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Vermont DEC Wetlands Program
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Vermont Wetlands Refresher

Vermont Wetlands Program

- Administer Vermont Wetland Rules –protect Class I and Class II wetlands, and their buffer zones.
- Bioassessment
- Wetland Mapping
- Voluntary Restoration



Outline



- Why and how we protect wetlands in VT
- Delineations
- Presumptive Determinations (Classification)
- Allowed Uses
- Wetland Permitting
- Permit Reporting Requirements
- Mapping Update



Maintaining Functions and Values



Historically (settlement to 1980) Vermont has lost 35% of wetland area. Equivalent to the size of Grand Isle County.

Today Vermont is around 4% wetland

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

Delineations

- Boundary valid for 5 years (ACOE std)
- There is **no grandfathering** for projects with valid Act 250 permits or wastewater permits.
- Delineations should include partially-developed areas and disturbed areas (lawns).
- Out-of-season boundaries are not acceptable for permitting. Must follow ACOE Manual.
- Program does not validate delineations outside of the growing season.



ACOE Regional Supplement:

<https://usace.contentdm.oclc.org/utils/getfile/collection/p266001coll1/id/7640>

Difficult Wetland Situations

Chapter 5 of ACOE delineation manual, NCNE supplement.

- Lands Used for Agriculture and Silviculture
- Problematic Hydrophytic Vegetation
- Problematic Hydric Soils
- Wetlands that Periodically Lack Indicators of Wetland Hydrology
- Wetland/Non-Wetland Mosaics



Don't forget to record abnormal climate conditions and if normal circumstances are not present on ACOE forms.

VT Wetland Classification

🌀 Based on an evaluation of the extent to which the wetland provides functions and values:



- *Class I Wetland*: Exceptional or irreplaceable. Highest level of protection. 100+ foot buffer.
- *Class II Wetland*: **Merits protection. 50 foot buffer.**
- *Class III Wetland*: Neither Class I or Class II wetland. No buffer, not state regulated.

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


Wetland Classifications

- Use 2018 Wetland classification guidance and form to get faster answers.
- Evaluate wetland in study area and beyond (desktop).
- Good documentation may allow Program to make JD calls without a site visit.



Giving incorrect classifications (or preliminary) on site plans can lead to violations.

Wetland Classification Form



Full Name:
Relationship to Project/Land:
Phone Number:
Mailing Address (optional):
Location Description and Closest E911 Address (please include map):

Wetland ____ (id) was assessed on ____ (date). Attach a map of the investigation area.

Check one of the following:

- The entire wetland was assessed in the field.
- The wetland extends off the property and I have used imagery and mapping to complete my assessment.

The wetland was found to have the following characteristics (check all that apply):

- Wetland area assessed was within a Vermont Significant Wetlands Inventory (VSWI) mapping unit;
- Wetland area is contiguous with a VSWI mapping unit;
- §4.6(a) over half an acre in size;
- §4.6(b) contains woody vegetation and is adjacent to a stream, river, or open body of water;
- §4.6(c) contains dense, persistent non-woody vegetation and is adjacent to a stream, river, or open body of water;
- §4.6(d) is a vernal pool that provides amphibian breeding habitat;
- §4.6(e) is a headwater wetland;
- §4.6(f) adjacent to impaired waters and the impairment is related to wetland water quality functions;
- §4.6(g) the wetland contains a species that appears in the NNHP database as rare, threatened, endangered or uncommon; or is a natural community type that is rare or uncommon;
- §4.6(h) has been previously designated as a significant wetland.

Wetland Characteristic Notes:

“Water Adjacency” Presumptions of Significance

Section 4.6 Presumptions:

- b. The wetland contains woody vegetation and is adjacent to a stream, river or open body of water.
- c. The wetland contains dense, persistent non-woody vegetation and is adjacent to a stream, river or open body of water.

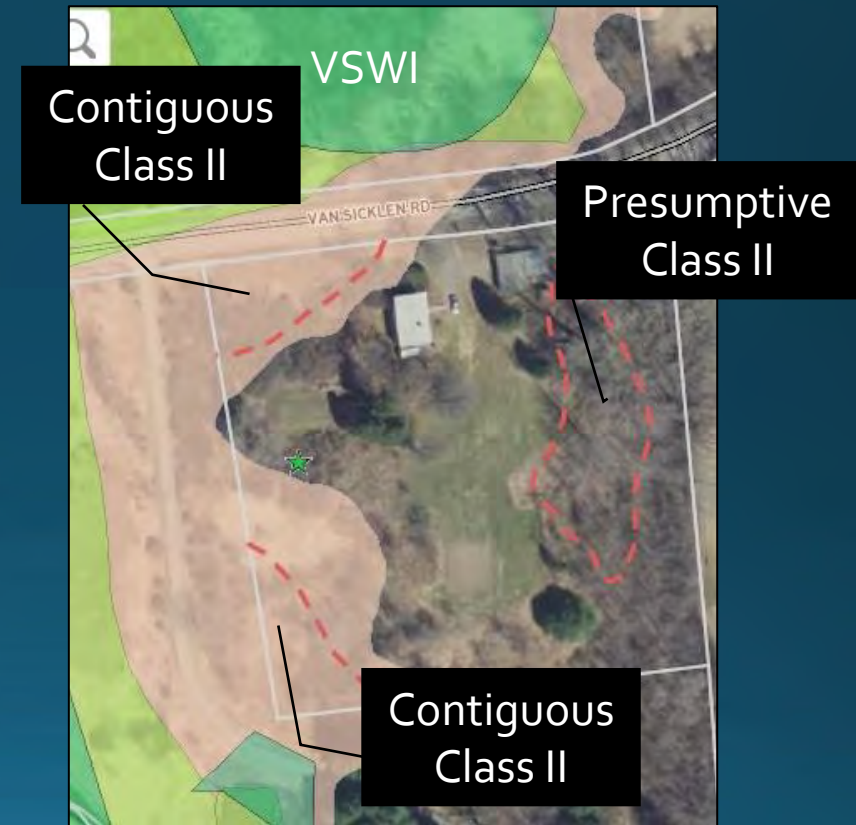
Is the wetland touching open water? Wetland does not need to extend along the stream for a predetermined distance – any wetland with a water body connection, along with the correct vegetation, would meet this presumption.

When the wetland is sparsely vegetated, or vegetated primarily by non-persistent herbaceous vegetation such as jewelweed, the wetland does not meet this presumption.



Contiguous and Presumptive

- Review contiguous guidance – water over/under/through manmade structure still contig.
- Wetland in disturbed area may be connected to additional undisturbed wetland and be Class II.
- Presumptive wetlands need a formal determination with the permit decision. Additional permit application sections need to be filled out.



Is the Wetland Mapped?

- Presumptive wetlands must be added to the VSWI as part of permitting.
- **NEW:** Download a blank VSWI Geodatabase for submittal (see determination section of permit webpage)



Classification determinations with permit applications can slow the review if we do not receive a shapefile/geodatabase.

How to create a shapefile on the VTAtlas:

<https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VSWIShapefileCreationTutorial2018.pdf>

#2020-636 Wetland Classification Report

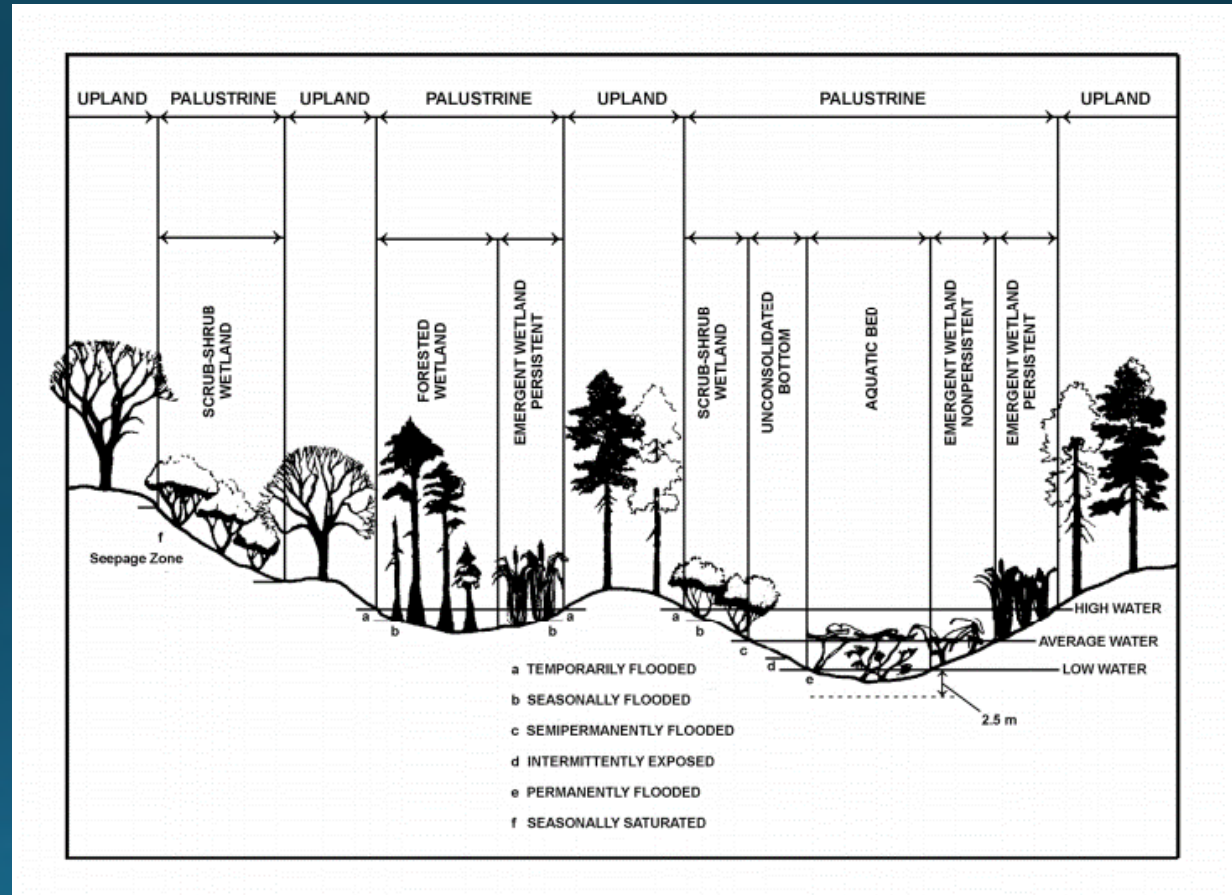
Wednesday, October 7, 2020 7:59 AM
[Please add this document to your land records for reference](#)

Wetland is Class II: Please be advised that I have confirmed that one or more wetlands on your property has characteristics that make it a Class II significant wetland. Class II significant wetlands and their 50 ft buffers are protected under the Vermont Wetland Rules (VWR). This report outlines the reasons for this decision, and serves as notice that any activity in the wetland or 50ft buffer zone may need a Vermont wetland permit before you start work. If you disagree with this decision you can petition for a formal wetland classification determination of Class III as outlined under the petition section of this report. The following table(s) document the reasons for this decision.

Wetland Name:	2020-636
Wetland Location:	Near the town borders of Sharon and Norwich within the VELCO K50 line right of way.
Desktop Review Only?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site Visit Date:	September 28, 2020
People Present:	Laura Lapierre, Tim Follesnbee, and Jason Smith
Wetland is Mapped:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wetland is contiguous to Mapped wetland:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wetland was found to meet the following presumption(s) of significance:	<input type="checkbox"/> Presumptions have not been assessed. Wetland meets classification by other means. <input type="checkbox"/> §4.6(a) over half an acre in size; <input type="checkbox"/> §4.6(b) contains woody vegetation and is adjacent to a stream, river, or open body of water; <input checked="" type="checkbox"/> §4.6(c) contains dense, persistent non-woody vegetation and is adjacent to a stream, river, or open body of water; <input type="checkbox"/> §4.6(d) is a vernal pool that provides amphibian breeding habitat; <input type="checkbox"/> §4.6(e) is a headwater wetland; <input type="checkbox"/> §4.6(f) adjacent to impaired waters and the impairment is related to wetland water quality functions; <input type="checkbox"/> §4.6(g) the wetland contains a species that appears in the NNHP database as rare, threatened, endangered or uncommon; or is a natural community type that is rare or uncommon; <input type="checkbox"/> §4.6(h) has been previously designated as a significant wetland.
Presumption Description:	Wetland is connected to a small stream channel which connects to a perennial stream within 30 feet of the wetland boundary. There are additional wetlands just off the ROW which also connects to the stream
VELCO's Map of wetland area:	

Presumptive (unmapped) Class II Wetland Polygon Submittal

- Use NAD 1983 StatePlane Vermont FIPS 4400
- Use the same wetland ID as you use in the application.
- Prefer no arrows.



Wetland Codes:

https://www.fws.gov/wetlands/documents/NWI_Wetlands_and_Deepwater_Map_Code_Diagram.pdf

Wetland Permitting

- Allowed Uses
 - some require approval
- Non-reporting General Permit (agriculture only)
- Registration
- General Permit (14 day notice)
- Individual Permit (30 day notice)
- Water Quality General Permit includes non-reporting, registration, and general permit types.

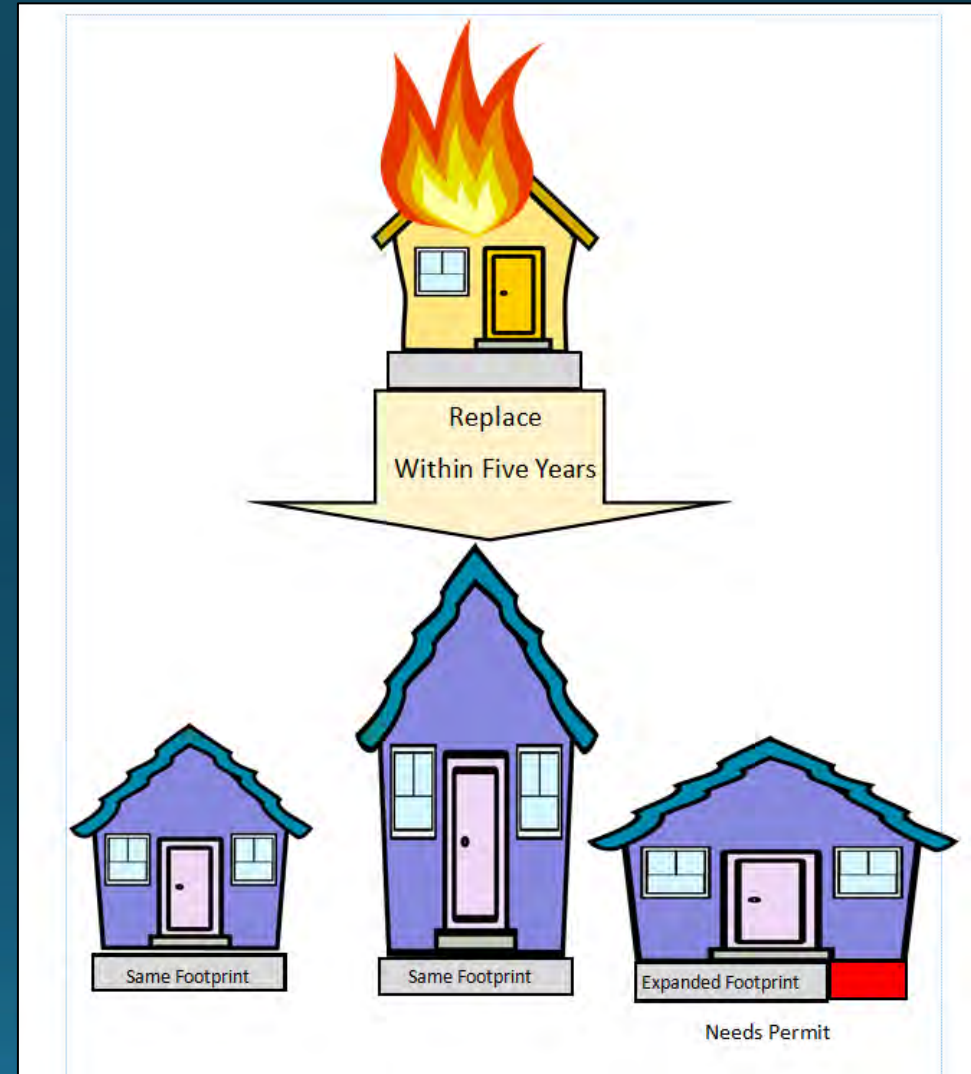


Allowed Uses, Section 6

- Silviculture (not land clearing)
- Growing food/crops
- Repair/maintain, small additions to utility poles
- Hunting, birdwatching, snowmobiling, education
- Maintenance of structures
- Emergency repair
- Fences, footbridges, decks
- Wild food harvest
- Non-native nuisance plant control
- Existing lawn use
- Dams
- Wetland and stream restoration
- Manmade ponds and hydrants
- Spill clean up

Allowed Use 6.12

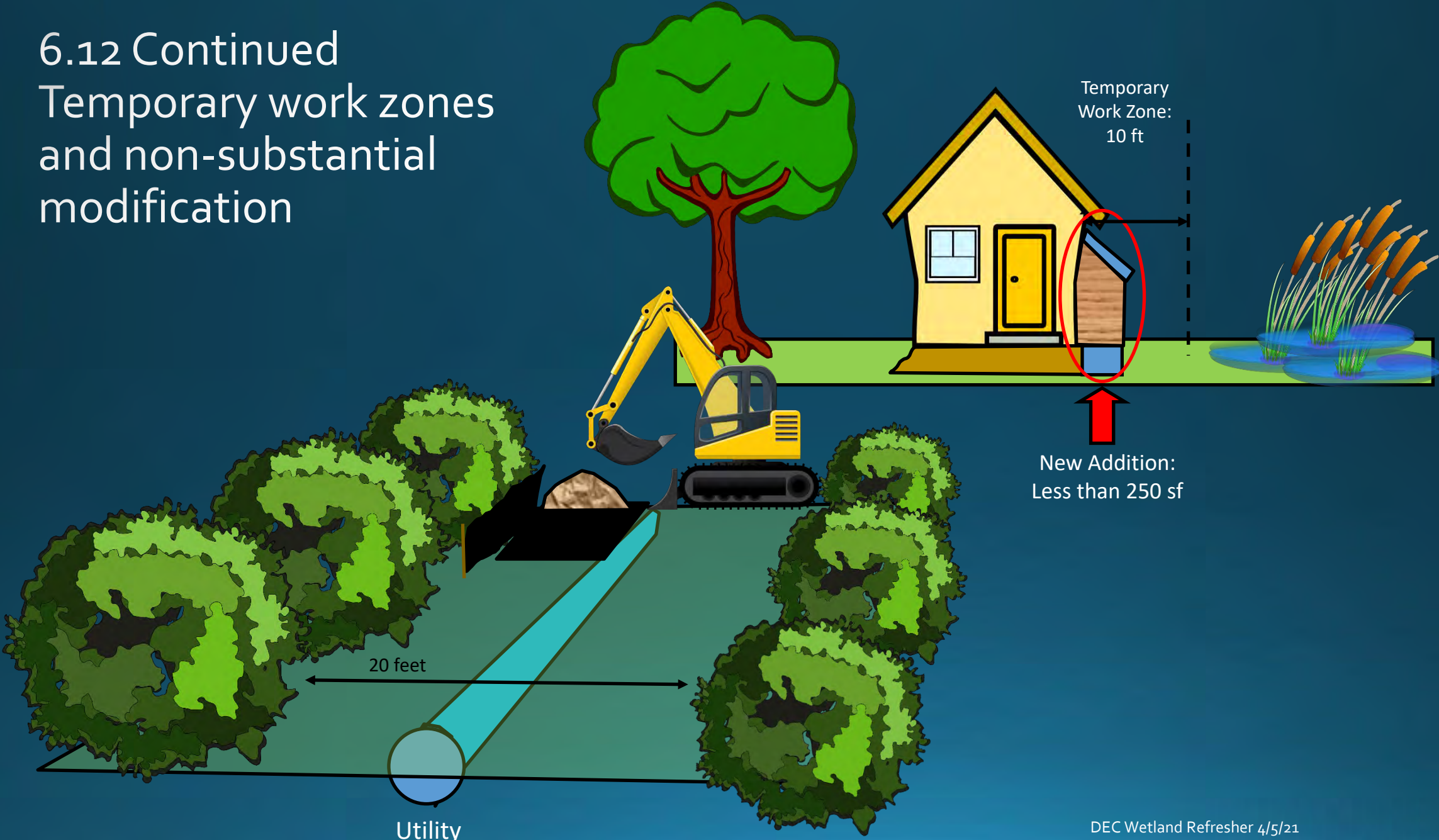
The maintenance, reconstruction, or routine repair of structures and facilities (including ski trails, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings) in compliance with the Vermont Wetland Rules in existence as of the date of their construction or in existence as of February 23, 1990 or additions to such structures or facilities which do not involve substantial expansion or modification in a wetland or buffer.



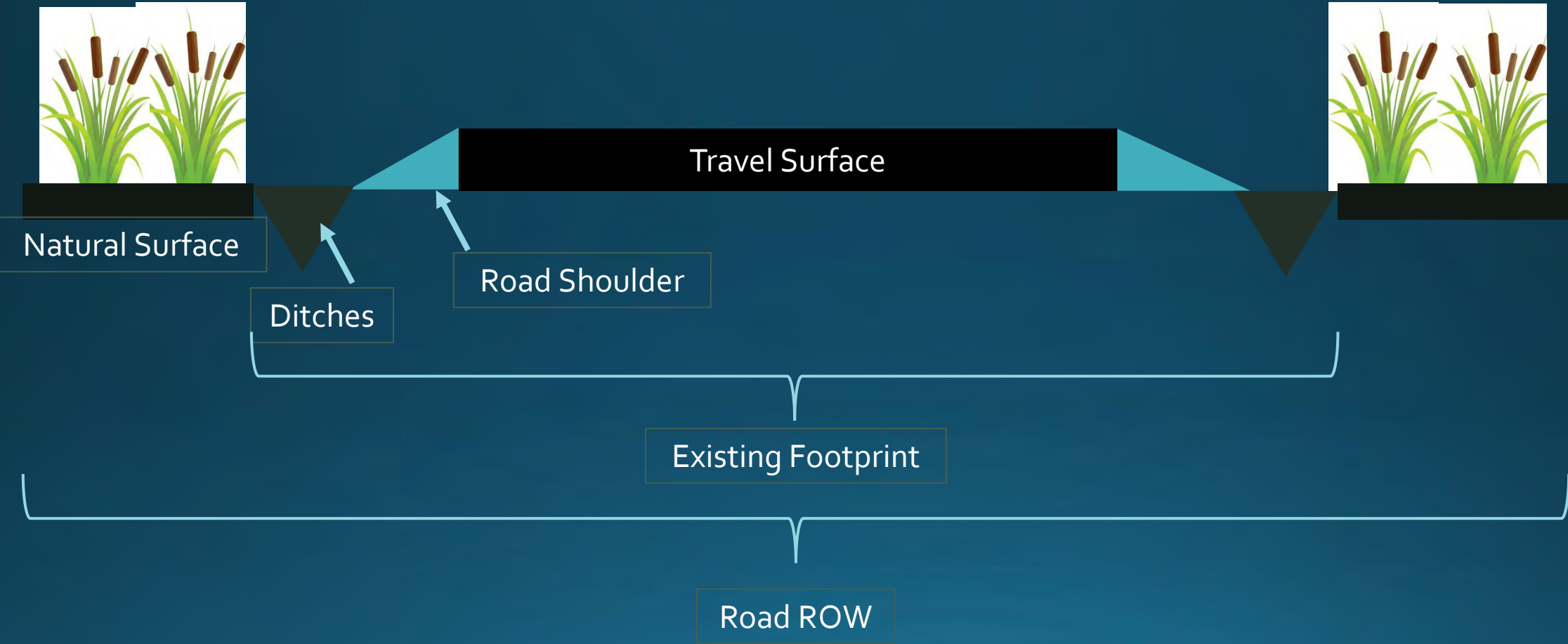
View the full guidance document:

https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWR_6-12_AllowedUse_2020.pdf

6.12 Continued Temporary work zones and non-substantial modification



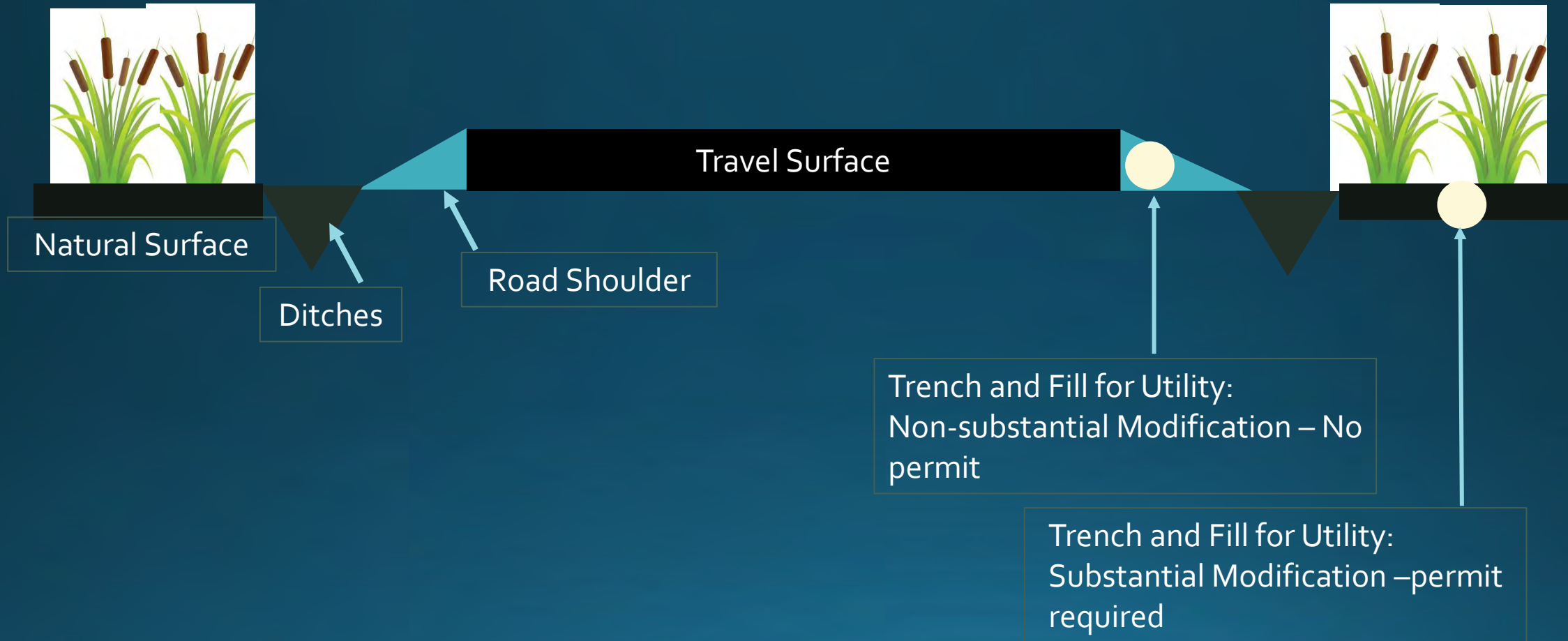
6.12 Continued - Roads and Wetlands



View full guidance:

<https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWRRoads2017.pdf>

6.12 Roads and Wetlands



Fences, Boardwalks & Viewing Platforms (6.16)

- Boardwalks and platforms must allow air, light, water and wildlife to flow or travel through the structure.
- Boardwalks must be ≤ 5 ft wide.
- Structures may be mounted on posts or floats. No concrete footings, earth fill, or cribwork.

View the BMPs:

https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/wl_catwalk_bmp.pdf

View trail building guidance:

https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/WTLD_TrailGuidance.pdf

Wetlands and Trail Building Summary:

You do not need a Wetland Permit when...

you are conducting the following trail building activities within Class II Wetlands or their 50-foot buffer zones:

- Use of boardwalks, bridges or catwalks that are in compliance with the [Wetland Allowed Use BMP Section 6.16](#)
- Repairing existing structures such as culverts or bridges when remaining in the existing footprint
- Raking away duff for trails
- Placing reinforcing stepping stones where work in wet area/waterway does not exceed 250 square feet for the wetland/buffer in question for existing trails
- Trimming branches within the trail
- Placing trail markers



You need a Wetland Permit when...

you are conducting the following Trail building activities within Class II Wetlands and their 50-foot buffer zones:

- Any type of machine or hand-graded trail (e.g. downhill mountain bike trail with berms)
- Filling for existing trails
 - Fill through wet areas
 - Fill to place culverts in any type of stream (intermittent, perennial, seasonal) located within a wetland/buffer
 - Cumulative fill totaling over 250 square feet for transition areas off and on bridges for the trail system
 - Placement of stones for forded crossing through streams or wet areas that exceed 250 sf for the trail system
- Cutting woody vegetation for new trails (clearing paths through trees and shrubs) or mowing a new path
- Placing any type of pavement, gravel or suremat, woodchips, and recycled materials in new areas where that type of treatment has not been used before
- Widening trail footprints by ditching or doing other "drainage work"
- Improving existing logging roads to include in a trail network.



Questions? Contact the Vermont Wetlands Program:

802-490-6195 or <https://dec.vermont.gov/watershed/wetlands/contact>

6.18 Non-native nuisance plant control

- Pulling by hand does not need program approval.
- Requests for use of herbicide or mechanical control are sent to the program via email and must contain:
 1. location with nearest street (so we can find it) and a map
 2. wetland community description (if in water, contact the Lakes Program)
 3. target plant
 4. other methods tried or considered
 5. any Rare, threatened, or endangered species, or significant natural communities (if there are any, contact VTFWD's Natural Heritage Program for recommendations)
 6. proposed control plan
 7. applicator and products to be used (normally water-safe Rodeo)
 8. Future monitoring and follow up
 9. Estimated square footage to be treated
 10. Any associated wetland permits

The proposed plan should be emailed to the District Wetlands Ecologist where the work is proposed. <https://dec.vermont.gov/watershed/wetlands/contact> If you are working with VTFWD or NRCS there may already be an approved plan, so check with them first.



Wetland Application Submission

There are three permit types to apply for:

- 1) 3-9025 General Permit – for impacts <3,000 sqft (5,000 linear)
- 2) 3-9026 Water Quality General Permit - for certain wq projects
- 3) Individual Permit

- Applications and fees may now be submitted through ANROnline using the Watershed Management Division Generic Application Submittal Form.



Help your clients avoid/minimize

- Valid project purpose
- Use the new checklist
- Tell the story in the application
 - Why must the wetland be impacted?
 - What did you try to do to avoid the wetland?
 - Application needs to speak for itself.

Avoidance and Minimization Worksheet

These checklists provide examples of how to accomplish avoidance and minimization during site analysis, project design, and construction across various project types. The intent is to help people meet the requirements of wetland permitting by avoiding and minimizing impacts to wetlands and buffer zones as much as possible before applying for a permit. If a criteria has been checked "no", but may still be applicable to your project, you will likely be asked to provide justification for why it cannot be implemented during the permitting process. *This checklist does not replace the application review for a wetlands permit and is intended to supplement.*

Avoidance			
Yes	No	N/A	General Project Design: Have you implemented the following design aspects to avoid impacts?
			Position infrastructure on the lot to avoid impacts.
			Cluster multiple structures or share paths/drives.
			Redevelop existing disturbed areas.
			Shift or realign other project elements avoid impacts from the proposed structure.
			Realign road or utility corridors to avoid wetlands and their buffers.
			Request setback variances or easements if it helps avoid impacts.
			Consolidate above and below ground utilities and route them around wetlands.
			Avoid grading by incorporating natural topography into the site design.
			Design project with consideration of existing vegetation to avoid clearing.
			Reduce or shift structure footprints by using innovative or non-traditional design.
			Write in:
			Write in:
Avoidance notes:			

Minimization			
Note: Most techniques in the avoidance checklist above can also be used to minimize impacts.			
Yes	No	N/A	Project Design: Have you implemented the following design aspects to avoid impacts?
			Cross wetlands and buffers at their narrowest point and limit the number of crossings.
			Keep wetland and buffer crossing widths to the minimum necessary.
			Reduce fills and road shoulders by keeping profile low and close to the native ground.
			Avoid impacting higher-quality wetlands first if there are multiple wetlands on site.
			Size culverts correctly for best hydrologic connectivity.
			Avoid invasive plant species introduction either by direct planting as landscaping, transported by mulch/hay or through construction methods.
			Protect the wetland and buffer zone from adjacent land uses or unwanted access with fences or other visual/physical barriers.
			Write in:
			Write in:

Wetland Application Tips



<https://dec.vermont.gov/watershed/wetlands/jurisdictional/permit-info/individual-wetland-permit-info>

Application Form

- ALL sections need to be filled out. Every blank space needs an answer even if it is N/A.
- Answer the questions for Functions and Values:
 - First check off functions for the WHOLE wetland complex
 - Then in x.1 describe how the subject wetland area contributes to that function -in some cases it doesn't; but the answer needs to explain. Not just a statement that it doesn't contribute.
 - And lastly in x.2 the statement of No undue Adverse impact speaks to the subject wetland but in the context of the WHOLE wetland.
- Before submitting ask, "Could a teenager understand?" project, location, wetland location, what the wetland does, why project must go there.



Poor quality applications result in delayed review

Attachments

- Include ACOE datasheets for all or representative wetland types
- F&V sheets for ALL wetlands
- Site plans showing all wetlands with classifications and include buffers for Class II's
- Site plans showing realistic Limits of Disturbance (i.e buildings need a 10 ft area around the structure to actually build and maintain it and site plans that include stormwater structures, septic systems with replacement if applicable, utilities, areas of clearing.)
- **Multi-wetland table:** EACH function and Value identified for a wetland MUST be explained for the specific wetland on Table 5 Impact Statement.
- Include shapefiles for presumptive wetland additions.

Post Permit Responsibility: Reporting Forms

- Record the permit notice in the town records.
- Work start notification
- Work completion certification
- Submittal through [ANROnline](https://anronline.vermont.gov/) , you can submit on behalf of your client.

VERMONT

Agency of Natural Resources
Respect...Protect...Enjoy!

@anrOnline

VTANR Home Home Finder Help Sign In Register

Organizations
Select the organization from which you would like to submit a form.
Select Organization

Forms
To locate a specific form please use our form finder.
Form Finder

Welcome to the Agency of Natural Resources' Online Services Portal

! NOTICE TO ALL ANR ONLINE USERS USING INTERNET EXPLORER:

This site is no longer supporting Microsoft's Internet Explorer web browser. Please use one of the browsers listed below under Browser Compatibility to access this site. On 8/20/2020 we had numerous reports from ANR Online Users who were accessing our site using

<https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/WetlandReporting.pdf>
<https://anronline.vermont.gov/>

Updated Wetland Mapping

