

## Wetlands Statutory Proposal

Wetlands are an essential feature of Vermont's landscape. They keep communities safe by controlling flooding and recharging the aquifers Vermonters depend on for drinking water. They provide critical habitat for fish, wildlife, plants, as well as for rare and endangered species.

The Vermont Department of Environmental Conservation is charged with administering the Wetlands Statute and Rule. In 2016, the Department convened a group of stakeholders to analyze the entire permitting process to identify inefficiencies and opportunities. The group identified several key areas of the Wetlands Rule that needed to be improved: wetland mapping, allowed uses and exemptions, identification and classification of wetlands, the permitting process, and application fees. As a result, the Department has outlined 7 changes to improve the wetland classification and permitting process.

1. **Clearly and consistently define what a wetland is** – Vermont's definition of wetland will be updated to align with the [federal definition](#) of wetland used by the U.S. Army Corps of Engineers.
2. **Create a straightforward process for landowners and consultants to determine if a wetland is subject to wetland permitting jurisdiction:**
  - o A comprehensive list of physical characteristics will help landowners and consultants know if a wetland is a regulated Class II wetland or not.
  - o Make wetland mapping advisory so that it can be more readily updated as a planning tool. This will improve the number of known wetlands appearing on the map but will not pre-judge whether the wetland is protected.
3. **Better define which activities need a permit** – Previously, any activity could trigger the need for a wetlands permit. In the updated statute, only the activities that "alter" a wetland or buffer area may trigger the need for a permit. These alterations fall into four main categories: dredging, draining, filling, and cutting or removing vegetation. This change allows the program to focus on regulating the most impactful activities in wetlands. Some alterations will be exempt from permitting requirements.
4. **Clearly state which activities are exempt from the permit process** – The permitting "exclusion" for growing food and crop is currently listed in statute within the definition of a wetland. This exclusion will be removed from the definition of wetland, and an exemption for field-based activities and farm practices focused on water quality improvements will be provided in statute.
5. **Clarify permitting standards** – The requirement that applicants comply with the mitigation sequence before a permit can be issued will be placed in the Statute. The Rules will include more detailed information on how to satisfy the requirements of the mitigation sequence.
6. **Empower consulting community** – Identifying wetlands and securing the proper permits can be a complex process for consultants, which can carry risks. The Wetlands Program will conduct a study of potential approaches to licensing and certifying qualified wetlands scientists, pursuant to Section 23 of Ac 64 (2019).
7. **Ensure Equitability** - Evaluate and refine the existing wetland permit fee structure.