

# VERMONT FARMING ACTIVITIES IN WETLANDS AND BUFFERS



## Vermont Wetland Regulations and Agricultural Uses

Activity in a state-protected wetland or its associated 50-foot buffer is prohibited unless the activity is considered exempt or an allowed use under the Vermont Wetland Rules, or authorized by a wetland permit.

Many, but not all, of Vermont's protected wetlands are mapped. Before you start construction, determine if there are mapped wetlands or hydric soils on your property using the wetlands inventory map at <https://anrmaps.vermont.gov/websites/WetlandProjects/default.html>, or call the Vermont Wetlands Program 802-490-6100 to request a printed map or for additional assistance.

### **Is farming exempt from the Wetland Rules?**

Not always. If you have been farming an area of land in ordinary rotation since February 23, 1990, you can continue that activity without a permit. Land used to grow food or crops before the Wetland Rules were established are considered exempt, even in areas of mapped wetland.

### **When do the Wetland Rules apply?**

The Wetland Rules apply when the activity or use of the area changes from growing food or crops to some other use. You cannot build a barn, backyard lawn, manure pit, or access road in the wetland without a permit if the wetland is significant. This is because building structures or maintaining lawn within the wetland is not growing crops or food. Therefore, these activities are not exempt from the Wetland Rules.

If you abandon a field (out of rotation for more than 5 years) and you want to use that land again for agriculture, the wetland is subject to the Wetland Rules if it is determined to be significant.

Wetlands which are growing food or crops do not have a regulated buffer as long as the wetland is not converted to another use.

#### **What if I want to create a new field or pasture today?**

All new farming activities within significant wetlands or their 50 foot buffer zones will likely require a permit. A permit will be required to:

- Clear a wetland and/or buffer of woody vegetation to create pasture or field conditions;
- Put in an access road if it goes through a wetland to access other areas; and
- Place any buildings or farm ponds within a significant wetland as part of an expansion or creation of a new farm.

The Natural Resource Conservation Service (NRCS) and U.S. Army Corps of Engineers (ACOE) also have a role in regulating some agricultural activities in wetlands. Landowners should contact the U.S. ACOE at 802-872-1535 before initiating farm-related projects in or near wetlands.

#### **Is there funding available for retiring marginal farmland?**

The Natural Resource Conservation Service Wetlands Reserve Easement (WRE) is a voluntary program that provides financial assistance landowners retiring marginal agricultural land for wetland restoration. To learn more visit [https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/programs/easements/acep/?cid=nrcs142p2\\_010534](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/programs/easements/acep/?cid=nrcs142p2_010534) or call the NRCS Wetlands Specialist at 802-951-6796 ext. 239.



Photo Credit: Ken Stamm / USFWS, 2011-2016

#### **CONTACT US:**

Vermont Wetlands Program  
802-490-6100

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

