STATE WETLANDS PERMITTING FLOWCHART



Allowed Uses

- Silvicultural activities that comply with AMPs.
- Restoration, reconstruction, rehabilitation, or upgrading of existing roads used for silvicultural if the roads are not increased in width by more than 20%.
- Construction of new roads used for silvicultural purposes in buffer zones.
- Removal of beaver dams to prevent impairment of existing logging roads or ongoing silvicultural management.
- Silvicultural activities to protect T&E habitat.
- Growing of food or crops in connection with farming activities when: T&E are protected; deer wintering yards are not cleared; and in compliance with RAPs.
- Operation of existing hydroelectric facilities.
- Routine repair and maintenance of utility poles, lines and corridors
- Hunting, birdwatching, hiking, boating, trapping, fishing, horseback riding, swimming, snowshoeing, skiing, and similar outdoor recreational activities.
- Snowmobiling on VAST trails.
- Scientific research and educational activities.
- Maintenance, reconstruction, or routine repair of structures and facilities.
- Emergency repair, cleanup, or maintenance of structures and facilities, or emergency actions required to provide for public health, safety and welfare.
- Routine maintenance and upkeep or maintenance dredging of constructed ponds.
- Wildlife or fisheries management activities.
- Placement, maintenance or removal of duck blinds, ice fishing shanties, fences, catwalks, footbridges, observation decks, docks, or similar structures
- Harvesting of wild foods and collection of scientific specimens, for noncommercial purposes.
- Control of non-native nuisance plant by hand pulling.
- Activities in existing lawns and other residential uses.
- Use of pesticides to control mosquitoes.
- Operation of dams according to surface level rules.
- Installation of 3 or fewer new overhead utility lines that do not involve extensive tree clearing.
- Wetland restoration or stream restoration projects.
- Dry hydrants installed in constructed ponds.
- Cleanup of spills of oil or hazardous materials.



Functions and Values of Wetlands

10 V.S.A. § 905b(18)

Any determination that a particular wetland is significant will result from an evaluation of at least the following functions and values which a wetland serves:

- provides temporary water storage for flood water and storm runoff;
- contributes to the quality of surface and groundwater through chemical action;
- naturally controls the effects of erosion and runoff, filtering silt, and organic matter;
- contributes to the viability of fisheries by providing spawning, feeding, and general habitat for freshwater fish:
- provides habitat for breeding, feeding, resting, and shelter to both game and nongame species of wildlife;
- provides stopover habitat for migratory birds;
- contributes to an exemplary wetland natural community, in accordance with the rules of the Secretary;
- provides for threatened and endangered species habitat;
- provides valuable resources for education and research in natural sciences;
- provides direct and indirect recreational value and substantial economic benefit; and
- contributes to the open-space character and overall beauty of the landscape.

Wetlands Rules §3.1: Farming Exemption

(2) Farming activities means the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; and the growing of food and crops in connection with the raising, feeding, or management of livestock, poultry, equines, fish farms, or bees for profit.

(3) The farming exemption shall apply to all areas used to grow food or crops in connection with farming activities including areas in ordinary rotation, as of the effective date of these rules. The exemption will expire whenever the area is no longer used to grow food or crops or in ordinary rotation.

6 V.S.A. § 4802: "Farming" means:

(A) cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or

(B) raising, feeding, or management of livestock, poultry, fish, or bees; or

(C) operation of greenhouses; or

(D) production of maple syrup; or

(E) on-site storage, preparation and sale of agricultural products principally produced on the farm; or

(F) on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(G) raising, feeding, or management of 4 or more equines owned or boarded by a farmer, including training, showing, instruction and lessons in riding, training, and the management of equines.

Federal Definition of "Wetland"

40 C.F.R. § 230.3

The term wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Uses Exempt from U.S. Army Corps of Engineers CWA § 404 Permit

- Normal farming, silviculture, or ranching practices that are part of an established, ongoing operation. Practices that are not considered normal, such as deep ripping are not exempt and require a permit. Activities conducted for new operations also require a permit.
- Maintenance of structures, such as dikes, dams, levees, breakwaters, causeways, or bridge original fill design).
- Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage.
- the placement of fill material in protected waters.
- equipment, as long as such roads comply with best management practices and detailed requirements set forth in the regulations.

The exemptions do not apply and will require a § 404 permit if either of the following apply:

- The discharge contains a toxic pollutant.
- of water may be impaired or the reach of such waters reduced. The water's flow or or otherwise significantly modify wetlands and other protected waters.

abutments (maintenance does not include modifications to character, scope, or size of the

• Construction of temporary sedimentation basins on a construction site that does not involve

• Construction or maintenance of farm or forest roads, or temporary roads for moving mining

• The purpose of the activity is to convert waters into a new use where the flow or circulation circulation is presumed to be impaired if the discharge will cause significant discernable alterations to flow circulation. This includes the construction of structures designed to drain