

1 Introduced by Committee on Agriculture and Forestry
2 Referred to Committee on
3 Date:
4 Subject: Agriculture; conservation and development; farming; wetlands
5 Statement of purpose of bill as introduced: This bill proposes to clarify and
6 expand those lands that are not wetlands subject to regulation by the State
7 because of the conduct of farming on the land.

8 An act relating to the regulation of farming in wetlands

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 10 V.S.A. § 902 is amended to read:

11 § 902. DEFINITIONS

12 Wherever used or referred to in this chapter, unless a different meaning
13 clearly appears from the context:

14 (1) “Board” means the Natural Resources Board.

15 (2) “Department” means Department of Environmental Conservation.

16 (3) “Waters” or “surface waters” means any and all rivers, streams,
17 brooks, creeks, lakes, ponds, or stored water, ~~and groundwaters~~, excluding
18 municipal and farm water supplies.

19 (4) “Water resources” means the waters and groundwater of the State
20 and the values inherent or potential in waters and their uses.

1 (B) Drainage, including all ditching authorized under 33 C.F.R.
2 § 323.4

3 (C) Maintenance, including emergency reconstruction, of a farm
4 structure consistent with the requirements of 33 C.F.R. § 323.4(a)(2);

5 (D) Construction or maintenance of a farm pond, stock pond, or
6 irrigation ditch, or the maintenance, but not construction, of drainage ditches,
7 consistent with the requirements of 33 C.F.R. § 323.4(a)(3);

8 (E) Construction or maintenance of farm roads or forest roads, where
9 such roads are constructed and maintained in accordance with best
10 management practices consistent with the requirements of 33 C.F.R.
11 § 323.4(a)(6).

12 (16) “Farm structure” means a structure that is used by a person for
13 farming that is subject to the required agricultural practices, including a silo, a
14 building to house livestock, a building to raise horticultural or agronomic
15 plants, a barnyard, a waste storage facility, or a waste management system,
16 either of which is created from an assembly of materials. “Farm structure”
17 shall not mean a dwelling for human habitation.

18 (17) “Groundwater” means water below the land surface, and does not
19 include surface waters.

20 Sec. 2. 10 V.S.A. § 905b is amended to read:

21 § 905b. DUTIES; POWERS

1 Sec. 3. 10 V.S.A. § 911 is amended to read:

2 § 911. ENTRANCE UPON LANDS; RECORDS, MAINTENANCE

3 The Department employee or agent may enter upon lands for the purposes
4 of inspecting and investigating conditions relating to sources of pollution or
5 potential pollution of the surface waters and groundwater of the State ~~or the~~
6 ~~potential pollution thereof~~, and to determine whether the rules and orders of the
7 Department are being complied with. Any authorized representative of the
8 Department may examine any records or memoranda pertaining to the
9 operation of disposal systems or related water quality projects. The
10 Department may require the maintenance of records relating to the operation of
11 disposal systems. Copies of these records shall be submitted to the Department
12 on request.

13 Sec. 4. 10 V.S.A. § 913 is amended to read:

14 § 913. PROHIBITION; EXEMPTIONS

15 (a) Except for the exemptions provided for under this section or allowed
16 uses adopted by the Department by rule, no person shall conduct or allow to be
17 conducted an activity in a significant wetland or buffer zone of a significant
18 wetland except in compliance with a permit, conditional use determination, or
19 order issued by the Secretary.

20 (b) A permit shall not be required under this section for any of the
21 following activities:

1 (1) any activity that occurred before the effective date of this section
2 unless the activity occurred within:

3 (A) an area identified as a wetland on the Vermont significant
4 wetlands inventory maps;

5 (B) a wetland that was contiguous to an area identified as a wetland
6 on the Vermont significant wetlands inventory maps; or

7 (C) the buffer zone of a wetland referred to in subdivision (A) or (B)
8 of this subdivision (1);

9 (2) any construction within a wetland that is identified on the Vermont
10 significant wetlands inventory maps or within the buffer zone of such a
11 wetland, provided that the construction was completed prior to February 23,
12 1992, and no action for which a permit is required under the rules of the
13 Department was taken or caused to be taken on or after February 23, 1992; or

14 (3) water quality or water conservation practices approved by the
15 Natural Resources Conservation Service or the Agency of Agriculture, Food,
16 and Markets, except for a water quality practice or a water conservation
17 practice that would require the construction of a new farm structure.

18 Sec. 5. REPEAL OF SUNSET OF FEE FOR PIPELINES IN WETLAND

19 2018 Acts and Resolves No. 194, Sec. 8a (sunset of maximum fee for
20 manure pipeline in wetland) is repealed.

- 1 Sec. 6. EFFECTIVE DATE
- 2 This act shall take effect on passage.