

April 27, 2026

To: Legislative Committee on Administrative Rules

Re: Vermont Wetland Rules – Proposed 2025-2026 changes

My experience with the Vermont Wetland Rules is far reaching. I am a retired Land Surveyor who was practicing when the Wetland Rules came into effect in the early 1990's. When I retired from surveying I took a position with the Town of Underhill as Town Administrator and have been working in that capacity for the last six years, in addition, I've also filled in for extended periods of time as a Zoning Administrator.

Before I comment on the proposed rule changes I feel a little background is necessary. Prior to the 2010 Wetland Rule changes wetland determination was based upon the Vermont Significant Wetlands Inventory (VSWI) (Inventory). It's my understanding that these maps were hand drawn over orthophotography that was available at the time. In the early years it was common to see officials utilize these map books when visiting a site. These hand drawn maps were eventually converted digitally to be viewed and utilized using geographical information systems (GIS). Given how the maps were originally created and later transposed, they are far from exact as with most GIS data. The VSWI should be used as a tool and a guide, they should alert the user that wetlands may exist in a certain area, and that the area warrants further investigation. Typically, an Ecologist would visit a site and examine the vegetation, the soils, and the hydrology to determine the extent of the wetland boundaries. Wetlands can extend past the subject parcel's boundaries where wetlands do not appear on the VSWI, if they were determined to be connected to the subject wetland shown on the Inventory. I've also encountered the opposite situation where wetlands were shown on the Inventory, completely in error, and upon further investigation they were confirmed by the State to be much smaller than originally shown thus demonstrating that the VSWI is simply a tool and guide and the maps are not static.

In 2010 the Wetland Rules were amended and now the State had the ability to expand their jurisdiction statewide regardless if the area was depicted on the VSWI, see Section 4.6 Categorical Class II Wetlands. This significant change created great uncertainty for developers, consultants, and landowners. Prior to 2010 we had the VSWI to utilize but now if the area in question meets the criteria in Section 4.6, wetlands might exist anywhere. Towards the end of my practice, I had gained enough experience to recognize the signs and knew when to call in a consultant if I had any question whether wetlands might exist on the land I was surveying for development. Unfortunately, most landowners and some consultants don't have that experience and since 2010 I've witnessed or heard about many wetland violations. When data is inaccurate or inaccessible this will continue to happen. Although these issues are not completely addressed in the recently proposed rule changes I feel it's something that needs to be addressed at some point. Perhaps there would be fewer issues and less confusion with more updated mapping, increased staffing at the State level, mandatory wetland delineation for any new development, or returning back to

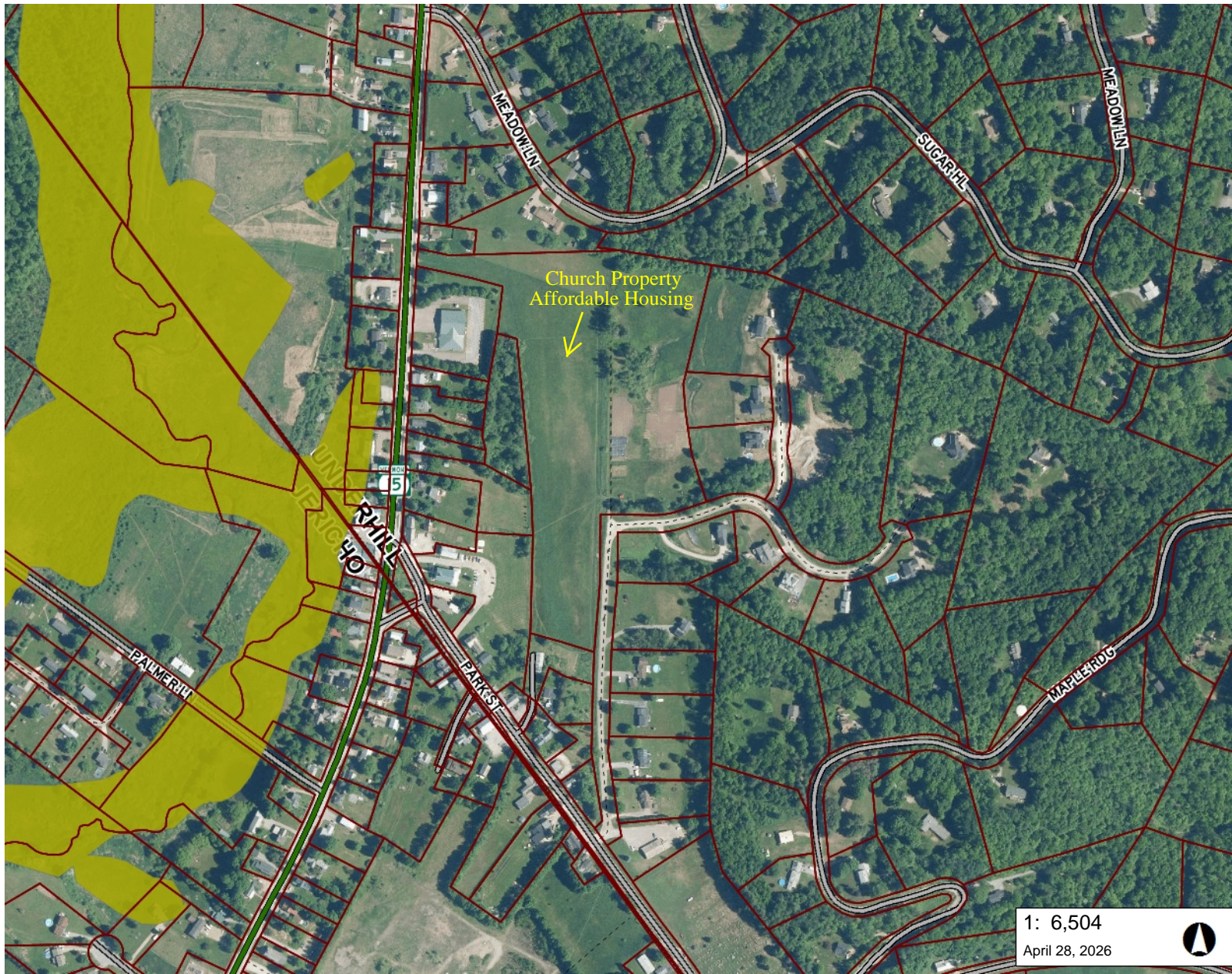
the pre 2010 rules with more up to date mapping. Wetlands that have a clear and useful function need to be protected but to what extent is the question.

The Town of Underhill has partnered with a local church who is working with Green Mountain Habitat for Humanity on an affordable housing project called Harvest Crossing. It's located near the Underhill Flats-Riverside Village Center District. There are no wetlands identified on this parcel or on any surrounding parcels based on the VSWI. Given my past experience we reached out to the State for a wetland opinion. The State, using the current rules, claimed jurisdiction using the criteria in Section 4.6. The property has soils suitable for eight perpetually affordable housing units and possibly more. The church parcel is an open field that is currently being used as a hay meadow. A wetland delineated was completed and as a result Class II and Class III wetlands were determined to cover approximately half the potentially usable area. With the exception of a drainage ditch at the rear of the property these wetlands have very little function. The area will still be mowed as it has been for hundreds of years. The area surrounding the project is mostly built out, at least by Underhill's standards, and this is the only suitable place for dense development in the area. As a result, the church clustered the homes into one small area. The wetland buffers take up so much potential useable area that there is very little room for families to put up even a small outbuilding. If we are to believe that the housing shortage data is accurate, more dense development in village settings makes sense, and therefore accommodations such as allowed uses in unmapped wetland areas should be made. In my opinion the proposed Wetland Rule changes would continue to allow housing to be built where community services and infrastructure already exist while preserving our rural character.

I've attached a parcel map showing the VSWI and the Underhill Flats and surrounding Village area for context. I'd be glad to provide testimony or answer any questions from the Committee.

Respectfully,

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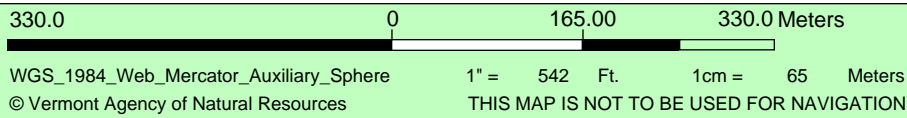
LEGEND

- Wetland - VSWI**
 - Class 1 Wetland
 - Class 2 Wetland
 - Wetland Buffer
- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

1: 6,504
April 28, 2026

NOTES

Map created using ANR's Natural Resources Atlas



DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.