

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

## Vermont Wetland Permitted Losses and Gains 2024

**Year: 2024**

**Date reported: April 25, 2025**

**Authorizing statute: 10 V.S.A. § 919(a)**

**Committees: House Committee on Environment and Energy; Senate Committee on Natural Resources and Energy**

**Primary contact: Laura Lapierre, DEC Wetlands Program Manager**

## **Purpose**

To satisfy wetland reporting requirements in Act 121 of 2024, An act relating to the regulation of wetlands, river corridor development, and dam safety. Specifically:

“§ 919. WETLANDS PROGRAM REPORTS

(a) On or before April 30, 2025, and annually thereafter, the Secretary of Natural Resources shall submit to the House Committee on Environment and Energy and to the Senate Committee on Natural Resources and Energy a report on annual losses and gains of significant wetlands in the State.”

## **Report**

The goal of the regulation and management of wetlands in the State is the net gain of wetlands. This goal is achieved through the Wetlands Program (Program) through the Vermont Wetland Rules and voluntary restoration. Much of the Program’s work towards the net gain goal happens in the form of technical assistance. Technical assistance may be in the form of a desktop review or site visit of a parcel or potential project. Technical assistance duties include identifying the general location and classification of wetlands, determining whether the project needs a wetland permit or an allowed use approval, providing advice on how to avoid or minimize wetland impacts, and providing directives to clean up violations. The Program tallies the number of technical assistance calls received for uniquely identified properties each year. For any one property, there may be a back-and-forth of emails, calls and site visits which are all tallied as one technical assistance

call for tracking purposes. In 2024, there were 1,899 technical assistance calls and 766 site visits.

Each year the Program issues around 200 permits for activities to occur within wetlands or 50-foot buffer zones. There are 240 permit decisions involving over 400 separate wetlands from calendar year 2024. Permittees must report on when construction for the permitted project is complete and certify that it was completed following all conditions, including restoration. The losses and gains data in this report includes the 39 projects reported as complete in calendar year 2024. Wetland filling activities are considered wetland loss. Wetland enhancement and restoration are considered gain. In 2024, no completed permitted projects included wetland creation or conservation for compensation. Nearly one acre of wetland was filled. Of the reported projects, 53% included no wetland fill. Permit requirements for enhancement, restoration, or In Lieu Fee<sup>1</sup> payment of wetland was less than the amount of permitted wetland loss (0.1 acres net gain).

<b>Loss and Gain by County</b> (in square feet)		
County	Loss	Gain
Addison	3990	0
Bennington	958	0
Caledonia	467	2122
Chittenden	19098	0
Franklin	1880	4425
Lamoille	3500	0
Orleans	1477	0
Washington	3879	300
Windham	428	0

The table to the left displays the reporting by county. There was no work completion reporting in 2024 for Essex County. Permitted projects completed in three counties had no reported gains or losses (Grand Isle, Rutland, Windsor). Rutland and Caledonia counties had more wetland gain than loss in 2024. Eight counties have a net loss of wetland in the 2024 time period (Orleans, Chittenden, Lamoille, Bennington, Addison, Windham, and Washington).

These data do not account for other non-fill wetland alterations, the loss of wetland due to lack of state jurisdiction, wetland fill violations that did not obtain

after-the-fact permits, non-reporting permits, or projects that did not report completion. These numbers also do not account for restoration efforts that are not associated with a wetlands permit.

The Wetlands Program will separately track wetlands restored on-site, off-site, In Lieu Fees paid or conservation implemented associated with permits in future reporting years once an update is made to the database.

The Clean Water Initiative Program in the Department tracks voluntary wetland conservation and restoration activities associated with state administered funding by state

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<sup>1</sup> <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/In-Lieu-Fee-Programs/VT/>

fiscal year. For fiscal year 2024<sup>2</sup>, 135 acres<sup>3</sup> of wetland was reported as voluntarily conserved or restored through these funding sources.

The Wetlands Program works with the Environmental Compliance Division and Enforcement and Litigation Section to conduct wetland investigations and enforcement actions. In calendar year 2024, one case settled with penalties and one citation was issued. Many additional investigations were conducted to determine if there was a violation, provide directives, and encourage voluntary compliance. The table below provides information on additional investigation activity in 2024.

Complaints Received	Pending	No Violation	Closed, Formal Action Requested/Taken	Voluntarily Corrected	Other Closure	Total closed
273	101	130	3	24	15	172

The Wetlands Program reports on additional wetland trends every five years (next report for years 2021-2025), in accordance with Act 121 of 2023.

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<sup>2</sup> State fiscal year 2024 is July 1, 2023 – June 30, 2024). Note data is collected annually, so the numbers may actually be higher once project closeout data is available.

<sup>3</sup> 135 acres = 5,881,000 square feet