Wetland Spotlight - Tinmouth Channel Wetland Complex

"The TCWC contains extensive and ideal habitat for breeding waterfowl, sensitive species of herons and rails, migratory birds and wetland dependent mammals, amphibians and reptiles." - State of Vermont Water Resources Board Administrative Ruling 2001

The Tinmouth Channel Wetland is a 1,473 acre complex found within the Town of Tinmouth in Rutland County. The wetland is centered on the Tinmouth Stream that flows into the Clarendon River. It ranks high in 9 out of the 10 Listed Functions and Values, including flood storage, water protection, fish and wildlife habitat, RTE species, and exemplary natural communities. It is considered a special type, being a headwater wetland and the largest example of an intermediate fen, with extremely high water quality. The wetland complex is considered exceptional and irreplaceable, and has been given the highest degree of protection.



Status of Class I Wetland Protection in Vermont

Approximately 2,500 acres of wetland have been protected in Vermont through the Class I designation, as of this pamphlet's publication in the winter of 2017. New candidates continue to be identified across the state.

Class I candidates include:

- Bogs and fens
- Floodplain forests
- Wild rice marshes
- Migratory stopover habitat for waterfowl and other birds
- Northern pike spawning grounds
- Spiny softshell turtle habitat
- Great Blue Heron rookeries
- Homes of dozens of rare, threatened, and endangered plants and animals



Criteria for Identifying Class I Wetlands

Class I Wetlands provide one or more functions or values to a heightened level of significance and are therefore **exceptional** or **irreplaceable** in their contribution to Vermont's natural heritage.

To be considered for Class I designation, a wetland must meet one or more of the following criteria:

REPRESENTATIVE EXAMPLE OF A WETLAND TYPE

For example, some marshes are in better condition and are larger than others; the best quality examples are considered representative and provide **exceptional** functions and values.

RARE NATURAL COMMUNITY

These wetlands are **irreplaceable**, because they are unique, uncommon and/or slow forming. For example, bogs are rare in Vermont, and take thousands of years to develop.

COMMUNITY ASSEMBLAGES/WETLAND COMPLEXES

These wetlands are large and are usually associated with water bodies. They have high species diversity and **exceptional** function and value. For example, the floodplain of a major river may contain a variety of interconnected marshes, swamps, and wet meadows.

LANDSCAPE ASSOCIATION

These wetlands provide functions and values specific to their landscape position, such as delta wetlands that represent the transition between river and lake. They 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.

SUBCRITERIA: The following subcriteria are used to further support the case for a Class I designation:

- ⇒ **PRESENCE OF RARE, THREATENED, OR ENDANGERED SPECIES**
- ⇒ **AN UNDISTURBED CONDITION**
- ⇒ **UNFRAGMENTED AND INTACT LANDSCAPE**
- ⇒ **USEFUL RESOURCE FOR EDUCATION AND SCIENTIFIC RESEARCH**
- ⇒ **HABITAT CONNECTIVITY/WILDLIFE CORRIDOR**



Photo Credit: VT Fish & Wildlife

How Class I Wetlands are Protected

Not all wetlands are alike, and some provide greater functions and values than others. The State of Vermont provides three levels of protection based on the varying significance among wetlands. Wetlands are classified as Class I, II, or III depending on the degree to which they provide each of the 10 wetland functions and values.

Both Class I and II wetlands are considered significant and are protected under the Vermont Wetland Rules. Buffer zones of a defined width are also protected around the boundaries of these wetlands. Any activity within a Class I or II wetland or buffer zone that is not an exempt or "allowed use" requires a permit.

Around 100 permits and 40 acres of Class II wetland and buffer zone is permitted for loss or alteration per year. Applicants for Class II wetland permits

must demonstrate that impacts cannot be avoidable, and will not lower the quality of functions and values. Any undue adverse impacts must be compensable; that is, creation of new wetlands or restoration of existing ones must be able to compensate for any loss of protected functions and values. The State goal is to achieve *no net loss*.

For Class I Wetlands, permits will only be granted to meet a **compelling public need to protect public health or safety**. Class I wetlands often have larger buffers. As in Class II wetlands, Class I wetland permits will only be issued if the applicant demonstrates that the activity will cause no undue adverse impacts; however, activities in Class I wetlands are more likely to reduce their **exceptional** and **irreplaceable** functions and values, and adverse impacts are not compensable.

Class I, II, and III Wetlands: What's the Difference?

	Class III	Class II	Class I
Size	Small	Generally >0.5 acre (vernal pools are an exception)	Often Large (currently 10-730 acres)
VSWI* mapped?	No	Often mapped	Always mapped
Functional Significance	None, but function may be present	Significant	Exceptional and/or Irreplaceable
Standard Buffer Size	None	50-feet	100-feet
Permit Requirement	None required	must demonstrate avoidance and minimization, no undue adverse impacts or non-compensable impacts	Buffer zone permits similar the same as Class II. Wetland impacts permitted only for compelling public need to

*Vermont Significant Wetlands Inventory

Exemptions and Allowed Uses

Certain activities in Class I or II wetlands are exempt from the Vermont Wetland Rules, or are allowed without a permit provided they follow certain guidelines.

Examples include:

- Many silvicultural activities.
- Existing use of growing food and crop may continue.
- Repair and maintenance of certain existing structures, public roadways or utility lines.
- Low-impact recreation, including snowmobiling on VAST trails.
- A complete list of exemptions and allowed uses is available on the Vermont Wetlands Program Website.

Differences between Class I and II wetlands:

- The exemptions in Class I and II wetlands are the same.
- Silvicultural activities in all Class I wetlands must comply with a plan approved by the Vermont Department of Forests, Parks, and Recreation. *This also applies to Class II wetlands that protect habitat for state or federally listed threatened or endangered species.*

