

## 04/30/2026 TESTIMONY CONCERNING CHANGES TO THE VERMONT WETLAND RULES

Hello, my name is Nat Shambaugh and I would like to testify briefly in opposition to adoption of these changes to the Vermont Wetland Rules. I am here representing the Berlin Pond Watershed Association which works to protect the natural resources of Berlin Pond and it's watershed.

As I'm sure you know at this point, Vermont statute states:

***10 V.S.A. § 901 (3) regulation and management of the water resources of the State, including wetlands, should be guided by science, and authorized activities in water resources and wetlands should have a net environmental benefit to the State.***

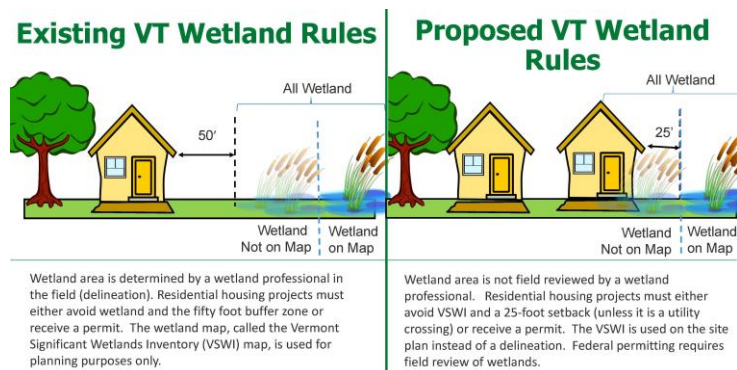
I have four areas that concern me about these rule changes:

- 1) Reducing the buffer around mapped wetlands from 50' to 25' is not based on sound science. It would not be protective of the wetland OR THE HOMEOWNER.
- 2) Allowing a road to be built thru the middle of a wetland to access development sites would disrupt the flow of water in a wetland, is bad science, and does not in any way provide a net environmental benefit to the state.
- 3) Eliminating the review process makes it more difficult for the average Vermonter to question a decision by the Secretary of ANR.
- 4) Utilizing only Vermont Significant Wetland Inventory maps to define a wetland is contrary to legislative intent and Vermont Statute, in addition it is shortsighted, and will allow house construction in the middle of what common sense and science indicates is a wetland.

The proposed changes to the Vermont Wetland Rules eliminate the science in defining a wetland and are therefore contrary to the above statutory language. A wetland must be defined by the reality on the ground, not by what is shown on a map. These rules arbitrarily eliminate protection for vast amounts of wetlands, which may or may not be a benefit to the state overall, but certainly does not have a net environmental benefit to the state.

The Agency's webpage describing the proposed rule admits that the rule changes would allow construction within wetlands (see Figure 1). Construction within a wetland without a permit simply because the wetland is not on a map is not based in science and does not provide a net environmental benefit to the state.

FIGURE 1.

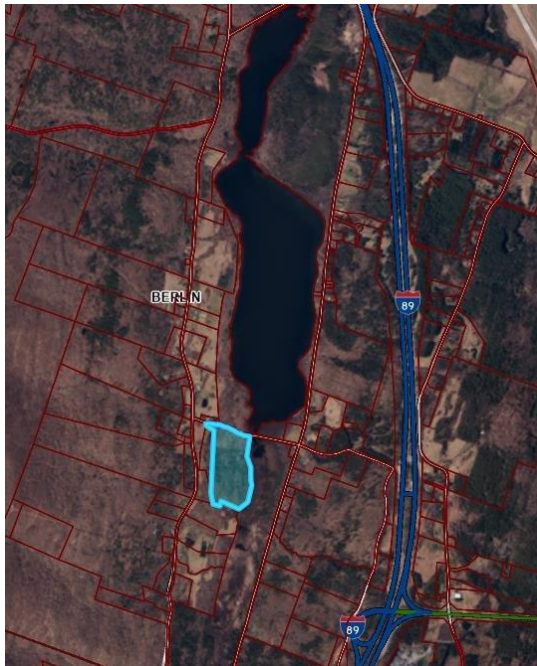


As an example of that last point, I would like to speak in particular about a property which went on the market a few years ago as an example of the limitations of the existing VSWI maps.

TO MAKE PERFECTLY CLEAR, this property is not within one of the designated areas covered by this proposed rule, but it is an example of the deficiencies in utilizing only the VSWI maps.

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**FIGURE 2.**

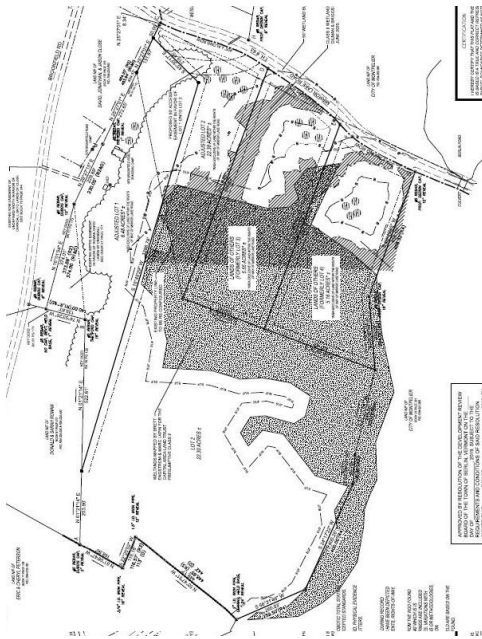


In 2021 a 40 acre property at the inlet to Berlin Pond was subdivided and put on the market to be sold as four housing sites (see Figure 2). Prior to subdivision this property had its wetlands mapped twice using accepted scientific delineation, once by VTDEC. Because of the extensive wetlands identified, and because this subdivision is on the inlet to Berlin Pond, Montpelier’s drinking water supply, we at BPWA felt that this property was not appropriate for development and fought hard for its protection.

Figure 3 shows the delineated wetlands, the shaded areas, to be 13.7 acres of the final 33 acre parcel or 41% of the parcel. Figure 4 shows the current VSWI wetland map of the property. According to the VSWI map, less than 10 % (3.1 acres) of the property is wetlands. Luckily, the existing wetland rules require on the ground delineation. On the ground delineation shows that in reality, almost half of this property is actually wetland and not suitable for development. Without on the ground delineation, houses would be built where there are perennial streams, wetlands, and swamps. Clearly the VSWI

maps are inadequate for determining where significant wetlands are.

**FIGURE 3.**



**FIGURE 4.**



The intent of our current wetland legislation is obviously the PROTECTION of our wetland resources and their significant functions and values. This proposed set of changes does not protect our wetlands...it actually eliminates wetlands from protection. AND WHO WILL PROTECT THE HOMEOWNER WHEN THEY ENCOUNTER WET BASEMENTS AND MOLD CONTAMINATION BECAUSE THEY PURCHASED A HOUSE BUILT IN A SWAMP?

We all agree that we need more housing in Vermont, but sacrificing our environment and wetlands in particular is NOT the way to accomplish this.