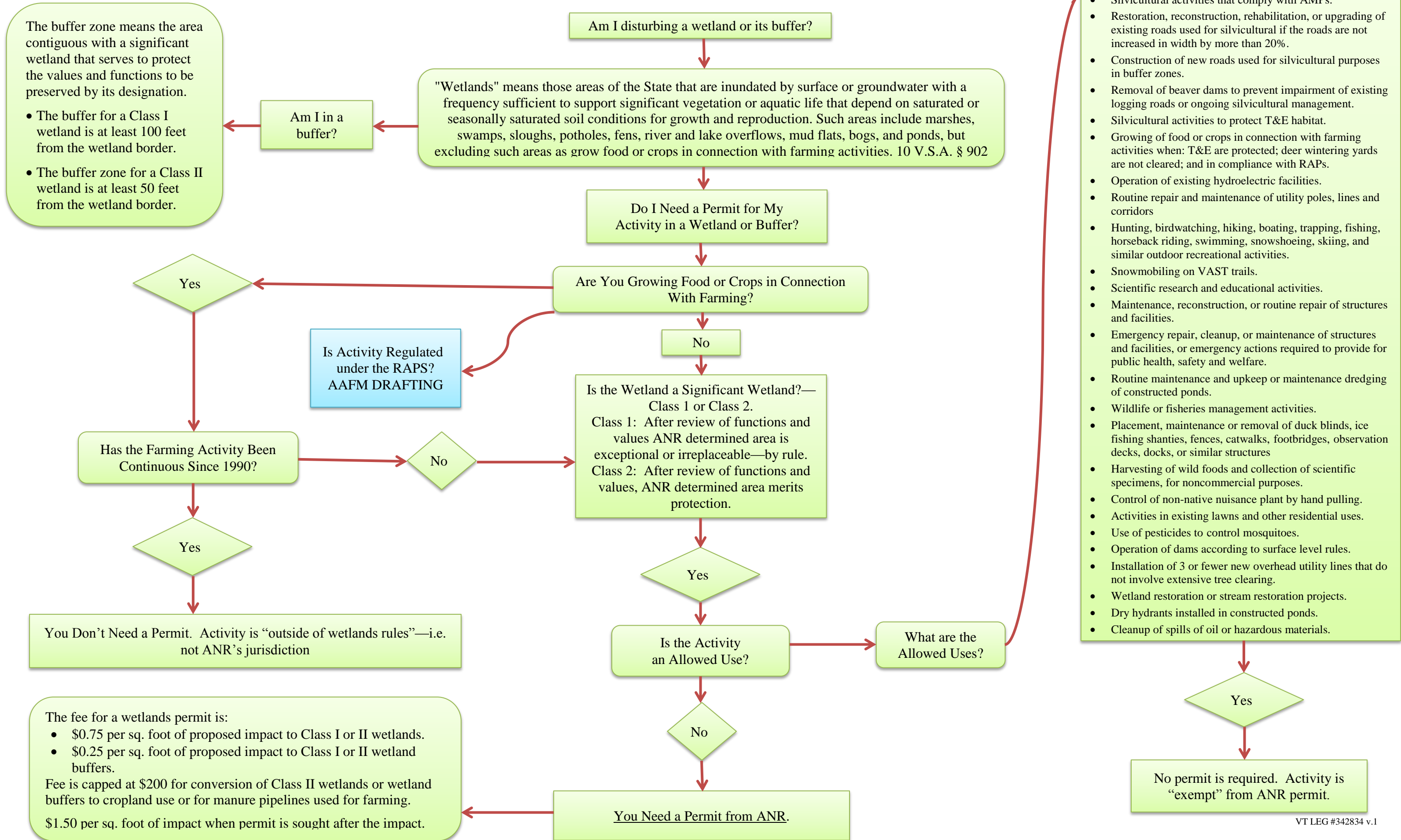


STATE WETLANDS PERMITTING FLOWCHART



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 abutments (maintenance does not include modifications to character, scope, or size of the original fill design).
- Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage.
- Construction of temporary sedimentation basins on a construction site that does not involve the placement of fill material in protected waters.
- Construction or maintenance of farm or forest roads, or temporary roads for moving mining 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.
- The purpose of the activity is to convert waters into a new use where the flow or circulation of water may be impaired or the reach of such waters reduced. The water's flow or 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 or otherwise significantly modify wetlands and other protected waters.