

Legislative Committee on Administrative Rules (LCAR) - Vermont Wetland Rule Amendments
submitted to Lindsey.Schreier@vtleg.gov via email on 04/27/2026

Dear LCAR Members,

Below is my written testimony regarding the proposed Vermont Wetland Rule Amendments (2026), initiated by the Agency of Natural Resource (Agency) per Executive Order 06-25 (EO), specifically quantifying the impacts for allowing housing development in unmapped wetlands.

My initial comments, submitted during the public comment period, are shown on the attached pdf (page 12, comment 27). The Agency's response to this comment was a non-answer and ignored the purpose of the comment by redirecting to a stormwater regulation which does not have jurisdiction over all the development activity potentially occurring in unmapped wetlands.


Stormwater regulations only require mitigation for increases in volumes of stormwater runoff from a proposed development when the project creates half an acre of impervious surface or expands existing impervious area on a parcel. Not every parcel in the designated growth areas will be regulated by this stormwater regulation; any potential mitigating stormwater storage practices will not be uniformly applied to all development on parcels with unmapped wetlands.

In the scenario provided in my initial comment (i.e. 10,000 sf of stormwater storage lost by filling in an unmapped wetland), the fact remains that the Agency does not know how many acres of unmapped wetland will be impacted by this amendment to the Vermont Wetland Rule. The Agency has not done any analysis to quantify the potential impacts. Their statement that there will be 'minimal impacts to flood dynamics' is arbitrary and based on opinion not science. Potential negative impacts to municipal drainage systems or at a watershed scale by allowing development in unmapped wetlands remains unknown because these wetlands are unmapped.

Based on the Agency's testimony on 04/15/2026 to the House Committee on the Environment, the current wetland maps miss about 39% of actual wetlands. If we apply this percentage to the designated growth areas (3% of the State of Vermont or about 178,000 acres), then there are potentially 69,000 acres of unmapped wetlands that could be impacted by this amendment.

Additionally, this proposed amendment to waive protection of unmapped Class 2 wetlands is only a waiver of state regulations. The federal government regulates the Waters of the United States (WOTUS) via the Clean Water Act which includes all streams and wetlands regardless of state classification. Housing project owners will still need to coordinate with the US Army Corps of Engineers to delineate and permit any development on parcels with 'unmapped' wetlands.

Sincerely,



Joshua Carvajal
Bennington, VT

On 04/28/2026, this statement is an amendment to my written testimony to disclose the following:
These comments and testimony provided are my personal opinions being submitted as a private citizen of Vermont which is NOT connected in any way to my current employment at the Vermont Department of Environmental Conservation in the Rivers Program as a River Management Engineer. There was no confidential and/or privileged information accessed during the preparation of my comments and/or testimony; All referenced regulations and other information is readily available to the general public.