

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Vermont Wetland Rules

_____/s/ Julia S. Moore_____, on 4/6/2026
(signature) (date)

Printed Name and Title:

Julia S. Moore

Secretary, Agency of Natural Resources

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Minutes
- ☐ Copy of Comments
- ☐ Responsiveness Summary

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

25P 040

3. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Misty Sinsigalli, Commissioner, DEC

Agency: ANR Department of Environmental Conservation

Mailing Address: 1 National Life Drive, Davis 2,
Montpelier, VT 05620-3522

Telephone: 1-802-490-6137 Fax: 1-802-828-1544

E-Mail: misty.sinsigalli@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*: <https://dec.vermont.gov>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Catherine Gjessing, General Counsel, ANR

Agency: Vermont Agency of Natural Resources

Mailing Address: 1 National Life Drive, Davis 2,
Montpelier, VT 05620-3522

Telephone: 1-802-595-3331 Fax: 1-802-828-5144

E-Mail: catherine.gjessing@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

None

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

None

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 V.S.A. §§ 905b(18) and 930

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The Department of Environmental Conservation, within the Agency of Natural Resources, is granted explicit authority in 10 V.S.A. §§ 905b(18) and 930 to adopt rules to address the identification, classification, and protection of wetlands in the state. 10 V.S.A. § 918, enacted by Act 121 (2024) directs the Secretary to amend the Vermont Wetland Rules (VWR) to require a 2:1 ratio of restoration to wetland loss for permanent wetland impacts, and establish a set of parameters and restoration ratios for restored wetland restoration projects. Additionally, allowed uses specified by the Vermont Wetlands Rules are not required to have a permit, in accordance with 10 V.S.A. § 913(a).

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This rulemaking amends the Vermont Wetland Rules (VWR) to support and accelerate housing development in designated growth areas while incorporating wetland protection changes required under Act 121 (2024). The amendments provide an added allowed use for activities related to the construction of residential housing projects in unmapped Class II wetlands and at least 25 feet from a mapped Class II wetland, including growth

centers and Tier 1A or 1B areas under 10 V.S.A. § 6033. The rule also removes the reconsideration process, eliminating an interim step between permit issuance and appeal, improving permitting process efficiency. Additional amendments streamline wetland map updates to improve notice and regulatory certainty. Consistent with Act 121, the rule incorporates the State goal of net gain of wetlands, establishes a minimum 2:1 compensation requirement for permanent wetland loss exceeding 5,000 square feet, and adds factors for considerations when evaluating compensatory mitigation.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

Allowed uses in the Vermont Wetland Rules advance important policies by allowing uses such as recreation, routine maintenance of existing infrastructure, and growing food. The Climate Action Plan and Resilience Implementation Strategy promote compact settlement and smart growth as important policies to enhance climate resilience and reduce greenhouse gas emissions. The amended rule supports densification of housing development in designated areas. There is also a chronic shortage of housing in Vermont, contributing to unacceptably high housing costs for Vermonters. The shortage has also contributed to homelessness and negatively impacts the economy and availability of workers for local businesses. Recently, the Agency of Commerce and Community Development issued the 2025 Housing Needs Assessment which documents the need for housing and the impacts on Vermonters. Finally, the amended rule is necessary to advance the requirements and goals enacted under Act 121 (2024).

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The proposed rule amendments are not arbitrary; they are supported by both the Agency's enabling authority, data collected by state government, as well as Agency staff and wetland professionals. Title 10 V.S.A. §§ 905b(18)(B), 902(7) and (9), 913(a) and 930 authorize the Agency to adopt and amend rules, designate allowed uses in wetlands, determine whether an unmapped wetland is a Class II wetland, and establish buffers for protected wetlands. The proposed amendments are consistent with the concept of allowed uses and with the public policy initiatives such as the Global

Warming Solution Act's (Act 153, 2020) charge to "...encourage smart growth and related strategies." Designated areas have been established to promote compact growth, historic preservation, and housing development; construction in designate areas reduces sprawl and protects the surrounding landscape. Specifically, the rule amendment will allow for greater regulatory certainty to expedite the construction of housing in designated areas.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

This rule will affect: Vermonters seeking housing in designated areas; landowners with Class II wetlands on their property within designated areas that wish to develop housing projects or multi-use projects with a housing component; engineers, architects, consultants, designers, developers, and contractors hired to evaluate develop, construct on, or otherwise conduct activities related to housing development on properties with Class II wetlands located in the designated areas; wetland consultants working in Vermont; municipalities seeking to promote housing development within designated areas; and the public at large, with an interest in housing issues as well as wetland regulations.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Wetlands provide important environmental and economic functions. This rule may increase development-related impacts to some wetlands and buffers in designated areas, however the extent of those impacts will be limited and balanced by facilitating housing construction and densification in designated areas, reducing sprawl and its associated environmental and climate-related impacts. Vermont has a statewide housing shortage. Half of Vermonters spend over 30% of their income for housing, and 25% pay more than 50%. Options are most limited for low-income renters, but all renters struggle to find affordable housing. Further, lack of housing is linked to the inability to recruit workers for local businesses. New home construction is not keeping pace with demand, reducing vacancy rates and inventories, and increasing the cost

of living. To meet the 2025 to 2029 demand and address these issues, Vermont requires an estimated 24,000-36,000 additional housing units highlighting the need for rapid development.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 12/15/2025

Time: 05:00 PM

Street Address: 100 Mineral Street, Springfield, VT

Zip Code: 05156

URL for Virtual:

Date: 12/16/2025

Time: 01:00 PM

Street Address: 1 National Life Drive, Dewey Building,
Montpelier, VT

Zip Code: 05602

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

1/15/2026

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Wetland

buffer

Class II

Tiers 1A and 1B

Act 250

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

SOS Log #: #23-001

The Vermont Wetland Rules were adopted on February 7, 1990, and amendments were most recently adopted on January 23, 2023.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

This rule will affect: Vermonters and people relocating to Vermont seeking housing; landowners with Class II wetlands located on their property within designated areas; engineers, architects, consultants, designers, developers, and contractors hired to evaluate and construct housing development on properties with Class II wetlands located in the designated areas; wetland

consultants working in Vermont; municipalities seeking to promote housing development within designated areas; and the public at large, with an interest in housing issues as well as wetland regulation and protection.

While wetlands provide important environmental and economic benefits, such as, flood control and water quality functions, the impact to wetland functions will be confined to a limited amount of wetland area located in designated areas. These designated areas comprise 3% of the total area of the State, with mapped wetlands presently comprising 6% of that 3%, or 0.18% of the total area of Vermont. Negative impacts will be balanced by accelerating housing construction consistent with smart growth principles. Both the Vermont Climate Action Plan and Resilience Implementation Plan advocate for compact settlement.

See:

https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Vermont_Climate_Council/CAP2025_ChapterDrafts/ClimateActionPlanUpdate_2025.pdf

https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Resilience_Implementation_Strategy_FINAL_091725.pdf

There is a housing crisis in Vermont; housing is an essential component of a healthy economy and vibrant communities. The Agency of Commerce and Community Development and the Regional Development Corporations have promulgated Comprehensive Economic Development Plans (CEDs) which note the importance of housing to the attaining a reasonable cost of living for Vermonters, recruiting workers and a healthy economy. Regional Development Corporations partnered with the Regional Planning Commissions and the Agency of Commerce and Community Development to engage stakeholders and craft their CEDs.

See: <https://accd.vermont.gov/economic-development/major-initiatives/ceds>

<https://accd.vermont.gov/housing/plans-data-rules/needs-assessment> See also:

<https://housingdata.org/profile/housing-needs>

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

The proposed rule amendments will not have an economic impact on public schools or school districts. Public schools are currently subject to wetland permitting requirements should they conduct construction activities within Class II wetlands or their buffers. The proposed rule amendments will not change these requirements because they apply only to housing projects in designated areas.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

N/A

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Small businesses are subject to the permitting requirements of the Vermont Wetland Rules when conducting construction activities the impacts Class II wetlands. The proposed rule amendments will establish an allowed use for the construction of housing and mixed-use projects located in certain designated areas that may impactsunmapped Class II wetlands and portions of the buffers of mapped Class II wetlands. The designated areas where the rule is applicable represent a maximum of 3% of the state land mass but have been identified as areas that are suitable for increased development density. As such, those small businesses that are involved in home building may experience reduced costs for housing developments in those areas.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Currently, small businesses can reduce costs associated with wetland permitting and compliance with the Vermont

Wetland Rules by reviewing the Vermont Significant Wetland Inventory maps as part of the project-planning process to identify Class II wetlands, and consulting with ecologists with the Vermont Wetlands Program early in the process to determine how to avoid and minimize impacts to wetlands and buffers that may require permitting. Small businesses can also review the mapping resources associated with the downtown development zones, as well as the guidance promulgated by ANR and posted on the ANR website here: <https://dec.vermont.gov/watershed/wetlands/rulemaking>. The proposed rule is likely to further reduce the cost/burden of compliance for small businesses building homes in designated areas by increasing regulatory certainty and reducing project review timelines.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The proposed rule change is expected to have a positive economic impact on the regulated public by reducing regulatory costs and accelerating project timelines. The proposed amendments were narrowly tailored to facilitate housing development in designated areas. Alternatives, including not amending the Rule, would not advance the public policy goals of increasing housing unit generation in designated areas or promoting smart growth and compact settlement in Vermont.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This economic impact analysis compared the language in the current rule, requiring review of all presumptive Class II wetland types for significance on a project-by-project basis, with the narrow proposed rule amendments that allow housing development in certain wetland buffers and unmapped portions of wetlands in designated areas. The impact analysis also relies on some recent reports regarding the importance of housing to vibrant and economically viable communities. The

impact analysis also considers the total land area of the State subject to the Rule modifications and balances possible impacts in those areas against development goals established by the General Assembly to promote housing unit generation and compact growth in designated areas. In light of the serious nature of the housing issues in Vermont, this is a step in facilitating the construction of housing.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
 - Impacts on the discharge of pollutants to water
 - Impacts on the arability of land
 - Impacts on the climate
 - Impacts on the flow of water
 - Impacts on recreation
 - Or other environmental impacts
-

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

Wetlands naturally cycle carbon and also naturally release three greenhouse gasses: carbon dioxide, methane, and nitrous oxide. Over the long-term, wetlands serve as carbon sinks. There are unmapped wetlands in the designated growth areas that may be impacted by the amended rule. The proposed rule amendment would relax wetland regulation within identified growth areas which could lead to a short-term increase in greenhouse gas emissions from wetland impacts at those locations during disturbance, but limited only to disturbance in these unmapped wetlands.

Further, most of the best carbon storage wetlands - peatlands - are mapped. More than offsetting these potential increases, however, building more housing in designated areas reduces overall GHG emissions associated with vehicle miles traveled (VMT) and is a key strategy in Vermont's Climate Action Plan. Specifically, smart growth reduces VMT through more compact, mixed-use development, which decreases transportation-related emissions and promotes walkability. This leads to fewer GHG emissions, lower infrastructure maintenance costs, improved health outcomes, and greater traffic safety compared to dispersed growth patterns. See:
<https://vtrans.vermont.gov/sites/aot/files/Research/2024%20FACT%20SHEET%20-%20Smart%20Growth.pdf>

The Vermont Climate Action Plan (CAP) and the Resilience Implementation Strategy (RIS) support smart growth. One of the primary CAP priorities is that of investing in municipal infrastructure to support compact development. See:
https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Vermont_Climate_Council/CAP2025_ChapterDrafts/ClimateActionPlanUpdate_2025.pdf

The RIS specifies that infrastructure planning and investment should support climate-resilient infrastructure; including modernizing and streamlining state permitting processes to facilitate such projects and compact growth. See:
https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Resilience_Implementation_Strategy_FINAL_091725.pdf

These wetland amendments are applicable to areas designated for compact development and constitute a maximum of 3% of Vermont land. Mapped and unmapped wetlands within the designated areas are also small percentage of the designated areas (6% of the 3%). ANR has nearly completed a mapping project that improves the accuracy and extent of mapped wetlands.

4. **WATER:** *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

Generally, the preservation of significant wetlands across the Vermont landscape provides substantial public benefits through flood storage; surface, groundwater, and water quality protection; as well as other benefits such as wildlife habitat, recreation, open space, and education. Wetlands that are located in designated areas are often degraded by adjacent land use, but can still provide a subset of these functions - often related to water quality. The proposed rule amendment balances protection of intact wetlands with state policies promoting smart growth and the pressing need for additional housing in Vermont. Importantly, proposed housing projects in designated areas that utilize the Allowed Use remain subject to applicable floodplain and stormwater permitting requirements that address flood and erosion impacts. In addition, consistent with Act 121 (2024), enacting 10 V.S.A. § 918, the proposed rule incorporates the goal of net gain of wetlands (which Vermont currently exceeds 10- to 100-fold most years), and establishes updated compensatory mitigation standards, including a minimum 2:1 compensation ratio for permanent fill or drainage of significant wetlands exceeding 5,000 square feet, compensation requirements for certain buffer impacts and factors to assess the type and scale of mitigation. In addition, the Statewide VSWI update effort is nearly complete. The National Wetlands Inventory (NWI), created at a 1:8,000 scale using aerial interpretation, is finished and qualifying NWI polygons will be added to the VSWI. This will improve the detection of wetlands across Vermont. For example, the edits in the Otter Creek Basin increased wetland detection area by 20%. DEC is currently updating the VSWI in the eastern half of the state and the remainder of the state is expected to be completed later this year.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

The proposed rule amendments will not impact land use outside of the designated areas and other suitable

areas for housing development. Currently, land management activities allowed in wetlands without a permit include: silviculture, growing food and crops, stream and wetland restoration, and wildlife habitat management. These land management types allow for the wetland to exist with alterations primarily to the vegetation and will be unaffected by the proposed rule. While the allowance of housing in unmapped wetlands could increase the value of "marginal (wetlands) land" in designated areas, land management activities such as forestry, agriculture, restoration and wildlife habitat management tend to take place in more rural areas and are not likely to occur in designated areas. In addition, the proposed rule amendments are applicable to a small percentage of Vermont's land area (~3%), while current protections will be maintained for all Class I and II wetlands across the vast majority of the landscape.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

The proposed rule amendments will not impact recreational use outside of designated growth areas and other suitable areas for housing development. Often, wetlands are left as open space in housing developments because the regulation requires avoidance and minimization. It is estimated that around 5% of unmapped wetlands are significant for recreational value. Between one-third and one-half of unmapped Class II wetlands may provide fish habitat and wildlife habitat, respectively. Without the requirement to delineate unmapped wetlands, it is uncertain to what degree the recreational use of unmapped wetlands will be adversely impacted. This said, the proposed rule amendments are applicable to a small percentage of land in Vermont, and the Vermont Wetland Rules will continue to protect all Class I and II wetlands outside designated areas and prevent any additional development in Class I wetlands .

7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

Wetlands naturally store and release greenhouse gasses, and unimpacted wetlands store carbon and accumulate carbon storage over time. Wetland water storage helps

to lessen flood damage from more extreme storms to downstream properties and also provides for water in times of drought allowing us to be more resilient to the effects of climate change. While the rule will result in some adverse impacts to unmapped wetlands and the outer 25 feet of buffer of mapped wetlands in the designated areas, these tradeoffs are offset by the well-documented climate benefits of compact growth. As discussed in Section 3, Vermont's Climate Action Plan and Resilience Implementation Strategy both include recommendations supporting smart growth. Importantly, the designated areas and wetlands affected by these amendments represent a small fraction of Vermont's total landscape and wetland areas.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

Wetlands provide educational, research, aesthetic, and rare species habitat values, as well as supporting unique natural communities. A relatively small percentage of unmapped wetlands are estimated to have these values (under 6%) and the proposed rule amendments apply to a small percentage of Vermont's land. The Vermont Wetland Rules will continue to protect all mapped Class I and II wetlands and prevent any additional development in the Class I wetlands.

9. The proposed rule amendments will result in potential impacts to unmapped wetlands and mapped wetland buffers within the designated areas. However, the broader context is also important - a 2024 Wetland Program report found that permitted activities resulted in a loss of less than one acre of wetlands, while voluntary restoration efforts tracked by the Clean Water Initiative yielded a net gain of 135 acres. These figures reflect that the proposed rule amendments will not undermine Vermont's goal of achieving a net gain of functioning wetlands. Wetland permitting will remain unchanged for wetlands on approximately 97% of Vermont's land, and the Agency will continue to actively pursue wetland conservation and restoration projects statewide.

10.SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Wetland Program reviewed several resources and analyzed individual Class II wetland determinations made for unmapped wetlands between 2013-2020 to give estimates of unmapped wetland functions and values. Dahl, T.E. (1990) Wetlands Losses in the United States 1780's to 1980's. U.S. Department of the Interior, Fish and Wildlife Services, Washington D.C. 13pp. Steward et al (2024) Nature Communications 15:726 Minnesota Board of Water and Soil Resources. See: <https://bwsr.state.mn.us/carbon-sequestration-wetlands> accessed 10/20/25.

This source cited the Global Change Research Program data from 2018 which has been removed from the web. The environmental analysis is also based on available materials related to identification of significant wetlands in the state, the Climate Action Plan, the Resilience Implementation Strategy, and Vermont smart growth, VMT and GHG research.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

ANR held two hybrid public informational meetings with both in person and remote access. ANR issued press releases, and notified wetland stakeholders and consultants of the proposed amendments. The public meetings occurred on December 15th and 16th in Springfield and Montpelier Vermont, respectively. The rule, a link for public comment, and information regarding the public hearings were posted here: <https://dec.vermont.gov/watershed/wetlands/rulemaking> The public comment began on November 17, 2025 and extend through January 15, 2025 (more than 7 days after last public informational hearing).

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Agency met with non-governmental environmental groups and others at their request. The Agency contacted other state agencies to collect contact information for entities involved in housing

Public Input

development. The Agency contacted advocates, towns, wetland consultants, contractors, designers, and developers via email with information regarding the public input process.

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

Vermont Wetland Rules

2. ADOPTING AGENCY:

Agency of Natural Resources (ANR)

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

The U.S. Army Corps of Engineers' Standard Operatoring Procedures effective April 26, 2024 containing recommended compensatory mitigation ratios for direct permanant impacts and temporary and secondary impacts to wetlands.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

U.S. Army Corps of Engineers, New England District, Regulatory Division, New England District Compensatory Mitigation Standard Operating Procedures (Apr. 26, 2024)

5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST*):

Digital copy is available at
https://www.nae.usace.army.mil/Portals/74/Compensatory_Mitigation_SOP_May2024.pdf

A digital and written copy is also available for inspection and upon request at ANR's main office.

6. **MODIFICATIONS** (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

None

Run Spell Check

VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Vermont Wetland Rule Amendments (2026) - Responsiveness Summary

Date: 4/6/2026

This rulemaking amends the Vermont Wetland Rules (VWR) to support and accelerate housing development in designated growth areas, consistent with the goals of Executive Order 06-25 (2025), while incorporating wetland protection changes required under Act 121 of 2024. The amendments provide an added allowed use for activities related to the construction of residential housing projects in unmapped Class II wetlands and at least 25 feet from a mapped Class II wetland, including growth centers and Tier 1A or 1B areas under 10 V.S.A. § 6033. The proposed rule also removes the reconsideration process, eliminating an interim step between permit issuance and appeal, improving permitting process efficiency. Additional amendments streamline wetland map updates to improve notice and regulatory certainty. Consistent with Act 121, the rule incorporates the State goal of net gain of wetlands, establishes a minimum 2:1 compensation requirement for permanent wetland loss exceeding 5,000 square feet, and adds factors for considerations when evaluating compensatory mitigation.

The Secretary of State placed the rulemaking proposal on public notice on November 12, 2025 and the public comment period remained open until January 14, 2026. In anticipation of public interest, the Vermont Agency of Natural Resources, Department of Environmental Conservation held a public meeting in Springfield, VT on December 15th, 2025 and in Montpelier, VT on December 16th, 2025. Both meetings had a virtual attendance option.

Over 200 people, representing themselves individually or organizations, presented oral and/or written comments at the public meetings or submitted letters to the Department.

The following is a summary response to the substantive comments received. Where appropriate, comments have been paraphrased, consolidated, and categorized. The full text of written comments is submitted as an attachment to the Agency's final proposed rule filing and is available on request for review from the Department's Watershed Management Division. Recordings of the public meeting are available at <https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>.

I. Existing Law & Policy

Comment 1: The proposed rule amendments are inconsistent with the Flood Safety Act, Act 121 (2024), including the Act's directive that wetland rulemaking be science-based and achieve a net gain of wetlands. The proposed rule amendments would weaken wetland protections and increase wetland loss instead of supporting net gain objectives.

Response 1: In response to public comment, the proposed Vermont Wetland Rules amendments were revised to include provisions that require mitigation to achieve a net gain of wetlands, consistent with the Flood Safety Act, Act 121 of 2024, when direct impacts to wetlands are proposed through permitting. Consistent with Executive Order 06-25, Promoting Housing Construction and Rehabilitation (Sept. 17, 2025) ("Executive Order"), impacts to unmapped Class II wetlands (i.e. wetlands not included in the Vermont Significant Wetland Inventory) in designated areas would not be subject to the compensation requirement, unless otherwise required under applicable local, state, or federal regulatory requirements. Further, the Rule proposes an allowed use that requires compensation for impacts to mapped Class II wetlands associated with access infrastructure (i.e., utility, driveway and access road crossings) necessary to support residential housing projects in designated areas that exceed 5,000 square feet.

As important context for this category of comments, substantial investments have been made in the acquisition and restoration of wetlands across Vermont over the past several years, resulting in hundreds of acres of wetland gain statewide. By contrast, and as documented in annual legislative reports required by Act 121 (2024), permitted wetland losses are, on average, less than one acre per year. The net gain in functions and values that accrue statewide vastly offsets the potential losses that may occur as a result of the proposed rule within the very limited geographic extent of designated areas (roughly 3 percent of total land area of the State) where some wetlands remain unmapped. In addition, the proposed revised rule eliminates the applicability of the allowed use to Opportunity Zones, reducing the land area subject to the allowed use by approximately 50 percent.

Comment 2: The proposed rule amendments are inconsistent with Vermont statutes and legislative policies concerning climate resilience, biodiversity, wildlife connectivity, and water quality, including the Community Resilience and Biodiversity Protection Act, Act 59 of 2023, Act 171 of 2016, and 10 V.S.A. Chapter 37.

Response 2: See the Agency's response to Comment #1. In addition, the mitigation sequence for net gain is also to be managed in consideration of wetland functions and

values to ensure for balancing of the noted functions and values on a watershed and regional basis, where practicable.

The findings of Act 59 (2023) include statements that outline the loss of biodiversity related to human activities such as the exploitation of natural resources and climate change. The findings state that “Vermont’s most effective and efficient contribution to conserving biological diversity and maintaining a landscape resilient to climate change is to conserve an intact and connected landscape.” Section 2, Act 59 (2023). The goal of Act 59 is to conserve 30 percent of Vermont by 2030 and 50 percent by 2050. The ongoing efforts to achieve these goals are not focused on concentrated growth areas where the proposed rules loosen permitting requirements for housing and utilities, in large part because conserving such areas will not advance the objectives of protecting “intact and connected” lands. Similarly Act 171 of 2016 focused on encouraging municipalities to plan for the protection of wildlife and forest resources and reduce forest fragmentation. Again, such efforts are also not focused on the concentrated growth areas where housing and linear utilities are proposed as an allowed use under these rules.

Title 10 V.S.A. § 901 sets forth the policies regarding wetlands, including that wetlands: shall be regulated consistent with “public interest and to promote the general welfare;” in a manner that “achieves a net gain of wetlands acreage;” and “should have a net environmental benefit to the State.” In addition, 10 V.S.A. § 913 (a) provides that the Agency may adopt allowed uses by rule. Here, the geographic extent of the applicability of the Allowed Use is 3 percent of the land area of the State and is focused in Vermont’s areas that are designated for growth by other important policy instruments, such as Act 181 (2024). In addition, promoting and concentrating growth in designated areas helps reduce sprawl and therefore helps protect biodiversity. As such, this rulemaking augments wetlands protections promoted by Act 59 and Act 171 for the remaining 97 percent of Vermont’s land area.

There is a chronic shortage of affordable housing in Vermont, contributing to unacceptably high housing costs for Vermonters. The shortage contributes to homelessness and negatively impacts the economy and the availability of workers for local businesses. Recently, the Agency of Commerce and Community Development issued the Housing Needs Assessment which documents the need for housing and the impacts on Vermonters. The proposed rule would reduce the regulatory burden associated with housing unit generation in designated areas in Vermont. Furthermore, the Agency is working to ensure that the restoration of wetlands affected by permitting far exceeds the minimum compensation required under 10 V.S.A., Chapter 37.

Comment 3: The proposed amendments are inconsistent with existing State policies and planning documents emphasizing wetland protection, climate resilience, flood mitigation,

smart growth objectives, and wildlife habitat. Commenters cited the Vermont Resilience Implementation Strategy, Vermont Climate Action Plan, the 2015 Vermont Wildlife Action Plan, Vermont Conservation Design, and the 2021 Vermont Climate Assessment, arguing that the amendment would undermine State policy objectives by allowing wetland impacts to designated areas.

Response 3: See the Agency's response to Comment #2. Allowed uses under the Vermont Wetland Rules advance important policies, and permit uses, such as recreation, routine maintenance of existing infrastructure, education and growing food. The Climate Action Plan and the Resilience Implementation Strategy support the concept of smart growth to promote climate resilience and reduce greenhouse gas emissions. The proposed revised rules allow for housing in designated growth areas that constitute about 3 percent of the land area of Vermont. In addition, the proposed revised rule does not undermine the objectives or policies of the Vermont Wildlife Action Plan, Vermont Conservation Design as concentrated growth in designated areas are consistent with the policies and objectives of these documents.

This rulemaking augments wetlands protections promoted by these many policy guidance documents, in accordance with the requirements of Act 121 (2024), for the remaining 97 percent of Vermont's land area, while the new mitigation requirements attach to the entire State.

Comment 4: Commenters assert that the proposed amendments are inconsistent with federal and State efforts aimed at reducing flood risk and improving housing conditions, including Federal Emergency Management Agency ("FEMA") buyout programs and American Rescue Plan Act ("ARPA") Health Home initiatives. Commenters argue that such programs address harms associated with poorly sited development and the proposed amendments could incentive additional development in areas with flood safety risks.

Response 4: Housing developments eligible for the allowed use under the proposed revised rule are required to comply with all other local, state, and federal regulatory requirements pertaining to river corridor and flood hazard areas, including but not limited to the FEMA National Flood Insurance Program requirements, local floodplain requirements, and forthcoming State river corridor protections established by Act 121. The Agency further rejects the contention that this rulemaking is at odds with programs established and implemented under any Agency ARPA program, in particular, the Healthy Homes Initiative, which was designed to upgrade inadequate or in some instances non-existent water and wastewater infrastructure in full compliance with all applicable environmental permitting requirements.

Comment 5: The proposed rule amendment allows wetland development that is inconsistent with existing municipal plans. Commenters expressed concerns that the

designated areas would extend beyond the intent of local planning efforts and do not align with municipal land use priorities.

Response 5: Municipal regulatory requirements are not superseded or waived under the provisions of the proposed revised rule.

Comment 6: The Agency should allow more time for Act 181 (2024) to be realized because it could expand housing opportunities without additional impacts on wetlands.

Response 6: The Agency acknowledges the comment and agrees that Act 181 (2024) may result in additional opportunities for housing development. The Administration considers need for and availability of new housing as urgent and that the proposed revised rule work in concert with the temporary exemptions in designated areas provided until Act 181 (2024) that continue to be implemented. In addition, for this reason, the draft rule was amended to “sunset” the Allowed Use in 2030, consistent with the sunset dates approved by the Vermont Senate in March of 2026 under Bill S.325.

Comment 7: The allowance of utilities and driveways to be built in mapped wetland is inappropriate and inconsistent with the Executive Order.

Response 7: The Agency acknowledges that there are many parcels in the state in designated areas which are “landlocked” by mapped wetland along road frontage. The purpose of the utility crossing allowance is to allow for limited impacts to access available upland for housing without requiring a wetland permit, consistent with the intent of Executive Order 06-25 (2025). Impacts associated with such crossings must also be practicably unavoidable, less than 5,000 square feet or subject to compensation, and follow best management practices for access infrastructure and linear utilities. All other components related to a residential housing project will need to remain outside of areas of mapped wetland and 25 feet from the mapped wetland area boundary.

II. Rulemaking Process and Administrative Record

Comment 8: The proposed rule filing does not contain a comprehensive economic analysis of the proposed rule amendment, as required under 3 V.S.A. § 838. Commenters asserted there is insufficient information in the record to support the cost-benefit statement and the record should include additional information such as changes in property values, business impacts, and the economic value of wetlands. Costs related to houses placed in wetlands, including flood damage, failed septic systems, and impacts to downstream communities are relevant and not sufficiently addressed.

Response 8: Note that under 3 V.S.A. § 838(b), the requirement to assess economic impact is limited to rules affecting small business and school projects; and to information that is either already available to the Agency or can be developed at a reasonable cost. The revised proposed rule does not affect schools but affects housing projects, and while it could be argued that small housing contractor businesses would benefit from the revised

proposed rule, the Agency does not currently possess the information that would be necessary to prepare such analysis. It is expected that projects proposed in the designated areas identified by Executive Order 06-25 (2025) and the revised proposed rule, in cases where existing wetlands are not mapped, would have a net economic gain - primarily in terms of the cost and speed of project construction. Furthermore, any assessment of property values, business impacts, and the consideration of wetland monetary economic values, or the potential costs related to flood damage, failed on-site wastewater systems, and impacts to downstream communities would be nearly impossible absent specific project and resource information. It is also worth noting that because the designated areas subject to the revised proposed rule represent approximately 3% of Vermont's land area, it is unlikely that wetland impacts within this narrow footprint would meaningfully alter flood dynamics at the watershed-scale. The relationship between the loss of smaller, isolated wetlands – the category most likely to be affected by the revised proposed rule amendments – and measurable increases in downstream flood damage is not linear. In general, flood hydrology and attenuation is dominated by larger-scale landscape features – river corridors, floodplains, and extensive wetland complexes – as opposed to the smaller wetlands which are most likely to be unmapped in designated development areas. Also, the revised proposed rule amendments do not obviate the need for the project owner to obtain all other necessary permits or approvals as required by local, state, or federal laws, including regulatory requirements related to river corridors and flood hazard areas, water supply and wastewater disposal permits.

Comment 9: The proposed rule amendment filing lacks an adequate scientific information summary and environmental impact analysis, as required under 3 V.S.A. § 838. It should evaluate wetland functions and values, estimate unmapped wetland areas, and assess environmental impacts based on scientific data. This analysis should include data on the percentage of unmapped wetlands and the potential net loss due to rule change. It should also include how the scientific community was engaged in the rulemaking process and explain the science behind the executive order. The analysis lacks references to scientific literature. Opportunities for consulting experts, scientists, and the public should be pursued before implementing major changes.

Response 9: A comprehensive environmental impact analysis of the proposed rule suggested in comments received is not possible as it would require the Agency to have mapped all unmapped wetlands that are located within designated areas. Projects proposed in the designated areas identified by Executive Order 06-25 (2025) and the revised proposed rule, in cases where existing wetlands are not mapped, may result in some environmental impacts to those unmapped wetlands. Those changes are potentially offset through the revised proposed rule amendments involving mitigation sequencing as referenced in the Agency's response to Comments #1 and #2.

The Agency reiterates here the following information on the geographic extent of the allowed use in the revised proposed rule:

- Total Acreage of Allowed Use Applicability in the Designated Use Geography Under Executive Order: 198,945 Acres or 3 percent of Vermont Land Area.
- Total Acreage of Mapped Wetlands in Designated Areas Under the Executive Order: 12,490 Acres or 6 percent of Designated Areas.
- Total Percentage of the State Land Area in Mapped Wetland Within Designated Areas Under the Executive Order: 0.18 percent.

Additionally, the Agency regularly updates Vermont Significant Wetlands Inventory mapping, providing additional specificity and clarity as to the location of all mapped wetlands in an update area, including those subject to the designated areas identified under Executive Order 06-25. The revised proposed rules do not obviate the need for the project owner to obtain all other necessary permits or approvals as required by local, state, or federal laws.

Comment 10: Please explain what studies have been conducted to assess the efficacy of the rule change.

Response 10: No specific studies were conducted. However, it is known that wetland permits take 60 to 90 days to permit once the wetland boundary has been delineated and accepted by the Agency, and it can take months to get a wetland boundary delineated and accepted for use in project design, given that delineations must occur during the appropriate season. These changes will reduce project scoping and design time related to wetland protections and promote regulatory certainty for those municipalities and developers seeking to build housing projects in areas subject to the proposed rules.

Comment 11: The proposed rule amendments were not posted on a separate page readily accessible from ANR's web page or was otherwise provided with an incorrect link. Additionally, there is no proposed schedule for completing the requirements of 3 V.S.A. Chapter 25.

Response 11: The provided webpage link, although incorrect, did redirect to the correct webpage. The Rule information was prominently displayed on the Wetlands Program main webpage. The Agency could not give a full schedule given that comments received must be addressed and the timeframe for addressing them could not be anticipated. The final filing with LCAR will include a full proposed schedule.

Comment 12: This rulemaking process did not adequately consult wetland conservation and wildlife professionals and that projects qualifying for the allowed use may proceed without project-specific public comment opportunities regarding wetland impacts. Commenters assert that these changes reduce opportunities for public review of wetland impacts.

Response 12: The Agency used the rulemaking process to allow for comments from wetland and wildlife professionals. Vermonters should also understand that wetlands permitting is only one of many public comment opportunities the public has regarding housing development projects. It is unlikely that the loss of a public comment opportunity associated with review of wetlands impacts that go unreviewed in the development areas would actually eliminate public comment opportunity for a housing project.

Comment 13: Commenters assert that the proposed amendments should be considered together with Act 121 (2024) amendments to avoid confusion and serial rulemaking on overlapping wetland issues.

Response 13: Given this and other related comments, the Agency modified the proposed rule to incorporate Act 121 requirements. The Agency acknowledges that Act 121 related amendments to the Rule had not received stakeholder review and comment in time for inclusion with the wetland modifications associated with the Executive Order. However, the changes are clearly set forth in Act 121, and many of those changes are only relevant to larger impact projects where mitigation is required.

Comment 14: The rule change should undergo legislative debate rather than being enacted solely by executive order. The permanence of the allowed use is unclear, and individuals' rights to petition for wetland protection must be preserved.

Response 14: The Agency is amending the Vermont Wetland Rules pursuant to its authority to conduct rulemaking pursuant to 3 V.S.A. Chapter 25. This process requires a public process and will require review of the Legislative Committee on Administrative Rules (LCAR). With respect to the duration of the proposed allowed uses, see response to Comment #6, above. See also, response to Comment #15 with respect to petitions.

Comment 15: Had commenters known that map updates to the Otter Creek, Winooski and Pike river watersheds would have zoning-type weight, the public would have provided more comments on the changes as there are still many wetlands not included in the maps. It is unfair to change the meaning of the mapping in the middle of a vast update to the maps.

Response 15: Anyone can petition for wetlands to be added to the VSWI in the next round of edits. The Wetlands Program updates the VSWI annually at a minimum. Please see the Department's website at <https://dec.vermont.gov/watershed/wetlands/wetland-maps> for additional information.

Comment 16: The timing of the Executive Order removed the transparency of law that towns were using to develop their new mapping and zoning for Tier 1 and designated areas

to reduce or remove Act 250 review. At the time of review of these areas, our town assumed other environmental regulations were still applicable. Towns should have the right to amend their Tier 1 zoning based on this new information and towns should have the right to refuse/delay the implementation of the allowed use until town zoning can be revised.

Response 16: This rulemaking in no way precludes a municipalities ability to modify local zoning, nor to engage with the relevant RPC regarding the mapping of Tier 1A or Tier 1B areas. The allowed use requires that projects have all local permits before construction. A town has the ability to control their permitting processes and timelines.

III. Environmental and Public Health Impacts

Comment 17: Commenters assert that development in or near wetlands may result in failed or poorly functioning wastewater systems and indoor moisture issues such as mold, which may pose risks to public health. Commenters state that the rulemaking does not reflect input from the Vermont Department of Health regarding these risks.

Response 17: As noted above, housing developments subject to the proposed allowed use would still need to comply with all other local, state, and federal regulatory requirements. Specifically, Water Supplies and Wastewater systems are required to be designed to specifications published in the Wastewater and Potable Water Supply and Water Supply Rules (“WW rules”) administered by the Department. For wastewater, this includes the requirement for field verification of soil suitability for wastewater treatment. The WW rules contain provisions that significantly limit any possibility that a licensed designer would locate a septic system in a wetland area.

Comment 18: Commenters assert that increased development in wetlands may degrade water quality, introduce invasive species through fill and disturbance, and negatively affect wetland functions and values.

Response 18: The Agency agrees that the listed issues are a concern and that is why the allowed use is only for a limited area of the state for a limited timeframe. The proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use.

Comment 19: Commenters assert that increased development in wetlands may alter water flow, reduce natural flood storage capacity, and increase flooding and erosion, including impacts to adjacent properties and increased erosion along streams.

Response 19: The Agency agrees that the listed issues are a concern and that is why the allowed use is only for a limited area of the state for a limited timeframe. The proposed rule aims to balance the compelling housing demands and the environmental benefits of

compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use. And as noted in response to Comment #8, it is unlikely that potential wetland impacts within designated areas would meaningfully alter flood dynamics at the watershed-scale.

Comment 20: Commenters assert that increased development in wetlands may exacerbate flooding and water quality issues, potentially increasing costs borne by municipalities and taxpayers generally to address infrastructure damage and mitigation.

Response 20: The Agency agrees that the listed issues are a concern and that is why the allowed use is only for a limited area of the state for a limited timeframe. The proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the proposed Allowed Use. In addition, stormwater management requirements for any development creating more than ½-acre of impervious surface are designed to mitigate changes in hydrology, including flood risk, resulting from development. And as noted in response to Comment #8 and #19, it is unlikely that potential wetland impacts within designated areas would meaningfully alter flood dynamics at the watershed-scale.

Comment 21: Commenters assert that the proposed amendments may reduce protection for vernal pools and other small or unmapped wetlands that are often not captured accurately on wetland inventory. Commenters state that this could adversely affect pool-dependent species and associated upland habitat, as well as wetland functions including flood mitigation, erosion control, sediment retention, and groundwater recharge.

Response 21: Where National Wetland Inventory polygons intersected with vernal pool data points, the data was included for the VSWI update. The Wetlands Program is considering how to incorporate additional vernal pool data points into future VSWI updates. It should be noted that very large buffer zones are required to sustain vernal pool species populations, and the difference between 25- and 50-feet is unlikely to be dispositive. The proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use.

Comment 22: Commenters assert that if wetland mapping is used, more time should be provided to locate unmapped wetlands such as vernal pools because mapping may not capture wetland resources and associated habitat. Commenters request priority review for map edits in designated areas, support for mapping wetlands of concern, and additional time and analysis before proceeding. Commenters note support in recent efforts to improve the Vermont Wetland Inventory maps.

Response 22: Since 2017, the Wetlands Program has been working to complete the first statewide overhaul the VSWI maps since the early-1990s; this work was accelerated starting in 2022 with an appropriation of \$250,000 in state one-time monies. Improved

maps are currently available for roughly 80% of the state and will be available before the end of 2026 for remaining areas. Further, anyone may petition for the addition of wetlands to the VSWI and the Program is consistently working, as capacity allows, to improve the mapping.

Comment 23: Commenters assert that the proposed rule amendments may disproportionately affect lower-income or vulnerable populations by increasing exposure to flooding, environmental and health hazards, and long-term housing costs. Commenters request that rulemaking include an environmental justice analysis to evaluate these impacts.

Response 23: Without project specific information, including the type of housing proposed, the location of the project, potential environmental impacts, and other details, this type of analysis would be difficult and not meaningful in evaluating the impact of the rule changes on a particular population or community. To apply an individual analysis of the rule changes across the many designated areas collectively without this information may also inadvertently omit or exclude potential environmental justice-based impacts. Further, while the current regulation and management of wetlands may seem like a net benefit to all Vermonters and those living in and near wetland areas, when we focus our attention on those likely to benefit from additional housing units constructed as a result and/or at a lower cost as a result of the proposed rule, the assumption the impact on lower-income or vulnerable populations may be “net negative” is less certain.

Comment 24: Commenters assert that the proposed rule change results in inequity by applying different regulatory standards based on location, leading to inconsistent wetland protection across the state.

Response 24: The Agency acknowledges that the draft rule changes do establish a subset of regulatory standards only applicable to designated areas, based on location. A broader set of standards outside of these limited areas apply statewide, including for both mapped and unmapped wetlands. It is not uncommon for Agency rules to establish different standards for different geographic areas or to address different goals in consideration of a number of factors. Here, the draft rule aligns with policies related to concentrated smart growth areas and reducing housing costs in those areas. No changes to the draft rule were made in response to the comment.

Comment 25: Commenters oppose reducing wetland buffers, asserting that a 50-foot buffer is a compromise and is often insufficient to protect wetland functions and values. Commenters state that narrower buffer zones may increase mowing, incremental encroachment, dumping, ditching, tree cutting, and other incremental encroachments by adjacent landowners. Commenters further state that reduced buffers may increase pollutant exposure and adverse effects on wildlife habitat. Commenters urge larger buffers,

especially for vernal pools and species of concern (e.g., Jefferson salamanders, wood turtles) and for semi-aquatic mammals (e.g., otter ranges of 50–100 ft).

Response 25: The narrowing of the setback for these limited areas allows for denser development which is desired overall to prevent habitat fragmentation elsewhere in the State because development will be more concentrated. Further, the proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use.

Comment 26: Commenters assert that reducing buffers may leave homes less protected from rising water tables and shifting wetland boundaries, and other changing site conditions, including those associated with climate change or beaver conflicts. Commenters argue that a 50-foot buffer is necessary to accommodate boundary fluctuations and reduce future risks and public costs.

Response 26: Buffer zones are intended to protect the functions and values of a wetland, not to account for changes in wetland boundaries. The Agency has best management practices for dealing with human-beaver conflict while preventing erosion and sediment control issues associated with beaver dam removal.

Comment 27: Commenter provided a scenario to explain the flood impact of the Rule proposal: For every 10,000 square feet (i.e. 100 ft by 100 ft) of unmapped wetland that would store a conservative depth of 0.9 inches of rain (which is 90 percent of the annual storm events in Vermont), there will be an additional 750 cubic feet of runoff being discharged into the undersized stormwater conveyance systems and then into the degraded urban stream channels. As a visual reference, that 750 cf is over 5,500 gallons of water and equivalent to an 18 ft round and 4 ft deep above ground pool.

Response 27: The Agency does not disagree with the example calculation but also observes that any development superimposed upon unmapped wetland will be subject to stormwater management requirements, the design storm of which is a one-inch event (see the Department's Stormwater Management Manual Rule). Practices required by this Rule will reduce the calculated runoff volume to levels that protect both water quality, and conveyance and stream channels. The provisions in the Flood Safety Act will reduce flood risk with statewide regulation within mapped river corridors and stronger municipal floodplain management standards. Other water quality improvement projects will likely help to off-set impacts in other parts of Vermont. In addition, some development projects may be required to manage and treat increased stormwater runoff from impervious surfaces under other applicable local, state, or federal permit requirements, which can also mitigate for some loss of storage.

Comment 28: Concerns are raised about the effectiveness of stormwater systems in wetland areas, as they may not account for saturated soils and could introduce invasive species. Digging a basin in an area of a high water table only makes for ponding from groundwater and does not allow for additional stormwater storage

Response 28: Stormwater regulations account for water quality, channel protection, and groundwater recharge and these requirements are being set-forth in the aforementioned Stormwater Management Manual Rule. The proposed changes to the Wetlands Rules do not affect stormwater standards and any stormwater system installed for housing projects would need to meet the state stormwater regulations. Stormwater systems that may be designed in areas of high water tables, may account for treatment and filtering through a permanent pool, but retain a storage component for larger storm events through staged storage above a permanent pool with controlled outlet infrastructure. The Allowed Use would not allow for stormwater systems in mapped areas of Class II wetlands.

Comment 29: There is already poor compliance with current regulations. Weakening rules could exacerbate these issues.

Response 29: The Rules are only being modified in designated areas of the state (about 3 percent of Vermont's total land area) and will create capacity within the Wetlands Program that can be put to outreach and voluntary compliance efforts in the remainder of Vermont. The Rules are also being strengthened statewide to require greater mitigation when applicable, which will apply to all mapped wetland areas statewide, including in designated areas, in addition to unmapped wetland areas outside of designated areas.

Comment 30: Allowing development in unmapped wetlands raises the value of properties with degraded wetland. This would increase the costs of purchasing degraded wetland for restoration projects, making wetland restoration less affordable for communities and organizations.

Response 30: This will only affect areas designated areas which are targeted for dense development. Restoration projects will continue to be affordable in other areas of the state.

IV. Economic Impacts and Housing Affordability

Comment 31: Commenters assert that the proposed rule amendments do not ensure that projects qualifying for the allowed use will meet affordable housing objectives. Commenters question how affordable housing would be defined and verified for the purpose of project eligibility and how the rule will ensure housing developed under the allowed use serves permanent Vermont residents rather second homes or short-term rentals. Commenters also assert that inclusion of mixed-use development without a minimum residential-use threshold would allow predominantly commercial projects to qualify based on a minimum residential component, which is inconsistent with the stated purpose of promoting housing

development in the state. Such limited residential components in mixed-use projects may not meaningfully address housing needs when considering wetland impacts.

Response 31: POLICY The Rule amendment has been revised to include a minimum residential-use threshold for mixed-use development. In addition, the revised proposed rule is intended to address Vermont's broader housing supply crisis, and limiting its application to formally defined "affordable housing" would significantly undermine that purpose. Vermont's housing affordability challenge is fundamentally a supply problem: when overall housing production increases, downward pressure on costs benefits all residents. Restricting the rule's flexibility to a narrow affordability category would exclude the market-rate housing construction that is nonetheless essential to relieving supply constraints and moderating costs statewide. Further, defining, verifying, and enforcing affordable housing eligibility criteria would also introduce substantial administrative complexity disproportionate to the modest wetland flexibility the rule provides. Finally, the Vermont Wetland Rules cannot regulate the type of residence required as the permits are for construction activities only. The allowed use will streamline wetland review for all residential housing projects in designated areas, leading to streamlined housing development and reduced housing costs.

Comment 32: Commenters assert that wetlands and adjacent areas are unsuitable for residential development due to persistent wet conditions, flooding risk, and long-term infrastructure concerns.

Response 32: As noted previously housing projects continue to be subject to stormwater and floodplain-related requirements.

Comment 33: Commenters assert that development in or near wetlands may require specialized engineering, drainage, and foundation systems, resulting in higher construction and maintenance costs. Commenters state that such development may increase flood risk, insurance premiums, and property damage, creating long-term financial burdens for homeowners and reducing housing affordability. As such, these added costs would undermine housing affordability and create ongoing financial risk for homeowners. Comments note that recent flooding events have resulted in significant economic impacts in several areas of the state.

Response 33: While there is no requirement that developers avoid unmapped wetlands, a developer may still choose to do so. Additional investments may be needed to address truly wet areas that are unmapped and could require offsetting costs that may impact construction in these areas. Appreciating the concerns expressed about housing affordability, as noted in the response to Comment #31, current deficit in Vermont's housing unit generation (i.e., not enough homes being built to meet demand) is also placing significant upward price on housing costs.

Comment 34: Commenters assert that wetland regulations are not a significant barrier to housing development and that there is insufficient evidence demonstrating a need to

amend the wetland rules to address housing shortages. Commenters argue that the current rules allow unnecessary development encroachments and that sufficient opportunities for development exist outside of significant wetlands. Commenters argue that other economic, land use, and market factors, such as land availability, development preferences, and housing ownership and use patterns, are more significant drivers of housing availability. Housing policy solutions should instead focus on efficient use of housing stock, redevelopment of developed areas, and increased public investment in infrastructure and housing in existing town centers and growth areas.

Response 34: The Agency acknowledges the comment and agrees that a reliance on existing housing stock, redevelopment opportunities and increases in infrastructure investment are important components for addressing identified housing shortages, but also supports expanding the opportunities in these limited designated areas by providing additional flexibility and the easing of regulatory barriers under the rules, included reduced buffers and offering greater predictability when wetlands are unmapped.

Comment 35: What studies have been conducted to assess the efficacy of the rule change?

Response 35: No specific studies were conducted. However, it is known that wetland permits take 60-90 days to permit once the wetland boundary has been delineated and accepted by the Agency, and it can take months to get a wetland boundary delineated and accepted for use in project design. These changes will reduce project scoping and design time related to wetland protections.

Comment 36: The proposal could damage community trust due to potential unchecked development impacts, causing more local resistance to development and land access. Appeals by adjacent landowners are often a significant barrier to infill.

Response 36: There are other town zoning and state regulations where community members can review and comment on proposed projects, and as allowable appeal permitting or local zoning decisions. The Agency has observed that community resistance to development is oftentimes a function of the community changes brought forth by development itself, not the specific environmental impacts associated with the project.

V. Technical Implementation Issues

Comment 37: Wetland mapping should not solely determine jurisdiction because maps are approximate, incomplete, and inconsistently accurate across the state. Commenters state that mapped boundaries do not reliably reflect actual wetland conditions on the ground and that delineation or other field verification should be required to identify wetlands and buffers accurately. Commenters further assert that reliance on mapping alone may fail to protect contiguous and unmapped wetlands, including vernal pools, wooded seeps, and other wetlands with significant functions and values.

Response 37: The Agency agrees that the VSWI does not necessarily capture all wetlands and their boundaries and that an in-field delineation would identify on a parcel. See VWR 3.2(b). The proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use. Also, the addition of data from the recently approved National Wetlands Inventory mapping will improve statewide mapping consistency, with all National Wetlands inventory circa 2019-2025. The Wetlands Program is also committed to updating map data every year. Updates to statewide wetland mapping data is also afforded a public notice and comment period allowing for continued public engagement on these changes.

Comment 38: Commenters oppose reliance on mapped wetlands to qualify an allowed use for housing projects and assert that projects should instead be required to remain 25 feet from a delineated Class II wetland. Commenters state that reliance on mapping alone creates uncertainty and potential liability for consultants, contractors, and project proponents because wetland maps may change after project planning has begun. Commenters further assert that, if the rule continues to rely on mapped wetlands, it should include a process allowing delineations to override mapped wetlands where mapping inaccurately includes upland areas, and should provide a period during which later mapping changes would not affect a project's eligibility under the allowed use.

Response 38: The proposed amendment now includes a requirement for registering projects under the allowed use. The registration process will allow for a date-certain map vintage to apply to the registered project

Comment 39: Please explain how municipal water hookup applicable projects be determined if the waterlines are not on the allowed use map.

Response 39: Project proponents will need to work with the towns to understand if they can connect to municipal potable water infrastructure. The municipal waterlines are not on the maps because in the past, this information has been considered Critical Infrastructure Information. At present, mapping is available that shows each parcel served by a public water system. It should be noted that such mapping shows the entirety of any parcel intersecting a known waterline, and this likely overestimates of the extent of distribution systems.

Comment 40: Members of the public should retain an opportunity to comment on permit applications submitted before the effective date of any revised rule and such applications should not be approved to allow activities within the reduced buffer areas before the rulemaking process is complete.

Response 40: The Agency will review applications pursuant to the rules in place at the time of receipt of an application assuming the project proceeds. However, the Agency cannot require someone to finish a permitting process or prevent withdraw of a permit application once the proposed allowed use option is effective.

Comment 41: Explain who provides jurisdictional opinions for projects and what does the owner need to do to confirm applicability for the Allowed Use?

Response 41: A project proponent may self-verify eligibility through a registration. Future guidance will be forthcoming in the registration form.

Comment 42: Some interim exemption areas do not include a full parcel on the mapping. Will the entire parcel be treated as within the applicable Allowed Use area?

Response 42: Only the areas that qualify under the allowed use apply. A parcel that extends outside of a designated area will need to complete a full delineation (i.e., cannot rely on the VSWI maps to determine wetland boundaries) and apply for permits for that portion of the project if there are wetland impacts proposed.

Comment 43: The requirement that a project be "located on soils adequate for wastewater disposal..." is subjective. The definition should include the wastewater suitability classes defined by the NRCS soil map unit. Also, the location requirement for soils should apply only for the wastewater system itself and not the residential housing that it serves.

Response 43: A project is considered to meet these criteria when a valid wastewater permit is obtained for the project. The requirement will be clarified in the registration form. The Agency does not find that the NRCS soil map unit is appropriate to use for this purpose.

Comment 44: Streamlining projects without wetland delineation in some areas could create confusion and would be inconsistent with federal, town, and state wastewater regulation. Consider allowing delineations and offering tax incentives to offset costs in qualifying zones.

Response 45: The revised proposed rule aims to balance the compelling housing demands against environmental risk in the limited areas of Vermont designated for development. The rule does not prohibit any developer from seeking a delineation even when one is not needed under the allowed use.

Comment 46: Clarifications are needed on wastewater disposal requirements, the inclusion of stormwater in utility lists, and the application of BMPs under the allowed use.

Response 46: Stormwater is not included in the list of utility crossings allowed within mapped wetlands and 25ft buffer. Wastewater disposal requirements are included in the Wastewater Rule. The final draft of the Rule will include the BMPs as an appendix in the Rule for clarity.

Comment 47: How will the rule change affect an individual's ability to petition for wetland protection before an impact occurs? The executive branch does not have the authority to remove this right for individuals.

Response 47: An individual may petition for any wetland to be added to the VSWI for protection at any time. That individual would need to provide evidence that the wetland is providing significant functions and values.

Comment 48: Is the new allowed use temporary or permanent?

Response 48: The revised proposed rule includes language that makes the allowed use temporary. All registrations under the allowed use must be submitted on or before January 1, 2030, with commencement of construction on or before September 1, 2030 and completion of all earth disturbing activities and achieved final stabilization by December 1, 2031.

Comment 49: Will wetland modification areas grow over time? Perpetual growth is not sustainable.

Response 49: The designed areas identified in the Executive Order are a function of Act 181 and the processes it sets forth to designate Tier 1A and Tier 1B exemption areas. If additional areas are designated as Tier 1B or municipal water and sewer is extended, those areas will be included. The converse is also true where more wetlands can be added to the VSWI for protection as they are found. The allowed use is temporary. Additional changes in the criteria or extent areas designated for development are subject to legislative requirements and any changes thereto, and are not in the control of the Agency.

VI. Alternatives and Suggested Revisions

Comment 50: Many commenters provided alternative solutions to the housing crisis. Those ideas include:

1. Recommend higher taxes on second homes and large properties to fund downtown development. Strengthen wetland protections outside designated areas by revising farm exemptions and enhancing Act 171.
2. Expedite wetland delineations by increasing staff or accepting contractor work. Emphasize education over punishment to improve state-landowner relations.

3. Suggest state incentives like funding for water/sewer infrastructure and low-interest loans to promote housing without sacrificing wetland protections.
4. Add resiliency measures to planning. Encourage zoning for affordable housing, ADUs, and multi-family buildings. Consider programs to help the elderly downsize.
5. Suggest a "Grow Resilience Campaign" with water infiltration practices.
6. Propose a general permit for housing, prioritize Tier 1B reviews, and enhance wetland program resources.
7. Improve mapping tools and clarify local jurisdiction over wetlands.
8. Create a wetland general permit to streamline housing project review.
9. Increase Wetlands Program staffing and prioritize housing project review.
10. Adopt a wetland certification process.
11. The wetland rules should have the ability to seek a variance to reduce the buffer zone in designated downtowns to allow dense housing.

Response 50: Several of the suggestions are beyond the scope of the Agency and would need to be considered by the Administration, Housing Agency, or Legislature. Ideas #2, 7, 8, 9 were all considered by the Agency, are not included in this Rule amendment, and may be included in future Wetland Program improvements. Idea #11 is already a possibility: the Secretary has the ability to modify wetland buffer zones as part of the designation process. Idea #6 is actively in process by the Wetlands Program and a full state update to mapping is pending this year along with the creation of protocol and processes to enhance wetland mapping further.

Comment 51: Some commenters who support the rule amendments requested additional changes, including:

- I. Wish for the rule changes to be applied more broadly, including rural areas, to provide equal development opportunities.
- II. Allow building on lots with wetlands adjacent to developed properties.
- III. Exclude more residential activity from permitting such as lawn creation.
- IV. Eliminate the State Wetlands Program and rely on federal regulations and existing protected lands.

Response 51: The Agency has considered these additional changes and will not be adding them to the Rule amendment at this time.

Comment 52: There should be no rollback of wetland protections in water Source Protection Areas to protect public water supply.

Response 52: Towns and private Public Water Supplies concerned with wetlands associated within Source Protection Areas are encouraged to modify their Source Water Protection Plans to identify specific municipal or private actions to protect wetlands in “SPA’s.” Any entity can identify and petition wetlands to be added to the VSWI for protection.

Comment 53: The allowance of mapped wetland crossings for required utilities while following BMPs, is objectionable. It is a common-knowledge observation that utilities are in many cases considered part of the housing development itself. Creating a separate evaluation of impacts from utilities does not seem to be consistent with the stated objective and purpose of the Executive order.

Response 53: The Agency has worked with the Administration to ensure that the Rule amendments comport with the objective and purpose of the Executive Order. It is understood that many parcels have developable upland but have mapped areas of wetland along their road frontage. The allowance to cross mapped areas is intended to allow development in those otherwise unreachable developable uplands without necessitating a permit.

VII. Comments In Support of Rule

Comment 54: Commenters who support the Rule amendments provided the following reasons for their support:

- a. The proposed changes are seen as supporting smart-growth planning by incentivizing density and revitalizing areas like Waitsfield's Irasville neighborhood.
- b. By removing the reconsideration step, the changes aim to streamline permitting timelines, providing predictability and timeliness for developers and municipalities.
- c. The amendments are viewed as striking a balance between protecting wetlands and addressing Vermont's severe housing shortage, offering targeted flexibility in designated growth areas.
- d. The changes are believed to reduce unnecessary barriers, improve regulatory clarity, and enhance predictability, thus aiding housing affordability efforts.
- e. The rule changes apply to only 3% of the state, focusing on areas with existing environmental review and infrastructure planning.

Response 54: The Agency acknowledges the support.

Comment 55: Some support targeted buffer reductions on small, preexisting lots (especially around lakes) for practical reasons, including a suggested 25 ft buffer for qualifying projects.

Response 55: The Agency agrees that a smaller buffer zone helps to allow denser development which is particularly useful on smaller lots. However, the focus of the E.O. and by extension this proposed rulemaking is housing unit generation in designated areas.

Use of Generative AI; Citation: This content was developed with the assistance of a generative artificial intelligence, ChatVT, in accordance with *Guidelines for Use of Content Generating AI* developed for the SOV (11/29/2023). Comments were summarized and categorized based on topic or issue. All responses were developed and reviewed by ANR employees. All content has been reviewed and verified to be accurate and complete and represents the intent of the Department of Environmental Conservation.

Interagency Committee on Administrative Rules (ICAR) Minutes

Date/Time: October 27, 2025, 2:00 PM

Location: Virtually via Microsoft Teams

Members Present: Nick Kramer, Jared Adler, Jennifer Mojo, John Kessler, Natalie Weill, Michael Obuchowski, Nicole Dubuque

Members Absent: John Kessler and Diane Sherman

Minutes By: Chrissy Gilhuly

- ▶ 2:11 p.m. meeting called to order (technical difficulty delayed start time)
- ▶ Review and approval of minutes from the October [meeting](#).
- ▶ No additions/deletions to agenda. Agenda approved as drafted.
- ▶ No public comments were made.
- ▶ Presentation of Proposed Rule with recommended changes on pages to follow:
- Presentation of the following proposed rules:
 - 1) Agency of Natural Resources
 - a. This rule amendment to the Vermont Wetland Rules (VWR) will provide that housing projects are an allowed use in unmapped Class II wetlands located within appropriate locations; specifically growth areas, Tier 1A or 1B designations under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from an Act 250 permit or amendment.
- ▶ Next scheduled meeting is November 10, 2025, at 2:00 p.m.
- ▶ 2:40 p.m. meeting adjourned.

Vermont Agency of Administration

Proposed Rule: This rule proposes an amendment to the Vermont Wetland Rules (VWR) will provide that housing projects are an allowed use in unmapped Class II wetlands located within appropriate locations; specifically growth areas, Tier 1A or 1B designations under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from an Act 250 permit or amendment.

Presented By: Mitsy Sinsigalli, Commissioner; Laura Lapierre, Environmental Program Manager; Catherine Gjessing, General Council - Agency of Natural Resources

Motion made to accept the rule by Nicole DuBuque, seconded by Natalie Weill, and passed unanimously with one abstention, Jennifer Mojo, with the following recommendations:

- 1) Proposed Filing – Coversheet:
 - a. #8: Typo, extra word (create) in last sentence; remove
 - b. #13: Complete hearing information once confirmed (December or January)
- 2) Public Input Maximization Plan
 - a. #3: Confirm and promote venues and exact dates once confirmed.
 - b. #4: Expand outreach to Vermonters seeking low- and moderate-income housing and landowners; work with Commerce and Community Development to generate a list of possible outreach avenues

From: Matt Wojciak <nhowoj12@gmail.com>
Sent: Tuesday, November 11, 2025 8:38 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment re: Proposed Changes
Attachments: Wetland Protections.docx

You don't often get email from nhowoj12@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

Please find attached public comment regarding the proposed changes to wetland development with regards to Executive Order 06-25.

Thank you,
Matt Wojciak
Bradford Center, VT

To whom it may concern,

The proposed changes to Vermont's wetland protections under section 3.1 of Executive Order 06-25 are a disastrous threat to Vermont's natural landscape and the overall health of the environment around us.

The benefits of healthy & plentiful wetlands have been well documented by scientists smarter than I, so I won't attempt to wax poetic or exhaustively list each and every one of these benefits. However, reference should be made to some introductory literature published previously by the state of Vermont:

"Wetland Functions and Values" - <https://dec.vermont.gov/watershed/wetlands/functions>

"The Bountiful Benefits of Wetland Buffers" -

https://dec.vermont.gov/sites/dec/files/documents/wl_BountifulBenefitsOfWetlandBuffers.pdf

Suggested further reading includes *"Wetlands"* by Vermont Natural Resources Council (<https://vnrc.org/clean-water/wetlands/>); *"Eager"* by Ben Goldfarb (Chelsea Green Publishing, 2018); *"The Stream Conservation Handbook"* by J. Michael Migel et al (Crown Publishers, 1974); and *"Northland"* by Porter Fox (W.W. Norton, 2018), to name a few.

In this time of scientifically & grossly observable climate crisis, protecting sensitive habitats - especially those that confer wide-ranging ecological benefits - should be of utmost conservation priority. Only 4-6% of Vermont is classified as wetland; these wetlands influence & dictate the health of every watershed in the state. These habitats not only support incalculably valuable populations of flora & fauna, but also provide drinking & household water, agricultural irrigation, recreational fishing opportunity, and so much more to ALL Vermonters.

The heritage & culture of Vermont is inexorably tied to good stewardship of the land. Vermont's Indigenous & Colonial pioneers made their living and built the Brave Little State on stewarding the land & creating opportunity in a way that has allowed Vermont to endure as a living symbol of natural beauty & a place where people may make an honest living working the land.

Betraying the future of healthy & plentiful wetlands in Vermont would be an inexorable stain on the Scott administration as well as - much more importantly - a cruel sentence for future Vermonters who may never experience the state's diverse & important wetland habitats in their current state. Please, for the good of Vermonters today & tomorrow, reconsider the changes to Vermont's wetland protections as pertains to section 3.1 of Executive Order 06-25.

Thank you,
Matt Wojciak
Bradford Center, VT - Waits River Watershed

From: Ken Minck <kcminck@gmail.com>
Sent: Wednesday, November 12, 2025 1:54 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Wetland rules

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Hello and good day, I am writing to oppose the Governors EO 06-25 on wetland rules.

- "Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands."
- "Protective buffer zones around Class II wetlands are reduced to 25 feet."
- This language is just plain horrible....."no state permits are required for impacts to unmapped CLII wetlands" This is to say if a wetland delineation is conducted and CLII wetlands are identified and not mapped they are exempt. Makes no sense at all, why even do a delineation! We all know the State's wetland mapping has many omissions and corrections are in process as we speak. The CLII delineation process should be in effect regardless of whether it is mapped or not.
- Regarding buffers: The State chooses not to enforce the existing 50' buffer, (numerous examples in the Town of Georgia) the 25' reduction will just encourage homeowners to mow grass in the buffer and or wetland.
- Regards, Ken Minck
- Georgia, VT

From: town manager <townmanager@gmail.com>
Sent: Wednesday, November 12, 2025 2:20 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Wetland Rule Change Comments

You don't often get email from townmanager@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR Wetlands Officials,

I am writing to support the changes to the Wetland Rules to accommodate housing development as laid out in the rule change recommended by Governor Scott. In reality this recommendation will only impact a very small amount of locations already within existing villages and downtowns.

In our view, this rule change should be applied more broadly so that rural portions of Vermont are given the same opportunity to create much needed housing for our communities. The housing crisis impacts every corner of Vermont and just about every community has a local committee or group working on the issue. We appreciate this rule change and look forward to the positive future impacts for our State.

Best,

Rob

--

Rob Gaiotti

Town Manager

Dorset Town Offices
200 Raptor Lane
Dorset, VT 05251

(p) 802-362-4571 x 3
(c) 802-417-7814
(f) 802-362-5156

[Visit the Town of Dorset Website!](#)

From: Amy M <amy.l.moreland@gmail.com>
Sent: Wednesday, November 12, 2025 3:08 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Oppose Proposed Changes to Vermont Wetlands Rules

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Members of the Vermont Dept. of Environmental Conservation,

I oppose the proposed amendments to Vermont's Wetlands Rules outlined in the Governor's Executive Order.

These changes would:

- Reduce buffer zones around Class II wetlands from **50 feet to 25 feet**, allowing development much closer to sensitive areas.
- Remove protections for **unmapped wetlands**, leaving many ecologically valuable areas vulnerable to destruction.

Wetlands provide critical functions—flood control, water quality improvement, wildlife habitat, and climate resilience. Weakening these protections will increase runoff, pollution, and habitat loss, while putting communities at greater risk of flooding—especially as climate change intensifies. We know the floods are coming, so let us all be more forward thinking in living with our waters, present and future.

Housing needs are real, but sacrificing wetlands is short-sighted and dangerous. Vermont's own resources emphasize the importance of buffers and wetland functions (Wetlands Functions and Values, Benefits of Wetland Buffers).

Please reject these amendments and uphold strong protections for Vermont's wetlands.

Sincerely,

Amy Moreland

Westminster, VT

From: Elinor Osborn <elinor91@me.com>
Sent: Wednesday, November 12, 2025 6:51 PM
To: ANR - Wetlands Rulemaking Comment
Subject: VT Wetlands rules

You don't often get email from elinor91@me.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

We should not allow house construction in VT wetlands or their buffers even if not currently mapped. Building in wetlands causes water problems for homeowners and also keeps wetlands from holding back flood waters.

Respectfully,
Elinor Osborn

Elinor Osborn
nekv1v2@pshift.com
802 586-9994
1286 Lost Nation Rd
Craftsbury Common VT 05827

Elinor

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1286 Lost Nation Rd
Craftsbury Common VT 05827

802 586-9994
elinor91@me.com
www.elinorosbornphotography.com

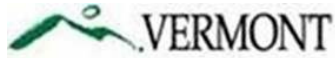
From: Kamman, Neil
Sent: Friday, November 14, 2025 11:18 AM
To: Amanda Raab; Moore, Julie; John Pitrowski; Lapierre, Laura; Phillips, Bridget; Sinsigalli, Misty (she/her); ANR - Wetlands Rulemaking Comment
Cc: Alexander J. LaRosa; Liam Murphy (LMurphy@mskvt.com)
Subject: RE: DEC Guidance

Greetings Amanda,

Thank you for these great questions. Understanding that changes to the state wetlands permits necessitate rulemaking, please note that the amended rule package has been filed for public comment and review. The wetlands rulemaking page is here: <https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>. The Department will add these questions to the public comment record, with complete responses to be provided as part of the required responsiveness summary. Recognizing this is a few weeks out, please see a few cursory initial responses below, which will be expanded upon in responsiveness to the rulemaking. While this could change, as you can see my assessment aligns with yours.

Best,

Neil C. Kamman, Deputy Commissioner (*he/his*)
Department of Environmental Conservation
1 National Life Dr., Davis 3
Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov
<https://dec.vermont.gov/water-investment>



The Department of Environmental Conservation supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: Amanda Raab <Amanda@mviewsitedesign.com>
Sent: Tuesday, November 11, 2025 11:16 AM
To: Kamman, Neil <Neil.Kamman@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowski <john.pitrowski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy (LMurphy@mskvt.com) <LMurphy@mskvt.com>
Subject: RE: DEC Guidance

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Neil,

Thank you for your email in October, and the subsequent updates to the guidance and mapping. I think we are getting closer to understanding how this will affect Vermonters and their projects, but I am seeking additional information for implementation and procedures to determine if a project meets EO Section 3.1 Wetlands Modification and the coming Wetland Rules Section 6.26. Specifically, who provides jurisdictional opinion for projects?

- **Wetlands program staff or DEC staff dedicated to permit assistance will be able to render an opinion once the rules are adopted.**

Firstly, if a project is clearly within a designated area, does the Owner need to do anything to present their project and confirm applicability, or since no permit is required, does the Owner do nothing?

Please note the intent in the Initial Implementation Guidance that DEC will create a certification form for owners to certify they are within the covered area of the EO.

Second, who should we contact to discuss the Act 250 interim exemption areas to extend them to include entire parcels, or at a minimum confirm the applicability applies to the entire parcel, not just the mapped portion?

DEC would refer this question to Land Use Review Board; likely most specifically the District Coordinator for the project areas in question.

Finally, for projects which are not within designated areas, but are within the terminus of municipal water or sewer extending from a mapped zone, where can we get jurisdictional opinion that the project falls under EO Section 3.1?

- **Wetlands program staff or DEC staff dedicated to permit assistance will be able to render an opinion once the rules are adopted.**

The Wetland Permitting Modification Areas map doesn't show municipal water which is an important feature to include projects included per the EO, specifically "... (designated areas) served by public sewer, or with soils... adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond the area of the development district".

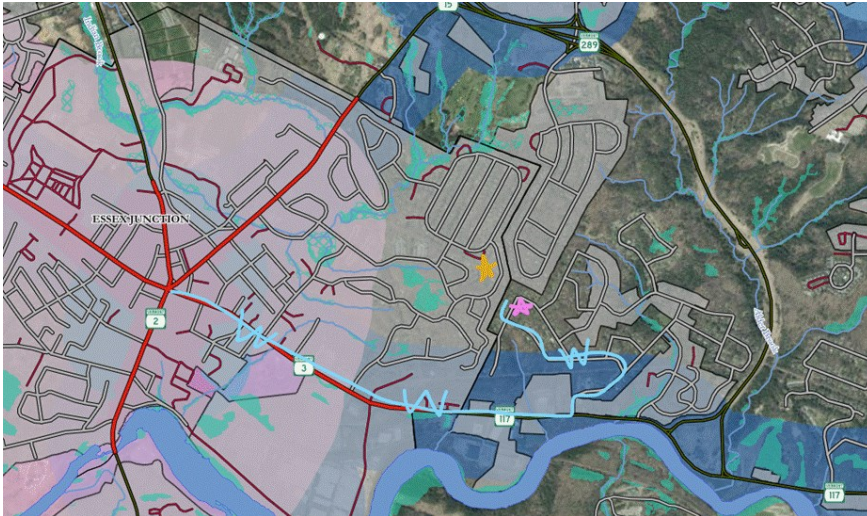
We continue to interpret this as, for example, projects who are connected or can "hook up" to municipal water, when the water extends from a designated area, including not just projects entirely within mapped designated areas, but those which can access the extension of the terminus of water or sewer which sprawls from the designated areas.

- **I concur with your understanding.**

On this map – the Orange Star is a project which is outside of a designated area, but within the sewer area. Let's assume it is connected to municipal sewer, it doesn't have municipal water but is an eligible project as it is within the extended terminus of the municipal sewer network (**agree**). The Pink Star is a project which is outside of a designated zone, using on-site sewer, but connected to municipal water (unmapped), and therefore an eligible project as it is within the extended terminus of the water system. (**also agree**)

Can you please point me in the direction of how to confirm these findings?

Thank you,
Amanda



From: Kamman, Neil <Neil.Kamman@vermont.gov>
Sent: Wednesday, October 15, 2025 4:34 PM
To: Amanda Raab <Amanda@mviewsitedesign.com>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>
Subject: RE: DEC Guidance

Greetings Amanda Raab,
Thank so much for your note. You raised a couple issues here and you are correct about the need for some modifications. On behalf of Sec. Moore, please see my **responses below**. We will update the guidance accordingly.

With Regards,
Neil

Neil C. Kamman, Deputy Commissioner (*he/his*)
Department of Environmental Conservation
1 National Life Dr., Davis 3
Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov
<https://dec.vermont.gov/water-investment>



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From: Amanda Raab <Amanda@mviewsitedesign.com>
Sent: Tuesday, October 14, 2025 8:56 PM
To: Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>
Subject: DEC Guidance

Some people who received this message don't often get email from amanda@mviewsitedesign.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Julie,
I'm grateful for the work that was put into this guidance document, but I am left with questions, ones I didn't have reading the EO alone. Does the Governor agree to the delays the DEC's guidance offers, specifically stating that the haste of the executive order will not be tolerated and that instead Section 3.1 should only be implemented through formal rulemaking?

The governor is briefed on reasons behind the Department's approach to implementing the Executive Order thru amendments to the Vermont Wetlands Rule. While I will not speak for Gov. Scott specifically, I can assure you that senior executive staff and Agency leadership are fully aware of our approach to employ rulemaking, which will support the implementation of the EO in the best manner possible.

The DEC document doesn't include public water areas when identifying the location of the project and the applicability of the EO, ref. page 9. The exact wording from the EO in **bold** "or extending to the terminus of the areas served by public sewer **or water services** if beyond the area of the development district" which by interpretation of the original and modified EO includes areas extending from the Designated Areas including any areas extending from these which are connected to either municipal water (with on site or municipal sewer) or municipal sewer.

I have great concerns that people reading this DEC document will assume they are limited to the terminus of municipal sewer, and that is not what the EO states. Because this section of the DEC document only **bolds public sewer or suitable soils** and doesn't also include **public water**, the public could be misled reducing the applicability of the interpretation. I believe the DEC document recognizes that municipal water is undoubtedly applicable when delineating the extent of the areas the EO is applicable to as there is one sentence within the DEC document acknowledges municipal water as it relates to mapping, see attached. The DEC guidance should be updated to match the EO and include **bold** for **public water** in addition to the sewer descriptors.

You are correct – that was an oversight in the guidance that we will correct.

The qualifying areas for suitable wastewater disposal still require further guidance from the LURB? I am failing to understand how this criterion cannot simply be met by obtaining a Wastewater System and Potable Water Supply Permit (or Indirect Discharge Permit) for the project, which would be the most straight forward test to determine suitability. Does this mean

the government responsible for sanitary permitting is not the only test for wastewater suitability and the LURB is working to re-define this?

You were right to flag this. Pursuant to the interim exemptions in Act 250, the LURB does have a say in how soils suitable for wastewater will be implemented in the interim exemptions, and the Tier 1A/1B areas going forward. However, for DEC's purpose in applying the wetlands permitting modifications in Section 3.1 we agree that the issuance of a wastewater permit will be dispositive for this provision. We will update the guidance accordingly.

I appreciate the time everyone has taken to discuss this topic. Because the guidance reads that it is intended to be updated, I thought it was prudent that these areas be discussed in advance of the next revision.

Thank you,
Amanda

Amanda Raab
802-752-5651



From: Moore, Julie <Julie.Moore@vermont.gov>

Sent: Thursday, October 9, 2025 5:39 PM

To: John Pitrowiski <john.pitrowiski@bowman.com>; Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <Amanda@mviewsitedesign.com>

Subject: RE: Information by the week of Oct 6th

Good evening, John.

First, I want to assure you that we share your sense of urgency regarding Executive Order (EO) 06-25 and its importance in helping address Vermont's critical housing challenges, and my team is working quickly and diligently to provide comprehensive guidance to the regulated community on its implementation. We intend to release this guidance as soon as possible – likely early next week – to allow appropriate time for final legal and leadership review.

We are proceeding carefully to ensure the guidance provides clear, defensible direction that minimizes the risk of project-by-project appeals by outside parties. Such appeals would clearly cut against the very efficiencies the EO was designed to achieve.

To that end, and following briefings from ANR counsel, I have determined the most prudent path forward is to codify the wetlands-related provisions of the EO through the rulemaking process. Specifically, we will be updating our rules to make clear Class II wetlands in designated areas are limited to those features identified on the most current VSWI maps when an application is filed and reducing the buffer zones around these Class II wetlands to 25 feet. A special meeting on the Interagency Committee on Administrative Rules (ICAR) is being scheduled for October 27th and we expect to have the updated rules in front of LCAR in late-December or early-January, depending on their meeting schedule.

Finally, as Neil noted to you previously, the errant semi-colon was a ministerial error and shortly after it was discovered a revised version of the EO was published on the Governor's webpage ([EO 06-25 Promoting Housing Construction and Rehabilitation.pdf](#)), replacing the earlier version. The version currently available on the Governor's webpage is the only active version of the EO.

At the end of the day, you are, of course, free to provide whatever advice you believe is in your clients' best interests regarding the EO. Given where we are in the construction season and the significant attention surrounding the EO, our approach reflects the old adage: sometimes you have to go slow to go fast. We are taking a modest amount of time now to ensure the framework is sound will allow the wetlands provisions of EO to be implemented more efficiently – hopefully with fewer delays or challenges – in the medium- and long-term.

Julie

Julia S. Moore, P.E. | Secretary (she/her)
Vermont Agency of Natural Resources
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901
802-828-1294 office
julie.moore@vermont.gov
anr.vermont.gov

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: John Pitrowiski <john.pitrowiski@bowman.com>

Sent: Thursday, October 9, 2025 2:45 PM

To: Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>; John Pitrowiski <john.pitrowiski@bowman.com>

Subject: RE: Information by the week of Oct 6th

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Hi Neil

October 6th has come and gone, and we have not heard from anyone. Technically you still have Friday. Perhaps we don't need guidance if you decide not to respond by tomorrow and we just follow the plain language of the EO. Many in the development community have already started acting on the EO as written to wrap up construction activity as the season comes to a close.

Changing the meaning of the document is troubling if that is what you plan to offer. But assuming this is done, we would expect a fully executed revised EO to supersede the one currently being used by the development community, otherwise we would stay with what the Governor provided.

The matter is somewhat urgent if you have anything to offer.

JOHN PITROWISKI
c: (802) 734-9630

From: John Pitrowiski <john.pitrowiski@bowman.com>

Sent: Tuesday, September 30, 2025 5:42 PM

To: Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>

Subject: Re: Change to EO

Hi Neil

Thanks for the explanation but the change in the document that was signed and published to the community is significant. It was more than a typographical error if the change to the document changes the meaning. Now this EO only works for a very small percentage of housing projects, and the crisis continues. Of all the many projects I am working on and have worked on this past year, many of which our housing projects, this EO no longer helps. It does very little for most projects if I am reading it correctly. What was the point of all this if it only helps a small percentage of isolated projects that are often in areas where wetlands aren't as critical to the project as they are across the State in more rural areas.

I will wait for the guidance next week but please be aware the EO was published and sent to the community with one meaning and now, apparently a new version has been published that many have not even seen yet.

I hope the message can get back to the Governor that his EO, by virtue of this change (removal of the semi-colon), may have just torpedoed the positive impact it could have had across the State on helping the housing crisis.

JOHN PITROWISKI

I speak on my own behalf as a Civil Engineer who has worked on many housing projects for well over 40 years

From: Kamman, Neil <Neil.Kamman@vermont.gov>

Sent: Tuesday, September 30, 2025 4:35 PM

To: John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>

Subject: [EXTERNAL] RE: Someone just changed the Governors Executive Order without it being redated or signed and no explanation

John,

Greetings. Please note that when originally published, the EO contained a typographical error in its re-expression of the content of 10 VSA 6081, specifically at subsection (dd)(2)(A)(1). It is our understanding that the Wetlands Permitting Modification section of the EO was purposefully constructed to be applicable to designated centers and to those areas accorded the Act 250 interim exemptions, including future Tier 1A or Tier 1B areas authorized by the LURB.

ANR brought this error to the attention of both the Governor's staff and Agency of Commerce and Community Development leadership, and the error was recognized and corrected as a ministerial change very quickly.

The Department is working on implementation guidance for the EO, which will be published early next week. You will find it here: <https://dec.vermont.gov/welcome-commissioners-office/executive-order-06-25>.

With Regards,
N

Neil C. Kamman, Deputy Commissioner (he/his)

Department of Environmental Conservation

1 National Life Dr., Davis 3

Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov

<https://dec.vermont.gov/water-investment>



The Department of Environmental Conservation supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: John Pitrowiski <john.pitrowiski@bowman.com>

Sent: Tuesday, September 30, 2025 2:55 PM

To: Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Kamman, Neil <Neil.Kamman@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; John Pitrowiski <john.pitrowiski@bowman.com>; Amanda Raab

<amanda@mviewsitedesign.com>

Subject: Someone just changed the Governors Executive Order without it being redated or signed and no explanation

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Hi Laura

I see that someone just changed the Executive Order (EO) without a new date or signature or any acknowledgement of said change. This is concerning as it may have now changed the meaning, which some developers have already acted upon. Who changed this and why? Is the Governor aware of the change?

The change was that someone removed the semi colon after the words "Opportunity Zone Areas"

To separate items in a complex list:

Use a semicolon to separate items in a series or list when the items themselves contain internal commas, which can make the list confusing.

The development community and others are still using the plain language of the original EO unless the Governor intended to change the meaning and if so, one would expect an explanation, a revision note and new signature.

Please respond to this email as it is urgent for some developers who are wrapping up construction and using the original EO as a guide

to dealing with wetlands.

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development areas, and Opportunity Zone areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

new
old

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones; areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

I am copying the Governor on this.

JOHN PITROWISKI

From: John Pitrowiski
Sent: Thursday, September 25, 2025 1:30 PM
To: Lapierre, Laura <Laura.Lapierre@vermont.gov>
Cc: John Pitrowiski <john.pitrowiski@bowman.com>
Subject: FW: VT Wetlands Update

Hi Laura

I see the email below and thank you for offering clarification the week of October 6, 2025. We are in the midst of fall project wrap up before winter sets in and as you might imagine the Governor Executive Order (EO) is very applicable to many of these project with some immediate project benefits notwithstanding the buffer reduction from 50 feet to 25 feet.

I think the plain language of the EO does indeed cover all of Vermont and I don't understand why you might suggest otherwise. You mention items 1-7 in the list below but fail to mention the "or's" noted in red below. The housing crisis the Governor has identified is real and his reasons behind this EO are critical to creating more housing. And it isn't just residential it is mixed use as well.

I can attest to firsthand experience, that current practices have torpedoed, delayed and added cost, in various ways, to many housing projects in the development community. I have had several clients abandon plans for an ADU over small pockets of wetlands and the regulatory process and cost they might face. In some cases, the wetland staff would just say no you can't do a project. The relief offered by the Governor is critical and will be very helpful but not so if you walk it back to just your list you provide below, and exclude the portion I have highlighted in red.

We believe this EO should cover any project that meets the language outlined below (past, present or proposed). I am hopeful your guidance will carefully consider the full EO and what the Governor was trying to achieve. I can imagine the development community will challenge anything that deviates from the plain language of the EO.

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones; areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to

the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

JOHN PITROWISKI

From: VT Wetlands Program <laura.lapierre@vermont.gov>
Sent: Thursday, September 25, 2025 10:45 AM
To: Jenn Desautels <jennifer.desautels@tcevt.com>
Subject: VT Wetlands Update

The Department of Environmental Conservation is developing implementation guidance that will address projects involving wetlands related to [Executive Order 06-25](#). We expect to have this available the week of October 6.

Most areas of Vermont do not qualify for the Vermont Wetland Rule modification section of the Executive Order (3.1). Projects outside of the following designated areas do not qualify under section 3.1 of the Executive Order:

1. Downtowns
2. Village Centers
3. New Town Centers
4. Growth Centers
5. Neighborhood Development Areas
6. Opportunity Zones
7. Areas outlined in 10 V.S.A. 6081 as exempt from Act 250 consideration

Projects outside of the seven areas need to comply with the most current version of the [Vermont Wetland Rules](#) (VWR) which includes the protection of unmapped Class II wetlands that meet a category in Section 4.6 of the Rule and a 50-foot buffer.

The first five designated areas are viewable as layers on the [ANR Atlas](#) under "Smart Growth Designation Boundaries."

Smart Growth Designation Boundaries		
☒	Downtown District Boundaries	>
☒	Neighborhood Development Areas	>
☒	Growth Center Boundaries	>
☒	Village Boundaries	>
☒	New Town Center Boundaries	>

As of the date of this email, designated Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones are located in portions of 180 towns. There is a separate [interim Act 250 Exemption map viewer](#) available for item #7.

We understand you may have questions about how this Executive Order relates to your project(s). We will provide updates as soon as we can. To aid in the response to the influx of inquiries, please use our [Inquiry form](#) for questions about specific projects.

Our mailing address is:
Vermont Wetlands Program
1 National Life Drive, Davis 3
Montpelier, VT 05602

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Vermont Wetlands Program · 1 National Life Drive, Davis 3 · Montpelier, Vt 05602 · USA

!

From: Amanda Raab <Amanda@mviewsitedesign.com>
Sent: Friday, November 14, 2025 12:30 PM
To: Kamman, Neil; Moore, Julie; John Pitrowiski; Lapierre, Laura; Phillips, Bridget; Sinsigalli, Misty (she/her); ANR - Wetlands Rulemaking Comment
Cc: Alexander J. LaRosa; Liam Murphy (LMurphy@mskvt.com)
Subject: RE: DEC Guidance

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Hi Neil,
This all sounds good and I'm glad we're on the same page. I did see the draft Wetland Rules, and it sounds like we'll wait for them to be adopted and follow the coming procedure for project inclusivity.

For Act 250, we will reach out to the district coordinator and get project applicability determined.

Thanks for following up on this and providing feedback. It's refreshing to get some answers when asking questions and I think you and your department have been very helpful through this process.

Thank you,
Amanda



From: Kamman, Neil <Neil.Kamman@vermont.gov>
Sent: Friday, November 14, 2025 11:18 AM
To: Amanda Raab <Amanda@mviewsitedesign.com>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; ANR - Wetlands Rulemaking Comment <ANR.WetlandsRulemakingComment@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy (LMurphy@mskvt.com) <LMurphy@mskvt.com>
Subject: RE: DEC Guidance

Greetings Amanda,

Thank you for these great questions. Understanding that changes to the state wetlands permits necessitate rulemaking, please note that the amended rule package has been filed for public comment and review. The wetlands rulemaking page is here: <https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>. The Department will add these questions to the public comment record, with complete responses to be provided as part of the required responsiveness summary. Recognizing this is a few weeks out, please see a few cursory initial responses below, which will be expanded upon in responsiveness to the rulemaking. While this could change, as you can see my assessment aligns with yours.

Best,

Neil C. Kamman, Deputy Commissioner (*he/his*)
Department of Environmental Conservation
1 National Life Dr., Davis 3
Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov
<https://dec.vermont.gov/water-investment>



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From: Amanda Raab <Amanda@mviewsitedesign.com>
Sent: Tuesday, November 11, 2025 11:16 AM
To: Kamman, Neil <Neil.Kamman@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy (LMurphy@mskvt.com) <LMurphy@mskvt.com>
Subject: RE: DEC Guidance

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Hi Neil,
Thank you for your email in October, and the subsequent updates to the guidance and mapping. I think we are getting closer to understanding how this will affect Vermonters and their projects, but I am seeking additional information for implementation and procedures to determine if a project meets EO Section 3.1 Wetlands Modification and the coming Wetland Rules Section 6.26. Specifically, who provides jurisdictional opinion for projects?

- Wetlands program staff or DEC staff dedicated to permit assistance will be able to render an opinion once the rules are adopted.

Firstly, if a project is clearly within a designated area, does the Owner need to do anything to present their project and confirm applicability, or since no permit is required, does the Owner do nothing?

Please note the intent in the Initial Implementation Guidance that DEC will create a certification form for owners to certify they are within the covered area of the EO.

Second, who should we contact to discuss the Act 250 interim exemption areas to extend them to include entire parcels, or at a minimum confirm the applicability applies to the entire parcel, not just the mapped portion?

DEC would refer this question to Land Use Review Board; likely most specifically the District Coordinator for the project areas in question.

Finally, for projects which are not within designated areas, but are within the terminus of municipal water or sewer extending from a mapped zone, where can we get jurisdictional opinion that the project falls under EO Section 3.1?

- Wetlands program staff or DEC staff dedicated to permit assistance will be able to render an opinion once the rules are adopted.

The Wetland Permitting Modification Areas map doesn't show municipal water which is an important feature to include projects included per the EO, specifically "... (designated areas) served by public sewer, or with soils... adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond the area of the development district".

We continue to interpret this as, for example, projects who are connected or can "hook up" to municipal water, when the water extends from a designated area, including not just projects

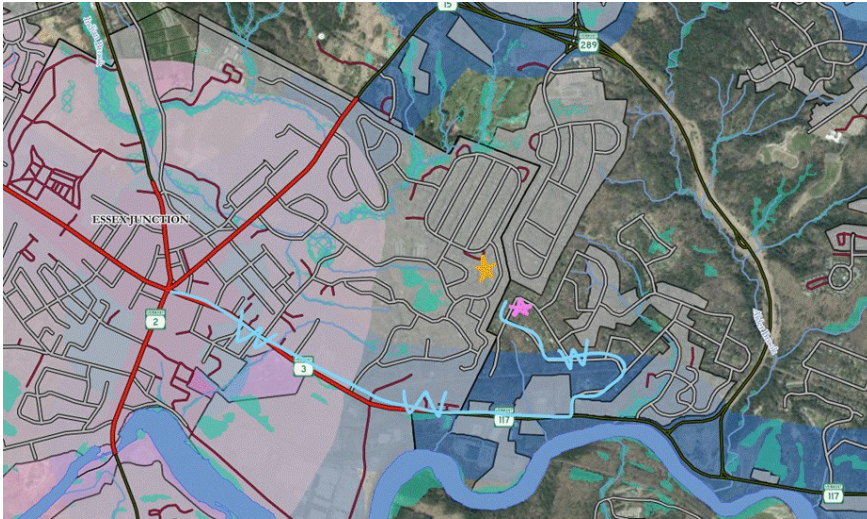
entirely within mapped designated areas, but those which can access the extension of the terminus of water or sewer which sprawls from the designated areas.

- I concur with your understanding.

On this map – the Orange Star is a project which is outside of a designated area, but within the sewer area. Let's assume it is connected to municipal sewer, it doesn't have municipal water but is an eligible project as it is within the extended terminus of the municipal sewer network (agree). The Pink Star is a project which is outside of a designated zone, using on-site sewer, but connected to municipal water (unmapped), and therefore an eligible project as it is within the extended terminus of the water system. (also agree)

Can you please point me in the direction of how to confirm these findings?

Thank you,
Amanda



From: Kamman, Neil <Neil.Kamman@vermont.gov>

Sent: Wednesday, October 15, 2025 4:34 PM

To: Amanda Raab <Amanda@mviewsitedesign.com>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>

Subject: RE: DEC Guidance

Greetings Amanda Raab,

Thank so much for your note. You raised a couple issues here and you are correct about the need for some modifications. On behalf of Sec. Moore, please see my responses below. We will update the guidance accordingly.

With Regards,
Neil

Neil C. Kamman, Deputy Commissioner (*he/his*)

Department of Environmental Conservation

1 National Life Dr., Davis 3

Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov

<https://dec.vermont.gov/water-investment>



The Department of Environmental Conservation supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

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From: Amanda Raab <Amanda@mviewsitedesign.com>

Sent: Tuesday, October 14, 2025 8:56 PM

To: Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>; Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>

Subject: DEC Guidance

Some people who received this message don't often get email from amanda@mviewsitedesign.com. [Learn why this is important](#)

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Hi Julie,

I'm grateful for the work that was put into this guidance document, but I am left with questions, ones I didn't have reading the EO alone. Does the Governor agree to the delays the DEC's guidance offers, specifically stating that the haste of the executive order will not be tolerated and that instead Section 3.1 should only be implemented through formal rulemaking?

The governor is briefed on reasons behind the Department's approach to implementing the Executive Order thru amendments to the Vermont Wetlands Rule. While I will not speak for Gov. Scott specifically, I can assure you that senior executive staff and Agency leadership are fully aware of our approach to employ rulemaking, which will support the implementation of the EO in the best manner possible.

The DEC document doesn't include public water areas when identifying the location of the project and the applicability of the EO, ref. page 9. The exact wording from the EO in **bold** "or extending to the terminus of the areas served by public sewer or water services if beyond the area of the development district" which by interpretation of the original and modified EO includes areas extending from the Designated Areas including any areas extending from these which are connected to either municipal water (with on site or municipal sewer) or municipal sewer.

I have great concerns that people reading this DEC document will assume they are limited to the terminus of municipal sewer, and that is not what the EO states. Because this section of the DEC document only **bolds public sewer or suitable soils** and doesn't also include **public water**, the public could be misled reducing the applicability of the interpretation. I believe the DEC document recognizes that municipal water is undoubtedly applicable when delineating the extent of the areas the EO is applicable to as there is one sentence within the DEC document acknowledges municipal water as it relates to mapping, see attached. The DEC guidance should be updated to match the EO and include **bold** for **public water** in addition to the sewer descriptors.

You are correct – that was an oversight in the guidance that we will correct.

The qualifying areas for suitable wastewater disposal still require further guidance from the LURB? I am failing to understand how this criterion cannot simply be met by obtaining a Wastewater System and Potable Water Supply Permit (or Indirect Discharge Permit) for the project, which would be the most straight forward test to determine suitability. Does this mean the government responsible for sanitary permitting is not the only test for wastewater suitability and the LURB is working to re-define this?

You were right to flag this. Pursuant to the interim exemptions in Act 250, the LURB does have a say in how soils suitable for wastewater will be implemented in the interim exemptions, and the Tier 1A/1B areas going forward. However, for DEC's purpose in applying the wetlands permitting modifications in Section 3.1 we agree that the issuance of a wastewater permit will be dispositive for this provision. We will update the guidance accordingly.

I appreciate the time everyone has taken to discuss this topic. Because the guidance reads that it is intended to be updated, I thought it was prudent that these areas be discussed in advance of the next revision.

Thank you,
Amanda



From: Moore, Julie <Julie.Moore@vermont.gov>

Sent: Thursday, October 9, 2025 5:39 PM

To: John Pitrowiski <john.pitrowiski@bowman.com>; Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy (LMurphy@mskvt.com) <LMurphy@mskvt.com>; Amanda Raab <Amanda@mviewsitedesign.com>

Subject: RE: Information by the week of Oct 6th

Good evening, John.

First, I want to assure you that we share your sense of urgency regarding Executive Order (EO) 06-25 and its importance in helping address Vermont's critical housing challenges, and my team is working quickly and diligently to provide comprehensive guidance to the regulated community on its implementation. We intend to release this guidance as soon as possible – likely early next week – to allow appropriate time for final legal and leadership review.

We are proceeding carefully to ensure the guidance provides clear, defensible direction that minimizes the risk of project-by-project appeals by outside parties. Such appeals would clearly cut against the very efficiencies the EO was designed to achieve.

To that end, and following briefings from ANR counsel, I have determined the most prudent path forward is to codify the wetlands-related provisions of the EO through the rulemaking process. Specifically, we will be updating our rules to make clear Class II wetlands in designated areas are limited to those features identified on the most current VSWI maps when an application is filed and reducing the buffer zones around these Class II wetlands to 25 feet. A special meeting on the Interagency Committee on Administrative Rules (ICAR) is being scheduled for October 27th and we expect to have the updated rules in front of LCAR in late-December or early-January, depending on their meeting schedule.

Finally, as Neil noted to you previously, the errant semi-colon was a ministerial error and shortly after it was discovered a revised version of the EO was published on the Governor's webpage ([EO 06-25 Promoting Housing Construction and Rehabilitation.pdf](#)), replacing the earlier version. The version currently available on the Governor's webpage is the only active version of the EO.

At the end of the day, you are, of course, free to provide whatever advice you believe is in your clients' best interests regarding the EO. Given where we are in the construction season and the significant attention surrounding the EO, our approach reflects the old adage: sometimes you have to go slow to go fast. We are taking a modest amount of time now to ensure the framework is sound will allow the wetlands provisions of EO to be implemented more efficiently – hopefully with fewer delays or challenges – in the medium- and long-term.

Julie

Julia S. Moore, P.E. | Secretary (she/her)
Vermont Agency of Natural Resources
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901
802-828-1294 office
julie.moore@vermont.gov
anr.vermont.gov

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: John Pitrowiski <john.pitrowiski@bowman.com>

Sent: Thursday, October 9, 2025 2:45 PM

To: Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>

Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy (LMurphy@mskvt.com) <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>; John Pitrowiski <john.pitrowiski@bowman.com>

Subject: RE: Information by the week of Oct 6th

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Neil

October 6th has come and gone, and we have not heard from anyone. Technically you still have Friday. Perhaps we don't need guidance if you decide not to respond by tomorrow and we just follow the plain language of the EO. Many in the development community have already started acting on the EO as written to wrap up construction activity as the season comes to a close.

Changing the meaning of the document is troubling if that is what you plan to offer. But assuming this is done, we would expect a fully executed revised EO to supersede the one currently being used by the development community, otherwise we would stay with what the Governor provided.

The matter is somewhat urgent if you have anything to offer.

JOHN PITROWISKI

c: (802) 734-9630

From: John Pitrowiski <john.pitrowiski@bowman.com>
Sent: Tuesday, September 30, 2025 5:42 PM
To: Kamman, Neil <Neil.Kamman@vermont.gov>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>; John Pitrowiski <john.pitrowiski@bowman.com>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>
Subject: Re: Change to EO

Hi Neil

Thanks for the explanation but the change in the document that was signed and published to the community is significant. It was more than a typographical error if the change to the document changes the meaning. Now this EO only works for a very small percentage of housing projects, and the crisis continues. Of all the many projects I am working on and have worked on this past year, many of which our housing projects, this EO no longer helps. It does very little for most projects if I am reading it correctly. What was the point of all this if it only helps a small percentage of isolated projects that are often in areas where wetlands aren't as critical to the project as they are across the State in more rural areas.

I will wait for the guidance next week but please be aware the EO was published and sent to the community with one meaning and now, apparently a new version has been published that many have not even seen yet.

I hope the message can get back to the Governor that his EO, by virtue of this change (removal of the semi-colon), may have just torpedoed the positive impact it could have had across the State on helping the housing crisis.

JOHN PITROWISKI

I speak on my own behalf as a Civil Engineer who has worked on many housing projects for well over 40 years

From: Kamman, Neil <Neil.Kamman@vermont.gov>
Sent: Tuesday, September 30, 2025 4:35 PM
To: John Pitrowiski <john.pitrowiski@bowman.com>; Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; Amanda Raab <amanda@mviewsitedesign.com>
Subject: [EXTERNAL] RE: Someone just changed the Governors Executive Order without it being redated or signed and no explanation

John,

Greetings. Please note that when originally published, the EO contained a typographical error in its re-expression of the content of 10 VSA 6081, specifically at subsection (dd)(2)(A)(1). It is our understanding that the Wetlands Permitting Modification section of the EO was purposefully constructed to be applicable to designated centers and to those areas accorded the Act 250 interim exemptions, including future Tier 1A or Tier 1B areas authorized by the LURB.

ANR brought this error to the attention of both the Governor's staff and Agency of Commerce and Community Development leadership, and the error was recognized and corrected as a ministerial change very quickly.

The Department is working on implementation guidance for the EO, which will be published early next week. You will find it here: <https://dec.vermont.gov/welcome-commissioners-office/executive-order-06-25>.

With Regards,
N

Neil C. Kamman, Deputy Commissioner (*he/his*)
Department of Environmental Conservation
1 National Life Dr., Davis 3
Montpelier, VT 05620-3520 802 490-6137 | 802 828 1550 (LL), neil.kamman@vermont.gov
<https://dec.vermont.gov/water-investment>



The Department of Environmental Conservation supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: John Pitrowiski <john.pitrowiski@bowman.com>
Sent: Tuesday, September 30, 2025 2:55 PM
To: Lapierre, Laura <Laura.Lapierre@vermont.gov>; Phillips, Bridget <Bridget.Phillips@vermont.gov>; Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Kamman, Neil <Neil.Kamman@vermont.gov>
Cc: Alexander J. LaRosa <ajlarosa@mskvt.com>; Liam Murphy <LMurphy@mskvt.com> <LMurphy@mskvt.com>; John Pitrowiski <john.pitrowiski@bowman.com>; Amanda Raab <amanda@mviewsitedesign.com>
Subject: Someone just changed the Governors Executive Order without it being redated or signed and no explanation

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Hi Laura

I see that someone just changed the Executive Order (EO) without a new date or signature or any acknowledgement of said change. This is concerning as it may have now changed the meaning, which some developers have already acted upon. Who changed this and why?

Is the Governor aware of the change?

The change was that someone removed the semi colon after the words "Opportunity Zone Areas"

To separate items in a complex list:

Use a semicolon to separate items in a series or list when the items themselves contain internal commas, which can make the list confusing.

The development community and others are still using the plain language of the original EO unless the Governor intended to change the meaning and if so, one would expect an explanation, a revision note and new signature.

Please respond to this email as it is urgent for some developers who are wrapping up construction and using the original EO as a guide to dealing with wetlands.

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development areas, and Opportunity Zone areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

new
old

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones; areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

I am copying the Governor on this.

JOHN PITROWISKI

From: John Pitrowiski
Sent: Thursday, September 25, 2025 1:30 PM
To: Lapierre, Laura <Laura.Lapierre@vermont.gov>
Cc: John Pitrowiski <john.pitrowiski@bowman.com>
Subject: FW: VT Wetlands Update

Hi Laura

I see the email below and thank you for offering clarification the week of October 6, 2025. We are in the midst of fall project wrap up before winter sets in and as you might imagine the Governor Executive Order (EO) is very applicable to many of these project with some immediate project benefits notwithstanding the buffer reduction from 50 feet to 25 feet.

I think the plain language of the EO does indeed cover all of Vermont and I don't understand why you might suggest otherwise. You mention items 1-7 in the list below but fail to mention the "or's" noted in red below. The housing crisis the Governor has identified is real and his reasons behind this EO are critical to creating more housing. And it isn't just residential it is mixed use as well.

I can attest to firsthand experience, that current practices have torpedoed, delayed and added cost, in various ways, to many housing projects in the development community. I have had several clients abandon plans for an ADU over small pockets of wetlands and the regulatory process and cost they might face. In some cases, the wetland staff would just say no you can't do a project. The relief offered by the Governor is critical and will be very helpful but not so if you walk it back to just your list you provide below, and exclude the portion I have highlighted in red.

We believe this EO should cover any project that meets the language outlined below (past, present or proposed). I am hopeful your guidance will carefully consider the full EO and what the Governor was trying to achieve. I can imagine the development community will challenge anything that deviates from the plain language of the EO.

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones; **areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district**; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

JOHN PITROWISKI

From: VT Wetlands Program <laura.lapierre@vermont.gov>
Sent: Thursday, September 25, 2025 10:45 AM
To: Jenn Desautels <jennifer.desautels@tcevt.com>
Subject: VT Wetlands Update

The Department of Environmental Conservation is developing implementation guidance that will address projects involving wetlands related to [Executive Order 06-25](#). We expect to have this available the week of October 6.

Most areas of Vermont **do not qualify** for the Vermont Wetland Rule modification section of the Executive Order (3.1). Projects outside of the following designated areas do not qualify under section 3.1 of the Executive Order:

1. Downtowns
2. Village Centers
3. New Town Centers
4. Growth Centers
5. Neighborhood Development Areas
6. Opportunity Zones
7. Areas outlined in 10 V.S.A. 6081 as exempt from Act 250 consideration

Projects outside of the seven areas need to comply with the most current version of the [Vermont Wetland Rules](#) (VWR) which includes the protection of unmapped Class II wetlands that meet a category in Section 4.6 of the Rule and a 50-foot buffer.

The first five designated areas are viewable as layers on the [ANR Atlas](#) under "Smart Growth Designation Boundaries."

☒

Smart Growth Designation Boundaries

☒	Downtown District Boundaries	>
☒	Neighborhood Development Areas	>
☒	Growth Center Boundaries	>
☒	Village Boundaries	>
☒	New Town Center Boundaries	>

As of the date of this email, designated Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and Opportunity Zones are located in portions of 180 towns. There is a separate [interim Act 250 Exemption map viewer](#) available for item #7.

We understand you may have questions about how this Executive Order relates to your project(s). We will provide updates as soon as we can. To aid in the response to the influx of inquiries, please use our [Inquiry form](#) for questions about specific projects.

Our mailing address is:

Vermont Wetlands Program
1 National Life Drive, Davis 3
Montpelier, Vt 05602

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Vermont Wetlands Program · 1 National Life Drive, Davis 3 · Montpelier, Vt 05602 · USA



!

From: Dana Allen <dana@fluidstateconsulting.com>
Sent: Friday, November 14, 2025 1:54 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Edits to Wetlands Rule

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To Whom it May Concern -

I do not support the changes to the wetland rules pursuant to the Governor's recent Executive Order. It sets up a false dichotomy between housing and the environment. It flies in the face of decades of sound science showing us that preserving wetland function is vital to natural nutrient cycling for phosphorus sequestration and water retention for flood resilience - both things which the state is currently spending millions on annually in an attempt to improve water quality and protect our communities. While I fully recognize that building housing is of URGENT importance to the state, allowing development within wetlands and wetland buffers will only 'downstream' numerous environmental issues, exacerbating existing issues that communities are increasingly being asked to pay for collectively through taxation. We can't allow individuals to externalize these real environmental costs to others in their community and state.

Please reject the executive order and do not make changes to the existing wetland rules. While they can be onerous, they are that way for a reason. This is the wrong way to fast track housing development.

Sincerely,

Dana Allen
Waterbury, VT

--

Dana Allen, Principal
FluidState Consulting
dana@fluidstateconsulting.com
www.fluidstateconsulting.com
[p] 802.999.9762
he/him

From: Tom Hargy <tom.hargy44@gmail.com>
Sent: Friday, November 14, 2025 2:32 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments on new Wetlands Rules Re: Executive Order 06-25

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Hello,

I am writing to express my opposition to the proposed revisions to the Vermont Wetland Rules. The revisions would eliminate protection to unmapped wetlands and would decrease the buffer width to mapped wetlands.

Vermont presently has several significant concerns regarding our natural environment. One is the increased frequency of flooding that devastates streams, towns and farmlands. Erosion of land even during normal flows causes instability and erosion along streams (and deposition of sediments downstream of the erosion site). On the other hand, during periods of low precipitation, lands can become tinder dry, and streams may flow at levels that do not recharge aquifers, provide water for natural or farmed vegetation or protect fish (and other wildlife) populations. Another dominant concern in Vermont that is an expense to the state is that stream and receiving lake water quality is being degraded by increased runoff from residential lands to which pesticides and fertilizers are overly applied. Because of this, homeowners statewide have been required to improve (slow) the runoff characteristics of their properties under the state's 3-acre rule.

Vermont's wetlands, at no expense to taxpayers or effort by landowners, offer reprieve from each of these concerns, by absorbing excess water during heavy snowmelt and rainfall, slowing the rate of runoff to streams, gradually releasing water during dry periods, and by filtering out nutrients and contaminants from up-gradient sources.

Minimizing the buffer zone of mapped wetlands by half would decrease their ability to perform these functions, potentially by more than half in many situations. Eliminating protection of unmapped wetlands would be an even greater loss for the state. There are many unmapped wetlands that day by day perform these positive tasks without having yet been identified on wetlands maps. Giving them no protection opens the door to our complete loss of their function. Towns, counties, volunteer organizations and dedicated citizens are making great strides to enhance, conserve and generate wetlands where limited opportunities exist. In view of the great value wetlands offer, to turn around and override these efforts and abandon any wetlands for the sake of some increased housing is folly.

Vermont has a lot of non-wetland areas which can be used for housing without destroying such a valuable resource. I urge that these revisions to remove protections to wetlands not be accepted.

Tom Hargy
318 Overlake Dr.
Georgia, Vermont

From: lawrence brow <browsurvey@gmail.com>
Sent: Monday, November 17, 2025 9:31 AM
To: ANR - Wetlands Rulemaking Comment

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The situation needs too be addressed-where a permit is trying to be obtained on a property adjacent to a parcel that has already been built on -There are many many properties in the rural parts of towns where houses have been permitted and built on where drives or actual construction i.e. wells,sewer systems ,buildings infringe on buffers-I have a particular client who has bought a 10 ac spaghetti lot with recently built new homes on the adjacent lots and wetlands will restrict him from building because of buffer infringement-lb

From: debra reynolds <debrahc245@gmail.com>
Sent: Friday, November 21, 2025 8:27 AM
To: ANR - Wetlands Rulemaking Comment
Subject: oppose changing the wetland permitting laws

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Wetlands provide endless ecological services for people, specifically, they absorb water from going into residential and commercial areas, roads and other infrastructure that people need to move about. This is a terrible idea for Vermonters in light of climate change which has impacted Vermont already with more frequent and devastating flooding.

Strongly oppose.
Debra
Chester, Vermont

From: lomax.jenn <lomax.jenn@gmail.com>
Sent: Friday, November 21, 2025 8:41 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Don't touch our wetlands!

You don't often get email from lomax.jenn@gmail.com. [Learn why this is important](#)

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No to building on wetlands! Permitting is always a requirement! How stupid after all our issues with flooding. How stupid destroying all our fresh, clean water supply. Stop destroying our beautiful state for the rich! Vt should stand for something and the greatest something we have is natural beauty.

Jenn Hedling
Starksboro, VT 05487
802-453-3316

Sent from my Verizon, Samsung Galaxy smartphone

From: Diane Reynolds <dianer@gmavt.net>
Sent: Friday, November 21, 2025 9:18 AM
To: ANR - Wetlands Rulemaking Comment
Cc: Sinsigalli, Misty (she/her)
Subject: proposed wetlands rules changes

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Hello

I am on the Huntington Planning Commission, the Huntington Conservation Commission and the Huntington DRB.

I strongly oppose any changes to our current wetlands rules to support the building of housing units.

Any housing our local communities deem necessary can easily abide by our current wetland rules. There is absolutely no need to change VT wetland rules to, once again, accommodate development at the expense of our valuable natural resources.

VT has already lost a huge number of acres of wetlands to development. The VT Nature Conservancy states:

"Over the last 200 years about **35% to 50%** of VT wetlands have been lost to development, agriculture, and other land uses. These wetlands were systematically drained and altered because they were historically viewed as obstacles to development and travel.

Wetlands are functionally critical to the continued maintenance of the biodiversity of our species and the quality of our ground and surface waters, as is already currently expressed on the DEC website.

Please do not pave over, or put houses on, any more of VT's wetlands, whether mapped or not. Continue to enforce VT's current wetland rules as is.

thank you
Diane

From: villagedc@earthlink.net
Sent: Friday, November 21, 2025 12:47 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Unmapped Class II Wetlands Proposed Rule Change

You don't often get email from villagedc@earthlink.net. [Learn why this is important](#)

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Hello ANR Stewards,

I am writing to oppose the proposed rule change regarding wetlands protection for residential housing.

https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking?fbclid=IwY2xjawONfuVleHRuA2FibQIxMABicmlkETBueFdYaHNYM3hYcWtjNjk4c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHuSgQJDXy0gkvxjgO8J4O3SRLOnyZ6yiqZ_2RqST0fl16s1qiQrKrmgdpY3j_aem_ZmFrZWR1bW15MTZieXRlcw

Firstly, the impact of construction in unmapped class II areas within the existing rules for setbacks causes negative effects on the populations of our native and threatened wildlife, particularly the amphibians. From my understanding they move within a 25 acre radius of the vernal pools used for reproduction. I've seen personally how logging roads through the allowed buffers in my immediate area in Perkinsville, VT have displaced the movement of the adults right here in my neighborhood. The protection buffers we currently have is not nearly enough. I would endorse seeing it expanded, not lessened.

Secondly, the premise of needing this to accommodate our housing shortages is a false premise. There are so many derelict or unused existing areas of developed locations that our efforts would be much better spent to revitalize and redevelop housing within these regions. It would be faster, cheaper, and accommodate more people within existing clusters of human activity.

Disturbance of the wetland ecology is an irreversible long term degradation of Vermont's health and beauty, which directly affects human health too. There is no need for it. It is wrong economically, ecologically, and ethically. Let's not sell out the way we value our environment here in our great state of Vermont. Please oppose this rule change.

Thank you,
Beth L. Kamhi, DC
Perkinsville, VT 05151

From: Joshua Kelly <joshuakelly23@hotmail.com>
Sent: Friday, November 21, 2025 4:44 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Wetlands Rules

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Thank you for taking my comment about the upcoming Wetlands Rulemaking.

My comment is that Wetland Rules should have the ability for a landowner to seek a variance of less than the mandated 50 foot buffer standard (or 25 feet for downtowns) in designated downtown areas. A 50 foot buffer and even 25 feet can significantly hinder compact development that is avoiding the wetland but would be building within the 50/25 foot buffer zone but only through a variance process that recognizes and balances the priority for dense housing in downtowns where there is ample services for the greater public good...those being:

1. Walkable communities accessible to schools, daycare, health/dental services, grocers, post offices, transportation, elder care, mental health services, etc.
2. Water and Sewer - providing more protection of the environment than onsite wells or wastewater and saving people money over the long term.
3. Jobs and employment locally
4. Saving the need for multiple cars or even any car if transit is available in the downtown.
5. Community and quality of life

If you would please confirm receipt so that I know that my comment was received, that would be great.

Thank you.

Sincerely,

Josh Kelly

Montpelier Resident

From: Elinor Osborn <elinor91@me.com>
Sent: Friday, November 21, 2025 4:53 PM
To: ANR - Wetlands Rulemaking Comment
Subject: My comments

You don't often get email from elinor91@me.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I agree completely with these comments from other folks--

Any housing our local communities deem necessary can easily abide by our current wetland rules. There is absolutely no need to change VT wetland rules to, once again, accommodate development at the expense of our valuable natural resources. VT has already lost a huge number of acres of wetlands to development. The VT Nature Conservancy states: "Over the last 200 years about **35% to 50%** of VT wetlands have been lost to development, agriculture, and other land uses. These wetlands were systematically drained and altered because they were historically viewed as obstacles to development and travel."

Wetlands are functionally critical to the continued maintenance of the biodiversity of our species and the quality of our ground and surface waters, as is already currently expressed on the DEC website.

VT CURRENT WETLAND RULES [which I believe should be left intact](#)

Class I wetlands = most significant, considered "exceptional or irreplaceable", receive highest level of protection, have a 100-foot buffer zone

Class II wetlands = also deemed "significant", have a 50-foot buffer zone.

Thank you,
Elinor

Elinor Osborn
1286 Lost Nation Rd
Craftsbury Common VT 05827

802 586-9994
elinor91@me.com
www.elinorosbornphotography.com

From: Gus Speth <gus@speth.com>
Sent: Saturday, November 22, 2025 10:43 AM
To: ANR - Wetlands Rulemaking Comment
Subject: comment on proposed wetland rules

You don't often get email from gus@speth.com. [Learn why this is important](#)

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I have worked on wetland issues since the 1970s and have seen protections weakened recently by our federal government, with all three branches of government involved in the process. That is all the more reason not to weaken Vermont's wetland protections as the Scott Administration is now proposing. It is beyond doubt that Vermont needs more housing, not for the rich but for those of modest incomes and the poor. A responsible program to provide such housing would surely be widely applauded. There are many ways to provide land and space and infrastructure needed for new housing, and there are undoubtedly ways to utilize existing housing stock more efficiently. But in a state where space is not scarce, there are surely ways to have new, better and more housing without trampling on, filling, destroying, or disturbing our precious wetlands.

Thank you. Gus Speth, former Dean, Yale School of the Environment, resident of Strafford, 89 Jordan Rd.

—

Gus Speth

Website: www.gusspeth.org

Complete poems: www.gusspeth.org/complete-poems

Ambassador, Wellbeing Economy Alliance: www.WEAll.org

Essays from the Edge

<https://www.democracycollaborative.org/blogs/category/Essays+from+the+Edge>

and also <https://spethessaysfromtheedge.blogspot.com/>

From: Sue Wetmore <iibirdvt@icloud.com>
Sent: Saturday, November 22, 2025 6:51 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands amendment

[You don't often get email from iibirdvt@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Do not allow an edit to Vt. Wetlands Rules that would allow construction without a wetlands permit.
Wetlands are a vital part of the landscape both for the creatures that inhabit the area and for water retention.
Susanne Wetmore
Brandon

Sent from my iPod

From: Dee Gish <deegish@gmail.com>
Sent: Sunday, November 23, 2025 12:23 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rulemaking

You don't often get email from deegish@gmail.com. [Learn why this is important](#)

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To the Department of Environmental Conservation:
I oppose weakening wetlands protections. As the ANR website points out:

"Many wetlands, particularly floodplain wetlands, have the capacity to temporarily store flood waters during high runoff events." and "in watersheds where wetlands have been lost, flood peaks may increase by as much as 80 percent."

While the proposal "to amend the Vermont Wetland Rules (VWR) to make housing project construction an allowed use in unmapped Class II wetlands located within specified growth areas and Act 250 exempt areas" would not affect significant wetlands, any destruction of wetlands would likely increase the risk of flood events. And we know that due to climate change, the likelihood of severe weather, including more intense precipitation events, is increasing in Vermont. Yes, Vermont desperately needs more housing, especially affordable housing. But housing development should not occur in wetland areas. Instead, increased housing development efforts should focus on providing more town funding for improved water and sewer infrastructure in existing town centers and providing more low interest loans to individuals who create small scale housing projects.

Thank you for considering my comments.

Sincerely,

Dee Gish, Sharon, VT

From: Laura Farrell <lfarrel@gmail.com>
Sent: Sunday, November 23, 2025 10:15 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: Laura Farrell
Subject: Please do not change Vermont's Wetlands Rules

You don't often get email from lfarrel@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Governor Scott, Misty Sinsigalli, and Wetlands Rulemaking Committee,

About **35% to 50%** of Vermont's wetlands have been lost to development, agriculture, and other land uses over the last 200 years. These wetlands were systematically drained and altered because they were historically viewed as obstacles to development and travel (VT Nature Conservancy).

In fact, wetlands absorb excess stormwater and can save communities from flooding (see Vermont Conservation Law Foundation's Film 'On the Anniversary of Irene: What went Right' at <https://www.youtube.com/watch?v=ucb-Y8iipng>.)

Wetlands are also functionally critical to the continued maintenance of the biodiversity of our species and the quality of our ground and surface waters, as is already currently expressed on the DEC website. Any housing our local communities deem necessary can easily abide by our current wetland rules. There is absolutely no need to change VT wetland rules to, once again, accommodate development at the expense of our valuable natural resources.

VT has already lost a huge number of acres of wetlands to development. Please do not loosen regulations further.

If you would like to discuss any questions or concerns, please feel free to reach out to me.

Sincerely,
Laura Farrell
Biology PhD, UVM
802 578-5744

From: Leo Laferriere <leol@gmavt.net>
Sent: Monday, November 24, 2025 12:28 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed wetland buffer rules change

You don't often get email from leol@gmavt.net. [Learn why this is important](#)

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I am a retired forester with 55 years of experience in both the public and private sectors and in field and administrative settings, including as Commissioner of the VT Dept. of Forests, Parks & Recreation (1979-1985). The proposed rule changes involving reduction of wetland buffer distances will adversely affect wetlands because the shorter distances will further enable abutting owners to occupy and/or use these protected lands for purposes which may well be incompatible with the integrity of those lands

Walking property boundaries on literally thousands of acres of land showed me that the closer an abutter's primary use was to a boundary the more likely that abutter was to use or occupy the neighbor's land for their own purposes. Infringements found involved digging ditches and using collected water, dumping rubbish, storing objects, building small structures, cutting trees, hanging shooting targets, theft of objects (stones and firewood).

Like most organisms, humans need territories and tend to occupy their desired "elbow room / space" whether it's theirs or belongs to someone else. It leads to the loss of integrity for the affected land plus the likely creation of ill will between the two owners. This is the most true, of course, for high-intensity uses such as housing. The more narrow the gap the more likely it will be breached. In responsible land management, avoid open invitations to malfeasance.

Robert Frost said it better: Good fences make good neighbors.

Leo Laferriere
Waitsfield, VT
11/24/2025

From: Patricia McClellan <mcseahag@gmail.com>
Sent: Wednesday, November 26, 2025 7:22 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Jericho resident comment

You don't often get email from mcseahag@gmail.com. [Learn why this is important](#)

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HI -

As a resident of a rural part of Chittenden County, I am 100% **against** revising the Wetlands rule to make it easier to build on Vermont wetlands. I think we need to preserve our wetlands for birds, turtles and amphibians. I've seen our wild areas shrink dramatically in Vermont and it's really disturbing.

I don't think it is our right to push wildlife out of their habitat?

Thank you,

Patty McClellan
Jericho, VT

From: Lydia Kifner <lydia.kifner@gmail.com>
Sent: Wednesday, November 26, 2025 11:33 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Open comment period for Scott's executive order weakening wetlands protections

You don't often get email from lydia.kifner@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern,

Governor Phil Scott has signed an executive order allowing housing projects to be built on unmapped class II wetlands. If this is enacted into law, the state's wetland resources and flood resilience would suffer. Healthy wetlands are imperative to flood attenuation as well as sequestering nutrients such as nitrogen and carbon. Healthy wetlands provide habitat, flood storage, and natural areas, all of which are crucial and valued in Vermont. This executive order goes against all the State's efforts to mitigate flooding and preserve our natural resources.

I understand there is a need for more housing in the State. However, I don't believe that allowing housing to be built in wetlands is the solution. Not only will housing built in wetlands negatively impact the natural world, it will also result in housing stock that is prone to flooding and mold issues.

This executive order is not the solution to the State's housing crisis. It will exacerbate flooding effects in the State by adding flood vulnerable housing and reducing flood storage by disturbing wetlands.

Thank you,

Lydia Kifner, Brookfield VT

From: Jari Chevalier <jarichevalier@gmail.com>
Sent: Tuesday, December 2, 2025 7:35 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment on Proposed Vermont Wetland Rules – EO 06-25
Attachments: WETLAND RULES REVISION LETTER.pdf

You don't often get email from jarichevalier@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Secretary Copeland Hanzas,

Attached please find my written comments regarding the proposed edits to the Vermont Wetland Rules implementing Executive Order 06-25.

I will attend the online meeting on December 16th and would like to know this letter has been read prior to the meeting. Thank you for your consideration of these comments as part of the discussion and of the rulemaking process.

Sincerely,

Jari Chevalier
Shelburne, Vermont
617 Mount Philo Rd
Shelburne, VT 05482
jarichevalier@gmail.com
802-557-1373

Jari Chevalier

Jari Chevalier
617 Mount Philo Rd
Shelburne, VT 05482
jarichevalier@gmail.com
802-557-1373

December 2, 2025

Secretary of State Sarah Copeland Hanzas
Office of the Secretary of State
128 State Street
Montpelier, VT 05633

via email to: WetlandsRulemakingComment@vermont.gov

Re: Comments on proposed edits to the Vermont Wetland Rules (Implementation of EO 06-25)

Dear Secretary Copeland Hanzas:

I live in rural Shelburne on a 10-acre property with two distinct areas: an upper residential area between Mount Philo Road and the septic mound behind my house, and a lower, rear portion that slopes toward the LaPlatte River basin. The rear portion contains Class II wetlands, which I did not learn about until two years after purchasing the property in 2020. I had those wetlands delineated by a consultant in 2022, obtained State approval for a maintenance plan, and have complied with the substantial restrictions associated with those wetlands and their buffers.

The issue raised here concerns the upper portion of my property surrounding my house and extending to Mount Philo Road. This area includes my driveway, lawns, an existing man-made pond, and a tree line containing declining spruce trees with needle-cast disease. Planned maintenance and improvements, including tree removal and replacement with native species, have been delayed because I am told this area must again be delineated and designated, and left untouched until permits are obtained. Unhealthy trees that do not meet the narrow “hazard tree” exemption are not permitted to be removed without a lengthy and costly regulatory process.

In 2022, when I retained a wetland consultant and met with State staff onsite in connection with delineation work in the rear portion of the property, I specifically asked about the upper, front area. At that time, I was advised that I should not expect regulatory issues there. I proceeded in good faith based on that understanding and made plans for that part of the property accordingly. I relied on that guidance when investing time, money, and long-term plans into making this property both enjoyable and ecologically responsible.

Last winter, while reviewing ANR mapping layers online, I noticed an overlay affecting portions of my front property and contacted State staff for clarification. I was advised that the area was identified as a Wetland Advisory Area rather than a mapped Class I wetland (both layers were labeled in pink), and that an additional site review would be appropriate. Since that time, State staff and a wetland consultant have each visited the property twice.

Following those site visits, the State regulator advised that my available options are to refrain from pursuing planned improvement projects in the front yard, to have her meet with the consultant for additional delineation discussion and classification determination, or to accept Class II designation for the whole indeterminate area and seek permits for any intended work.

At the same time, the wetland consultant I retained has advised that she cannot confirm or refute a Class II designation without access to adjacent properties, and that such access is not available. She said I could seek out another consultant who might be willing to make assumptions she is not.

Taken together, these constraints leave me without a path forward that I can accept. I cannot accept these escalating burdens on principle.

The State's position relies on assumptions about wetland continuity extending beyond my property boundaries, yet the regulatory and evidentiary burden falls exclusively on my parcel. Adjacent properties that are presumed to contribute to the size or continuity of a Class II wetland are not delineated, not reviewed, and not subject to any regulatory consequence, even though their presumed characteristics are used to justify the designation applied to my land. This asymmetry is neither fair nor scientifically sound.

These problems are systemic and should not fall to me to solve. After years of repeated site visits, consultant expense, and regulatory uncertainty, this has become unsustainable for an ordinary homeowner acting in good faith.

Acceptance of a Class II designation in this location would, through the application of associated buffer requirements, effectively subject the entire front portion of my property to wetland regulation. This regulatory posture would have tangible economic consequences for me. I purchased and invested substantial resources in this property in reliance on the representations, approvals, and regulatory framework in place at the time, including prior site review. Extending wetland designation to ordinary residential front-yard land, absent verified functional value, diminishes use, enjoyment, and market value and imposes real and lasting harm. I do not accept that outcome and am seeking a determination based on verified functions and values rather than presumptive expansion.

The front portion of my property does not perform meaningful wetland functions. While it contains limited hydric indicators and can be seasonally soggy in spots, it is otherwise

usable, mowable, and managed year-round as residential land, and does not provide flood storage, wildlife habitat, water quality protection, or hydrologic connectivity.

I have now been delayed for over a year from relocating my driveway, burying a propane tank, installing a pond aeration system, removing dead and diseased trees and invasive plants, and establishing a healthy landscape with native species. The cost and disruption imposed by this interpretation are significant and disproportionate, and those costs continue to rise each year.

While larger projects in designated growth areas may receive increased flexibility under Executive Order 06-25, individual homeowners continue to face slow, costly, and untenable regulatory burdens for routine activity on land that does not function as a significant wetland.

There is a fairness problem here. And there is a science problem.

My specific requests for consideration in this revision of the wetland rules are as follows:

- Require that significant and designated wetland determinations be based on verified functions and values, not merely the presence of hydric indicators on maintained residential land.
- Shift the burden of delineation to the State when the State asserts that an existing residential yard is a Class II wetland.
- Create a predictable relief mechanism when mapped or presumed wetland areas are marginal or seasonal and function primarily as residential yards.
- Exclude common residential activities on existing home sites from wetland permitting requirements when those activities do not affect verified wetland functions, including driveway work, buried utilities and propane tanks, minor grading and landscaping, pond aeration lines, and removal of diseased or declining roadside trees.

I support wetland protection where wetlands are significant as watershed protection and wildlife habitat. However, labeling an entire residential front yard a Class II wetland based on isolated indicators and seasonal wetness, and imposing repeated delineation costs as a result, erodes public trust and misdirects limited regulatory resources.

I urge you to bring proportionality, scientific grounding, and fairness into this rule-making process, so that wetland protection remains credible and workable for people living with these rules every day. Thank you for your consideration.

Sincerely,



Jari Chevalier

From: Robert Zimmerman <robert.rzimmer@gmail.com>
Sent: Tuesday, December 9, 2025 9:57 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands

You don't often get email from robert.rzimmer@gmail.com. [Learn why this is important](#)

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Do not reduce the buffer zones around wetlands. Very important!

In fact it would be a better idea to increase the buffer zones.

Robert Zimmerman
Landowner
Marlboro VT

From: John Foster <foster@nentc.com>
Sent: Wednesday, December 10, 2025 8:01 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Do not relax Wetland Protection

You don't often get email from foster@nentc.com. [Learn why this is important](#)

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Dear ANR,

As a Vermont resident, hunter and renter, I strongly oppose relaxing Wetland Protection rules.

I understand the need, as a renter, for more housing. However, allowing more damage to wetlands is only shooting ourselves in the foot. Relaxing the rules protecting wetlands is a short sighted attempt to find a solution to housing. Such a move will only worsen the quality of life for us humans....latter on down the road.

Thank you for your time,

John Foster
3435 Westminster West Road
Westminster West, VT 05346
802-451-6277

From: Theresa Maggio <theresamaggio@hotmail.com>
Sent: Wednesday, December 10, 2025 9:13 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands regulations change

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Please don't let developers build near wetlands. I think the housing crisis can be ameliorated without building so close to wetlands. Wetlands should remain protected. Do you think it is a good idea to build closer to water in this day and age? I don't think houses should be allowed near currently protected wetlands. Give nature a chance to protect US! Please don't let the governor have his way in this. What a crazy idea!

Theresa Maggio
Williamsville, Vermont

www.theresamaggio.com

"The time you enjoy wasting is not wasted time," said Bertrand Russell.

From: Barbara Evans <bsebird@hotmail.com>
Sent: Wednesday, December 10, 2025 11:27 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands laws change

You don't often get email from bsebird@hotmail.com. [Learn why this is important](#)

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I am outraged that these changes are being contemplated for Vermont.

You don't even have to read what follows, but for now, removing buffer zones and mitigation requirements are so damaging to our wetlands that it is hard to believe any Vermonter would propose these changes. I am 87 years old, have lived in Vermont for 25 years, and know a lot about this subject (see below). These proposals would make Vermont's environmental regulations or lack of, for wetlands a sick joke. **Freshwater wetlands are especially helpful in flood control, which I assumed somebody would think about given the floods around the state in recent years.**

In New Jersey around fifty years ago, I was part of an effort to save wetlands. NJ Audubon and many other groups and individuals worked really hard to help an acceptable bill be passed by the legislature, the Freshwater Wetlands Bill.

The two biggest issues were and will always be buffer sizes and mitigation. Back then the concept of mitigation seemed crazy, but later it seemed to work if done well. Buffer sizes were fought over since many proposed were ridiculously small, around large paved areas like big parking lots, etc. Buffers of 25 feet or less are a joke, but apparently all that can get passed by state legislatures.

Save our wetlands. Please do not adopt these changes.

Barbara S. Evans
Dummerston, VT 05301

From: Isabel Bowman <sullivan.wcnrcd@gmail.com>
Sent: Thursday, December 11, 2025 9:48 AM
To: ANR - Wetlands Rulemaking Comment
Subject: EO 06-25
Attachments: EO06-25.docx

You don't often get email from sullivan.wcnrcd@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I am writing to respond to the proposed wetland rules changes. Attached is my letter.

Thank you for your time,
Isabel Bowman

--

Let your voice be heard with our 2026 Windham County Conservation [Survey](#). **Shopping for the new year? Order our Farm Pets of Windham County calendar [here](#)!**

Isabel Bowman (she/her/hers)

Conservation Specialist

Windham County Natural Resources Conservation District

<https://windhamcountynrcd.org/>

802-212-9458



Dear Commissioner Sinsigalli,

As the Conservation Specialist with the Windham County Natural Resources Conservation District, I am writing in response to Executive Order 06-25 “Promoting Housing Construction and Rehabilitation”. This order proposes changes that reduce the protected buffer zone around wetlands from 50 feet to 25 feet, allow residential development to proceed without a wetland permit if projects impact unmapped Class II wetlands, and eliminates the reconsideration process by the public. The Executive Order’s economic impact states that these changes will “negatively impact some wetlands and their functions”. I agree that this order will limit wetland functions in Vermont. These homes would not be built in flood safe places.

Reducing wetland buffers by 50% will be detrimental to wetland functions and values. Research on agricultural fields shows that restoring wetlands between 0.35 and 1.8 acres regardless of landscape position or basin size provided nutrient retention throughout all four seasons. The total mean nitrogen reduction from these small wetlands was 59% (Ducks Unlimited, 2020). Removing 25 feet of protection will significantly impact the ability of wetlands to reduce nutrient runoff to downstream waterbodies.

The health of Vermont’s waters should be protected by limiting development in unmapped wetlands. Already 35% of Vermont’s original wetlands have been lost. Residential, commercial, and industrial development have, in recent years, been the primary source of wetland loss (VT Wetlands Program, 2019). However, building housing in these areas will not provide flood safe housing. Although we are in a housing crisis, developing in unmapped wetlands poses threats to wetland functions such as flood control, ground water recharge and discharge, water quality improvement, streambank stabilization, fish/wildlife habitat, recreation/education opportunities, and aesthetic values. The function of these wetlands is critical to protecting human lives and property from flooding impacts.

When there is encroachment on these functions, the public should be allowed to provide comments. Given the widespread impacts that development has on our landscape, Vermonters' concerns must be heard during the wetland permitting process. In addition, permit applications received prior to the effective date of the revised rule should not be allowed to request project activities in the 25-to-50-foot Class I wetland buffers. These requests would be made prior to the end of the public comment period and would be premature.

In my role as a Conservation Specialist, I provide technical and financial assistance to land and water users of Windham County. Executive Order 06-25 will constrain the

effectiveness of these on-the-ground conservation efforts and will not adequately protect wetlands. This rulemaking process should reflect the critical role wetlands play in protecting the wellbeing of residents, recreators, wildlife, and our landscape.

Isabel Bowman

Conservation Specialist

Windham County Natural Resources Conservation District



References:

1. Ducks Unlimited, 2020. Determining the Nutrient Retention Capacity of Newly Restored Wetlands in Southwestern Ontario. Institute for Wetland and Waterfowl Research. Web: https://www.ducks.ca/assets/2020/02/Ontario-Small-Wetlands_FINAL-Report_Feb-7-2020.pdf
2. Vermont Wetlands Program, 2019. Wetlands 101. Department of Environmental Conservation Watershed Management Division. Web: https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/2014_Wetlands%20101.pdf

From: Rodrica Tilley <rtilley01@gmail.com>
Sent: Thursday, December 11, 2025 1:11 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands

You don't often get email from rtilley01@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I think we have enough room in our state and in our hearts to create housing and NOT put it in harm's way (in a floodplain or wetland). I really hope so.

Rodrica Tilley

<http://fiftystatepleinairpaintingproject.blogspot.com/>

<http://www.rodricatilley.com/>

From: sue pfaff <vtpfaff@gmail.com>
Sent: Friday, December 12, 2025 8:09 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Perspective

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As we become more and more aware of how valuable and precious wetlands are and the vital services they serve in a healthy ecosystem, how can you chip away at that ? For hundreds of years we have chipped away and chipped away again.

Use your great brains to imagine human habitations that do not cut off our very noses.

Sincerely,
Susan Pfaff
15 Jenne Road
East Dover, Vt
05341

From: Philip Savoy <savoyeng@hotmail.com>
Sent: Monday, December 15, 2025 7:36 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Information

You don't often get email from savoyeng@hotmail.com. [Learn why this is important](#)

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The Federal Government regulates Wetlands in every State. There are currently 24 states that do not have their own Wetlands Department. Vermont has decided to be one of the States that regulates it in addition to the Federal Government. With the mountainous terrain and protected land in Vermont there is absolutely no need for a state Wetlands Program of any kind.

Vermont currently has 81% of the land area in the state cannot be developed, and this will only increase as time goes on. As long as Act 250 exists there is no fear of any actual business starting up in Vermont and creating jobs.

Phil Savoy, PE

From: Cory Ross <ross.wcnrcd@gmail.com>
Sent: Monday, December 15, 2025 4:01 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment
Attachments: WCNRCd letter to Commissioner Sinsigalli December 2025.pdf

You don't often get email from ross.wcnrcd@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello

Please find attached a letter from the Windham County Natural Resources Conservation District in response to the request for public comment regarding wetlands rulemaking. Please let me know if you have any questions.

Sincerely

Cory Ross

--

Cory Ross (he/him)
Executive Director
Windham County Natural Resources Conservation District
ross.wcnrcd@gmail.com
(802) 212-9459 - work cell
802-689-3024 -office



Misty Sinsigalli, Commissioner
Vermont Department of Environmental Conservation
1 National Life Drive, Davis 2
Montpelier, VT 05620-3702

Dear Commissioner Sinsigalli,

The Windham County Natural Resources Conservation District is writing in response to Executive Order 06-25 "Promoting Housing Construction and Rehabilitation". This order proposes changes that reduce the protected buffer zone around wetlands from 50 feet to 25 feet, allow residential development to proceed without a wetland permit if projects impact unmapped Class II wetlands, and eliminates the reconsideration process by the public. The Executive Order's economic impact states that these changes will "negatively impact some wetlands and their functions". We agree that this order will limit wetland functions in Vermont.

Reducing wetland buffers by 50% will be detrimental to wetland functions and values. Research on agricultural fields shows that restoring wetlands between 0.35 and 1.8 acres regardless of landscape position or basin size provided nutrient retention throughout all four seasons. The total mean nitrogen reduction from these small wetlands was 59% (Ducks Unlimited, 2020). Removing 25 feet of protection will significantly impact the ability of wetlands to reduce nutrient runoff to downstream waterbodies.

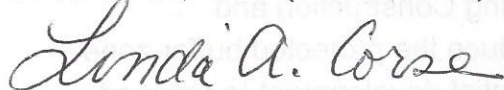
The health of Vermont's waters should be protected by limiting development in unmapped wetlands. Already 35% of Vermont's original wetlands have been lost. Residential, commercial, and industrial development have, in recent years, been the primary source of wetland loss (VT Wetlands Program, 2019). However, building housing in these areas will not provide flood safe housing. Although we are in a housing crisis, developing in unmapped wetlands poses threats to wetland functions such as flood control, ground water recharge and discharge, water quality improvement, streambank stabilization, fish/wildlife habitat, recreation/education opportunities, and aesthetic values. The function of these wetlands is critical to protecting human lives and property from flooding impacts.

When there is encroachment on these functions, the public should be allowed to provide comments. Given the widespread impacts that development has on our landscape, Vermonters' concerns must be heard during the wetland permitting process. In addition, permit applications received prior to the effective date of the revised rule should not be allowed to request project activities in the 25-to-50-foot Class I wetland

buffers. These requests would be made prior to the end of the public comment period and would be premature.

WCNRCD provides technical and financial assistance to land and water users of Windham County. Executive Order 06-25 will constrain the effectiveness of on-the-ground conservation efforts and will not adequately protect wetlands. This rulemaking process should reflect the critical role wetlands play in protecting the wellbeing of residents, recreators, wildlife, and our landscape.

Linda Corse, Chair (for the board)



Windham County Natural Resources Conservation District

12/10/2025

Windham County Natural Resources Conservation District

28 Vernon Street Suite 332 Brattleboro, VT 05301

802-689-3024

windhamcountynrcd@gmail.com

windhamcountynrcd.org



References:

1. Ducks Unlimited, 2020. Determining the Nutrient Retention Capacity of Newly Restored Wetlands in Southwestern Ontario. Institute for Wetland and Waterfowl Research. Web:
https://www.ducks.ca/assets/2020/02/Ontario-Small-Wetlands_FINAL-Report_Feb-7-2020.pdf
2. Vermont Wetlands Program, 2019. Wetlands 101. Department of Environmental Conservation Watershed Management Division. Web:
https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/2014_Wetlands%20101.pdf

From: Rich Grumbine <RGRUMBINE@landmark.edu>
Sent: Monday, December 15, 2025 6:31 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Executive Order 06 25

You don't often get email from rgrumbine@landmark.edu. [Learn why this is important](#)

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Hello,

I am against any weakening of wetlands protections statewide. I have not heard a compelling argument that this executive order will encourage appropriate housing development. I would like to see other state initiated incentives that promote housing development that does not sacrifice wetland protections.

Thank You

Rich Grumbine
Putney, Vermont

From: norma manning <eaglestailvt@gmail.com>
Sent: Wednesday, December 17, 2025 8:55 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Rules Comment

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Reducing Vermont's wetland buffers moves development into flood zones.

Ignoring wetlands not currently state identified, moves development into flood zones.

Moving development closer to wetlands reduces Vermont's clean water and functional biodiversity.



Norma Manning

83 Silver Ln

Vernon, VT 05354

eaglestailvt@gmail.com

From: Micki Colbeck <mjcolbeck@gmail.com>
Sent: Thursday, December 18, 2025 10:18 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Public input into proposed wetland rule changes

You don't often get email from mjcolbeck@gmail.com. [Learn why this is important](#)

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Wetlands Rulemaking Committee,

On behalf of the Strafford Conservation Commission, we are writing with regard to the proposed changes to wetland regulations. But I believe I'm speaking for most of us in Strafford who live in a beautiful river-carved valley, one that has flooded many times and will continue to do so. The safety features we have that protect our homes and charming old villages is that we have been blessed with large floodplains in the valley that absorb tremendous amounts of water, releasing it slowly during floods. We have also been blessed with hills and forests full of class-two wetlands that also hold water, releasing it slowly, purifying the water as well, protecting our drinking water. These wetlands are rich with rare and unusual plants, many of which have not yet been "discovered". We agree that Vermont needs more affordable housing, but. Because of the enormous costs left in the wake of flooding, we believe it will ultimately cost more in the long-run if development is encouraged in wet places rather than in higher, dryer sites that are still close to village centers . Thank you for considering our viewpoint.

Micki Colbeck, Chair

Kate Bass, Co-chair

Strafford Conservation commission

Strafford, Vermont 05072

From: John Peters <johnbryanpeters@gmail.com>
Sent: Thursday, December 18, 2025 12:45 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Reduction of wetland protections

You don't often get email from johnbryanpeters@gmail.com. [Learn why this is important](#)

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I am opposed to Department of Environmental Conservation amendments to the Vermont Wetland Rules that make housing project construction an allowed use in unmapped Class II wetlands located within specified growth areas and Act 250 exempt areas.

Wetlands, mapped or not, are crucial to wild species that are increasingly threatened by continuing residential and commercial encroachment.

I regard the proposed changes as entirely inappropriate.

John Peters
New Haven, Vermont

From: Callie Brynn <ecbrynn@gmail.com>
Sent: Thursday, December 18, 2025 1:51 PM
To: Sinsigalli, Misty (she/her); ANR - Wetlands Rulemaking Comment
Subject: OPPOSED to Reduction of wetland protections

You don't often get email from ecbrynn@gmail.com. [Learn why this is important](#)

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Hello,

I am writing to you as a 7th generation Vermonter, mother, daughter, partner, conservation advocate, and devoted taxpaying community member.

I strongly oppose the Department of Environmental Conservation amendments to the Vermont Wetland Rules that make housing project construction an allowed use in unmapped Class II wetlands located within specified growth areas and Act 250 exempt areas. Your plan steers us away from this conservation goal set by H.126 (Act 59) in 2023 relating to community resilience and biodiversity protection. [Bill Status H.126 \(Act 59\)](#).

Whether or not wetlands have been mapped, doesn't impact their significance and essential role they play in our ecosystem. Wetlands are under increased pressure from development, once they are gone, they are gone. I urge you to reconsider your proposal before irreparable damage is done to these irreplaceable natural features. Instead of impacting wetlands, look to the areas where development is suitable and appropriate.

We are paying attention. Future generations will be told this story; I hope that it goes in the right direction for their sake and all of the flora and fauna that call wetlands home.

Thank you,

Callie Brynn
Monkton, VT

[Wetlands Rulemaking | Department of Environmental Conservation](#)

From: Victoria <jasz@sover.net>
Sent: Thursday, December 18, 2025 7:06 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland rules

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I am now aware that you are considering a plan to revise rules wetland protections. Wetland provide vital functions of flood mitigation, pollutant filtration and amphibian habitat. To weaken rules to allow development in class II wetlands or reduce setbacks will imperial wetlands and their essential functions. Tikes should protect them-please don't revise the rules as proposed Susan DeWind Middlebury VT

From: Jaime S <jaime.m.schulte@gmail.com>
Sent: Thursday, December 18, 2025 9:45 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Reduced wetland protections

You don't often get email from jaime.m.schulte@gmail.com. [Learn why this is important](#)

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Hello,

I oppose the DEC's amendments to the Wetland Rules to promote housing by accelerating the impact on unmapped wetlands in specified growth and Act 250 exempt areas.

The lack of wetlands mapping for these lesser wetlands to-date is not a reason to discard them in hot pursuit of more housing. At least be prepared to compensate for doing so. Suggestions would be to strengthen protections for wetlands outside of these areas by chipping away at the seemingly sacred right of farms to pollute and by putting some real teeth into Act 171... so it means something at the state level when a town designates their forest blocks and connectors and so there is some consistency for developers from town to town. Putting on a development hat for a moment to reinforce this point: without state standards and enforcement of Act 171 you will get a mess of rules from town to town that undermine the housing you want to see, by complicating the lives of engineers and developers. Doing away with some Act 250 reviews isn't the answer to the complexity you have created (through good intentions).

We still have a good quantity of forests, connectors, and wetlands in Vermont. Don't screw up a good thing by damaging them in the service of more population (which will also tend to accelerate impacts). We do not want to become Connecticut.

Thank you,
Jaime Schulte
Monkton, Vermont

From: Sue Sellew <su.n.art@outlook.com>
Sent: Friday, December 19, 2025 11:55 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed changes to wetland regulations

You don't often get email from su.n.art@outlook.com. [Learn why this is important](#)

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Wetlands Rulemaking Committee,

I am writing with regard to the proposed changes to wetland regulations.

I live in Sharon, Vermont and have been a member of its Planning Commission for over 20 years. I have seen the damage flooding has caused to homes in the White River valley. People have died in Sharon when their homes washed away. During Irene, we were very fortunate that the Sharon Volunteer Fire Department warned people to go to higher ground.

We NEED to protect both the floodplains in our valley and our class-two wetlands. They both slow the release water during floods.

Yes, Vermont needs more affordable housing, but it will cost more in the long-run if development is encouraged along the White River.

Thank you for considering my viewpoint,

Susan Sellew
Member, Sharon Planning Commission

From: David Brynn <brynn@gmavt.net>
Sent: Friday, December 19, 2025 2:46 PM
To: ANR - Wetlands Rulemaking Comment; brynn@gmavt.net
Cc: msty.sinsigalli@vermont.gov; ecbyrnn
Subject: STOP Reduction of wetland protections

You don't often get email from brynn@gmavt.net. [Learn why this is important](#)

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Hello:

I am opposed to Department of Environmental Conservation amendments to the Vermont Wetland Rules that make housing project construction an allowed use in unmapped Class II wetlands located within specified growth areas and Act 250 exempt areas. Wetlands are crucial to wild species that are increasingly threatened by continuing residential and commercial encroachment. The proposed changes are COMPLETELY ill-advised. There have to be better places to build houses - better for the planet AND better for the people. And who wants to live in a wetland anyway!

David Brynn
Lincoln Vermont

From: Dayton And Sarah <daytonandsarah@yahoo.com>
Sent: Sunday, December 21, 2025 5:09 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands

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We need our wetlands undisturbed! They are crucial for the environment and the plants and animals who make their homes there.
Sarah

Sent from my iPhone

From: Dayton And Sarah <daytonandsarah@yahoo.com>
Sent: Sunday, December 21, 2025 5:12 PM
To: ANR - Wetlands Rulemaking Comment
Subject: No changes

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Our wetlands are essential for the plants and animals who live there.
No changes to the rules, for sure!
Sarah

Sent from my iPhone

From: bsimoes@comcast.net
Sent: Sunday, December 21, 2025 5:47 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Opposition to changes in the law

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In this time of climate change and serious weather incidents occurring around the world, it seems a bit bizarre that the rules that were put into effect before such serious and frequent flooding events started to happen with alarming regularity are now being considered for roll back.

Leaving the protections in place for wetlands not only benefits the wildlife living there, but actually has been proven to alevae flooding. By keeping the regulations as is or even extending them, the severity of damage done by flooding is kept to a minimum. Wetlands reduce flooding, acting as giant sponges, absorbing excess rainwater and slowly releasing it, which lowers flood peaks and downstream impacts. For erosion control, wetland plants' dense root systems bind soil, while their physical structure dissipates wave energy from storms, preventing banks from being washed away. They essentially store water, slow its flow, and anchor soil providing crucial natural flood and erosion defense.

When wetlands are drained or filled, these natural defenses are lost, leading to increased flood peaks (sometimes by 80% or more), faster water flows, and greater erosion, especially in urban areas with more impervious surfaces.

I strongly oppose lessening the protections that are now in place, not only for us, but for our wildlife. I have to wonder if

someone is in cahoots with the insurance people for a kickback when people will then have to pay for flood insurance...or, have their property considered a total loss and then the citizenry of Vermont taxpayers will be left with the bill. The reasoning behind this decision makes no sense. It usually comes down to money being made, so I have to wonder if corruption isn't at play here.

Sincerely, Barbara Simoes

From: Catie Coleman <catie@muditamassage.com>
Sent: Sunday, December 21, 2025 8:06 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands rule

You don't often get email from catie@muditamassage.com. [Learn why this is important](#)

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Please keep the current rules in place!!!!

Cathleen Coleman

From: Dave Giuliani <dgiulz1016@gmail.com>
Sent: Sunday, December 21, 2025 8:17 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Approve the changes

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I agree with the changes to the wetland regulations and would encourage the state to adopt a similar approach to all of the other roadblocks to development.

From: Rick Emilo <rick_emilo@hotmail.com>
Sent: Sunday, December 21, 2025 8:58 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rule changes

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I support the proposed Wetlands Rule changes.
Sent from my iPhone

From: jjose@ptd.net
Sent: Saturday, December 27, 2025 12:52 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Amending Vermont Wetland Rules to conform with Executive Order 06-25

You don't often get email from jjose@ptd.net. [Learn why this is important](#)

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To Whom It May Concern:

I'm writing to state my opposition to the proposed amendment to the VT Wetland Rules to conform with Executive Order 06-25 "Promoting Housing Construction and Rehabilitation."

I understand the need to expand housing opportunities in VT, but considering the multiple values that wetlands provide us, no diminishment of their legal protection should take place on the state level.

Current buffers don't truly reflect the level of protection wetlands need to optimize their ecological, hydrological (including flood mitigation), aesthetic, etc., values. The minimum buffers currently in place also do not effectively recognize that wetlands are part of a landscape continuum and the need to have intact uplands, beyond current minimalist setbacks, contiguous to wetland habitats.

Therefore, further reducing wetland buffers for Class II Wetlands in designated growth areas, from 25 to 50 feet, and providing no protection for unmapped wetlands would only exacerbate negative impacts to wetlands and the values they provide and would increase their outright loss from our landscape.

Based on all the aforementioned, I am opposed to the proposed amendment to the VT Wetland Rules to conform with Executive Order 06-25 "Promoting Housing Construction and Rehabilitation."

Your consideration of my opinion on this matter is greatly appreciated.

Sincerely,

John Jose
Montpelier, VT

From: Jim Calchera <calcherajim@gmail.com>
Sent: Sunday, December 28, 2025 9:46 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments on the EO regarding Wetlands

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Please see my comments in the write-up below.

Comments on Wetlands Rule Executive Order

My name is Jim Calchera and I am a 35 year resident of Westminister, VT. I am a member of the Westminister Conservation Commission and the Westminister representative to the Connecticut River Joint Commission (CJRC). I am a retired mechanical engineer. I have reviewed the 2023 version of the Wetland Rules and watched the December 16, 2025 Public Meeting on the rule change on You Tube put on by Laurie Lapierre.

I see one positive in the EO and that is the streamlining of permitting for the Downtown areas. These areas have already had damage done to waterways and it is unlikely that the new developments/construction work would significantly add to the damage.

I am concerned with the impact of the reduction in buffer zones to wetlands from 50' + to 25'. I am a trapper who primarily targets water animals; beaver, muskrat, mink and otter. In my opinion, 25' does not provide adequate buffer to maintain the habitat required by these furbearers. The above mentioned furbearers would be more susceptible to predators with this reduced buffer and would limit their options in travel paths. The animals and water would be more readily exposed to any chemicals used at the new residence such as pesticides, salt, paint thinner, paint, car washing/waxing chemicals and a myriad of others. I often see mink and otter tracks showing them traveling 50'-100' from waterways to cut corners of brooks to reduce their travel time from one body of water to another. The buffer reduction would impact their options here.

It seems that the state personnel are already pretty lenient in providing permits for housing development. I have been observing two homes being built on a single property on Westminister West Rd. in Putney adjacent to the Westminister line. The CJRC reviewed the permit that was issued by the state for this effort. It appears that construction was started before any permit was issued and a small wetland was already impacted. This small wetland was a salamander breeding area as I had seen multiple yellow spotted salamanders crossing here in the spring on my daily commute to/from work in the dark. The state allowed a reduction in the existing buffer requirements to allow the driveway and utility installation and the developer had to pay a minimal compensation fee. It seems that the permitting process via the 2023 rule already has provisions for continuing with residential construction when there are limited options except to impact a wetland on a piece of property. There should be no reduction in effort required to continue forward with work that will impact the wetlands.

I have trapped beaver on numerous properties that have been impacted by beavers. Had the homes not been built within a 100' of the wetland or if the driveway had not been allowed to cross the wetland, then there likely would have been minimal impact. One example is a 25 year old home off of Cross Rd in Westminister. An approximately 1200' driveway was installed that ran adjacent to a wetland/brook for about 200' and then crossed the brook. A home was erected overlooking the existing beaver pond. I approached the homeowner about trapping beaver there and she indicated that "she was going to live in harmony with nature and would not be allowing any trapping". Within a few years, VT F&W was called multiple times to install beaver baffles to limit the driveway damage. The beavers ultimately plugged the beaver baffles and caused driveway erosion and culvert erosion with the additional impact of much siltation of the downstream brook trout habitat. At this point VT F&W told the landowner that a trapper should be called to at least minimize the population. I was able to remove some of the beaver and mitigate continuing problems. This was a case where poor home site selection led to wetland damage from siltation effects but also cost to the taxpayers of VT. Thousands of dollars were spent to pay for beaver baffle installs and consultation to minimize damage that was clearly going to happen based on the location of the driveway. People purchasing land with the intent to build near a wetland need to recognize that they will be paying for attempting to "live in harmony with nature" and the ultimate losers are the resident wildlife. There are few wetlands in Southeastern VT; any loss of this critical habitat is a huge detriment to wildlife (None Significant enough to be listed in the Appendix to the Wetland Rule). Our lakes and ponds are all beginning to look like lakes and ponds in southern New England with "camps" every 100' along the shoreline. This is not good for the waterways and is terrible for the wildlife.

I am disappointed that we rely on satellite mapping for the most part vs. boots on the ground reviews of wetlands. This is

more reason to maintain the existing wetlands rule and not allow all the exemptions and allowances provided in the EO. One example from the Public Meeting indicated an actual square footage of wetlands that was 66% larger than what was delineated based on the mapped features. This is more reason to maintain the Wetlands Rule and permitting process as it is; to require boots on ground review in hopes that this will minimize chances of damage to the critical habitat that wetlands provide.

My closing thoughts on the supposed housing crisis. It is a shame that working Vermonters have limited housing options but here are two considerations. I highly recommend that "second homes/vacation homes" be hit with very high taxes. This tax money should be used to build housing in Downtown areas. Additionally, consideration should be given to an increased tax rate for homes plus outbuildings exceeding a certain square footage per resident. There are many 4000 square foot plus homes that two people live in. If this type of tax is not palatable then consideration should be given for this type of tax on new developments (if it is not there already) so that instead of 10 McMansions being constructed there could be 15 moderately sized family homes being built on the same footprint being developed.

James (Jim) Calchera, 233 McCaffrey Ridge, Putney, VT 05346

As can be seen I am very concerned with any activity that can potentially impact the viability and function of our vanishing wetlands. Thank you for your time.

Jim

From: Hannah Regier <hannahregier@gmail.com>
Sent: Tuesday, December 30, 2025 7:57 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Opposed to loosening wetland rules

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My comment is in opposition to the proposed loosening of wetland rules in designated areas. It is more important than ever to protect wetlands in our communities for multiple reasons:

- There is already poor compliance with and enforcement of wetland regulations. Loosening the rules will give landowners and developers additional license to disregard the environment in their planning.
- The VSWI shows such a small percentage of the state's wetlands. Relying on the map and not a delineation is not going to address the reality of a site.
- Wetlands are sponges that can hold excess storm waters, mitigating flooding in neighborhoods. Ditching and diverting water that would normally be contained in a wetland can cause sedimentation in streams and worsen downstream flooding.
- Wetlands are bastions of biodiversity and even small wetlands in neighborhoods are important for habitat connectivity and genetic diversity. Consider that our little red efts travel on foot for miles to find new territories and populations. They need connected riparian corridors. These and other amphibians have disappeared from many suburban landscapes because they lost that habitat.
- Moving the massive quantities of fill that are needed to make wetlands suitable for development is a vector for non-native species to get established, further degrading the local ecosystem.

Wetlands simply don't make good spots for development!

Hannah Regier
Athens, VT

From: Philip Savoy <savoyeng@hotmail.com>
Sent: Wednesday, December 31, 2025 12:34 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Bissell, Sharon
Subject: Governor's Executive Order - Wetland Rules, Recommendations

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As presented in the meeting regarding the Executive Order, the only wetlands affected by this would be class II, mapped wetlands in the neighborhood and certain districted included in the order. This involves 6% of VT class II wetlands. Personally, I have never seen a class II wetlands in one of these areas at all, never mind one that might be developed. The rule proposed allows for a reduced buffer zone from 50 feet to 25 feet. I asked the question; "If it is safe for a wetlands buffer to be reduced in the currently developed areas that why would it not be also safe to reduce it in all class II wetlands where the possible threats are considerably less?" There was no answer provided in the meeting.

The only areas that would or could ever be aided by this change would have to include all class II wetlands. There is no difference and they should be included.

Any threats to wetlands in this country are addressed by the Federal Government. They monitor wetlands in 50 states and 26 states have decided to create their own agency in addition to the Federal Government, which still handles these states, including Vermont. I have delt with them on issues in this state and they are active.

There is no need for a wetlands dept in Vermont, it only adds one more layer of deterrent for any kind of development.

Phil Savoy, PE

From: Megan Sullivan <msullivan@vtchamber.com>
Sent: Friday, January 2, 2026 3:26 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Vermont Chamber Wetlands Rulemaking Comments
Attachments: VCC Wetlands Rule Comments.pdf

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Please accept that attached comments in support of the proposed amendments to the Department of Environmental Conservation's Vermont Wetland Rules from the Vermont Chamber of Commerce. Please don't hesitate to contact me with any questions regarding these comments.

Best,
Megan

Megan Sullivan
Vice President, Government Affairs
Vermont Chamber of Commerce
802-522-6316 (text or call)



Year-End Tax & Financial Readiness

As 2025 comes to a close, Vermont businesses still have time to make meaningful financial and operational decisions that strengthen their year-end position and set them up for success in 2026. This free session, presented in partnership with Gallagher, Flynn and Company, will provide practical guidance on tax readiness, financial planning, and strategic priorities for the months ahead. [Register today](#) and take advantage of expert insights before the year ends .



January 2, 2025

Julie Moore
Secretary, Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Re: Support for Proposed Amendments to the Vermont Wetland Rules and Updates to the VSWI

The Vermont Chamber of Commerce submits these comments in strong support for the Agency of Natural Resources' proposed amendments to the Vermont Wetland Rules (VWR) and the Vermont Significant Wetlands Inventory (VSWI). These changes reflect thoughtful modernization, reinforce environmental protection, and critically support Vermont's ability to build housing and foster vibrant, walkable communities in the exact locations where the State has already directed growth.

This alignment between environmental protection and compact growth is reinforced by multiple statewide plans that have been endorsed across Vermont. The Vermont Futures Project's Economic Action Plan, which shows that strategically guided housing expansion in existing job centers can expand Vermont's tax base while contributing to climate goals by lowering greenhouse gas emissions. Likewise, the Vermont Climate Council's Climate Action Plan recommends expanding infrastructure investment in designated areas and reducing regulatory barriers for "compact development in and around downtowns and village centers" as a means of alleviating pressure on open lands, forests, and flood-prone areas. These shared objectives underscore a critical point: well-targeted reforms to wetlands regulations can simultaneously advance environmental resilience, housing affordability, and economic sustainability.

Vermont's developing land use framework is built around a simple principle: incentivize development in both rural and urban areas into more compact, well-planned, infrastructure-served areas to protect natural resources, reduce sprawl, and support livable communities. Designated downtowns, village centers, neighborhood development areas, and growth centers represent only about 3% of Vermont's land area, yet they are the places where the State expects and encourages new housing and redevelopment.

Wetlands statewide account for an estimated 6% of Vermont's land base. Even under conservative estimates of overlap, the area affected by these proposed rule changes represents only approximately 0.2% of Vermont's total land area. This limited scope will still preserve extreme wetland rules in many areas of Vermont while offering substantial public benefits of

enabling more predictable, compact, and affordable development in areas where housing development should be incentivized.

Housing affordability is directly influenced by development feasibility and achievable density. In housing, there are real economies of scale: the more units that can be built in an area, the lower the cost per unit. The current wetland regulatory framework has directly contributed to reduced density and increased costs in designated growth areas. These conditions have made housing development more difficult and, in some cases, encouraged growth outside planned areas.

The proposed amendments address these issues by providing targeted flexibility in designated growth areas, clarifying mapping, and streamlining regulatory processes. These changes improve predictability for applicants and communities while maintaining substantive wetland protections statewide.

How the Proposed Rule Supports Housing

The proposed rule provides specific improvements that will allow Vermont to better meet housing demand:

- **Allows housing as an approved use in select unmapped Class II wetlands within designated growth areas.** This reduces unnecessary barriers in areas where environmental review and infrastructure planning are already in place.
- **Provides flexibility within buffer zones where infrastructure exists.** Compact, infill development becomes feasible and more cost-effective, directly lowering per-unit housing costs.
- **Streamlines permitting timelines by removing the “reconsideration” step.** Reducing this procedural delay makes housing projects more predictable and efficient.
- **Clarifies mapping and regulatory processes.** Updated maps improve certainty for developers and communities alike, avoiding delays caused by seasonal field-delineation requirements.
- **Supports smart-growth planning and attainable housing.** These changes incentivize density where infrastructure exists, reducing sprawl, supporting walkable communities, and lowering environmental impacts.

What the Proposed Rule Does Not Do

- **Does not open all wetlands to development.** Flexibility applies only in limited, clearly defined designated growth areas.
- **Does not weaken environmental protections or standards.** All substantive protections, mitigation, and impact-prevention requirements remain intact.
- **Does not allow sprawl or unregulated development.** The rule focuses development where infrastructure already exists.
- **Does not compromise Vermont’s environmental quality.** Mapped and high-function wetlands remain fully protected.

Vermont faces significant housing challenges alongside ongoing climate and economic pressures. The proposed amendments to the Vermont Wetland Rules represent a targeted and timely update that improves regulatory clarity and efficiency while preserving environmental protections. These changes support compact and affordable housing development in appropriate locations and align wetlands regulation with Vermont's environmental, economic, and community objectives.

For these reasons, the Vermont Chamber of Commerce respectfully urges the Agency of Natural Resources to adopt the proposed amendments as drafted.

From: Katherine Williams <k8mcfwill@gmail.com>
Sent: Friday, January 2, 2026 4:52 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment Period

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Good afternoon Department of Environmental Conservation,

When addressing the changes in rules regarding wetlands and permitting for residential construction, please balance environmental conservation with the need for residential housing. Please reduce the burdens of the permitting process. We need housing.

Recruiting nurses to our rural region is difficult. The lack of affordable and available housing is one of the barriers to successfully recruiting and retaining much needed nurses and health care workers to our communities.

Thank you,
Kate McFaun Williams, MSN, RN, ACM

From: Lauren Giannullo <lauren.giannullo@gmail.com>
Sent: Saturday, January 3, 2026 9:19 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rulemaking comment

You don't often get email from lauren.giannullo@gmail.com. [Learn why this is important](#)

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Good morning,
I'd like to provide public comment on the proposed changes to the current wetland rules.

I don't think I need to work hard to convince scientists and ecologists of the benefits of wetlands. Reducing the wetland buffer for housing construction will be nothing short of catastrophic for wildlife and habitat health. Numerous populations rely on wetlands to survive, and beyond the wetlands themselves, they need continuous corridors. Breaking up wetland areas is very problematic.

Additionally, wetlands provide natural flood protection. Encroaching on wetlands will result in a reduction of that protection. Given that Vermont is actively struggling with flooding and the damage happening to structures, it would be extremely short sighted to take away any of the natural protection that already exists. We need more housing, but using wetlands to that end is the wrong move on multiple levels.

Please consider leaving the wetlands rules as they are. This is Vermont - we are not a state that deliberately damages our natural resources as a "solution" to our issues. Thank you for taking the time to receive public comment on this important issue.

Respectfully,
Lauren Giannullo
Shelburne

From: Bernard Paquette <bernie.paquette@yahoo.com>
Sent: Saturday, January 3, 2026 10:50 AM
To: Lapierre, Laura
Subject: Re: questions about the VT proposed wetland rules

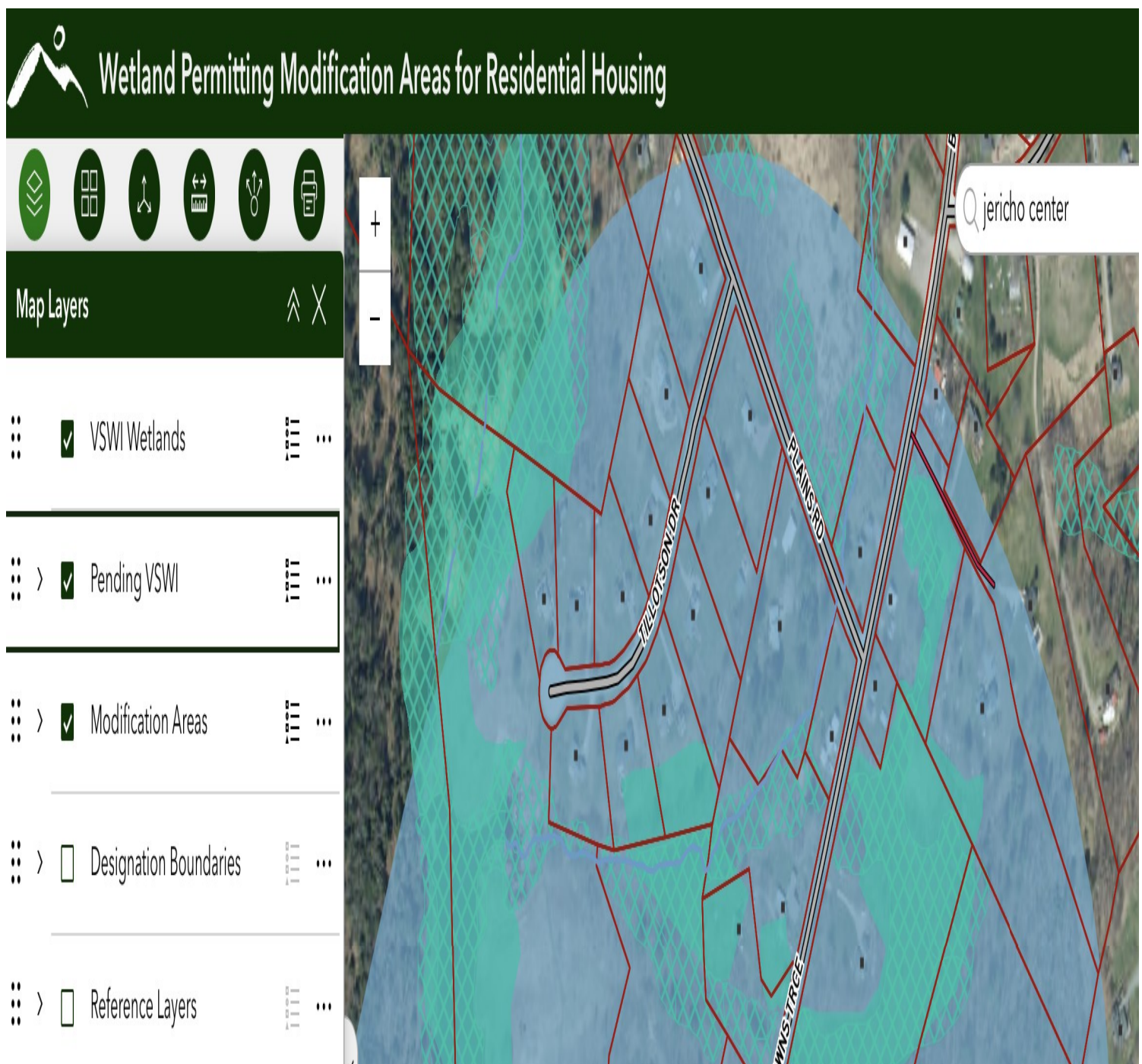
Categories: External Message

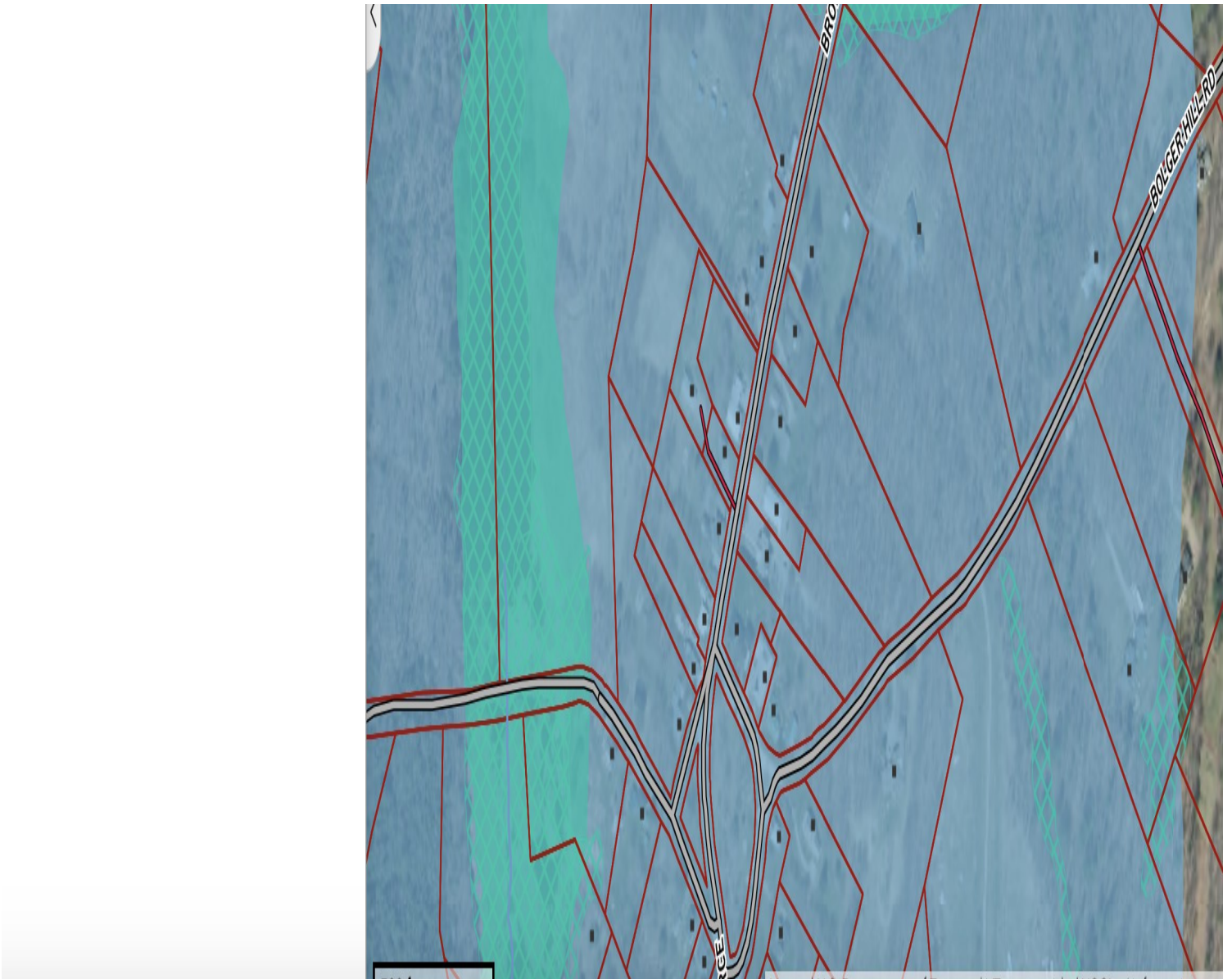
You don't often get email from bernie.paquette@yahoo.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello Laura, could you please explain to me how an area in Jericho Center is **both** a VSWI wetlands and pending VSWI?

See the map areas that have a solid green overlay with a green hash mark.





Hug an insect if you see one - it's cold out there, and they are ectothermic!

Laugh, Dream, Try, and Do Good

- *Bernie*

On Friday, January 2, 2026 at 12:50:50 PM EST, Lapierre, Laura <laura.lapierre@vermont.gov> wrote:

Hi Bernie,

Thank you for your interest in the proposed Rule changes. Are these intended to be your formal comments for the rule making or are you seeking further clarity to inform your comments? Here are some clarifications to most of your questions.

- Pending mapping is both aerial and field delineation. We had contractors update the National Wetlands Inventory (NWI) for the whole state using the USFWS aerial interpretation methodology and this mapping will be adopted into the Vermont Significant Wetlands Inventory (VSWI). The field delineations are primarily from delineations created for a property with a project that received a wetlands permit. We have over 100 of those to add and those will have less coverage than the NWI work.
- If we have a confirmed on-the-ground delineation, we add them to the map when we have the capacity. The aerial mapping was a state-wide project that is wrapping up. Most map edits after this year will likely be from delineations.
- The precise location of actual wetland edges can only be determined by field delineation. Some wetland types are hard to detect with aerial imagery, like forested seeps. Aerial image created maps are great for detecting wetland locations in general over a large landscape.
- We do not have a timeline to map all wetlands in VT. The Program does not have the capacity and works on mapping when time allows. The maps are updated annually at a minimum.
- Yes, delineations are guided by the soils, plants of hydrology of an area. In VT we follow the Army Corps Delineation Manual.

Would you like me to place your remaining questions with the formal comments we've received? The Agency is collecting comment until January 15th and will provide responses afterwards.

Regards,

Laura Lapierre, PWS NHCWS | Wetlands Program Manager

Vermont Agency of Natural Resources | Department of Environmental Conservation

Watershed Management Division, Wetlands Program

Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901

802-490-6177 (office)

<https://dec.vermont.gov/watershed/wetlands>

Check out the [Wetland Rule Changes](#). Comments Due Jan. 14.

Upcoming out-of-office: January 23-31

From: Bernard Paquette <bernie.paquette@yahoo.com>

Sent: Tuesday, December 30, 2025 4:09 PM

To: Lapierre, Laura <Laura.Lapierre@vermont.gov>

Subject: questions about the VT proposed wetland rules

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Hello Laura,

It appears to me that the key driver of (regulatory review for) the proposed wetland rules changes is whether land is a mapped significant wetland (Class I or Class II on the VSWI), and the streamlining applies primarily to unmapped wetlands that, by function, are Class II.

1. Is this pending mapping (in the past and under the new proposed rules) intended to be aerial only?
2. What determines if mapping is on-the-ground delineation or aerial?
3. Are there areas that can or may only be identified with on-the-ground delineation?
 1. If so, what defines which (aerial or boots on the ground?)
4. What is the projected timeline for having all wetland functions that are not yet documented on statewide maps mapped?
5. Is this correct: Wetland delineation is guided by 3 specific variables:

6. Presence of hydric plants,

Presence of hydric soils,

Evidence of inundation, such as water-stained leaves.

6. Is this correct: According to the Federal guidelines from the U.S. Fish and Wildlife Service definition, wetlands have one or more of the following three characteristics:

The land supports predominantly hydrophytes (aquatic plants)

The land is composed predominantly of undrained hydric soil

The land is saturated with water or covered by shallow water at some time during the growing season of each year.

7. How do the changes create a consistent application of protections across landscapes when some parts of the state have more wetland functions mapped than in other areas of the state?

9. What mitigation process or equivalent safeguards will be put in place (as part of the proposed changes) to ensure functional replacement of wetland loss from housing built on unmapped wetlands?.

Hug an insect if you see one - it's cold out there, and they are ectothermic!

Laugh, Dream, Try, and Do Good

- Bernie

From: SUSAN CLARK <sclarkvt7@comcast.net>
Sent: Saturday, January 3, 2026 8:51 PM
To: ANR - Wetlands Rulemaking Comment
Subject: EO. 06-25 Comments

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I am opposed to an executive order that opens wetlands to development in designated growth areas. I support strengthening protections for wetlands, not weakening them. Executive Order 06-25 should not be used to skirt Vermont's strong environmental laws.

Susan Clark
B2 Stonehedge Dr.
South Burlington

From: Ethan Bodin <ethan.bodin@gmail.com>
Sent: Saturday, January 3, 2026 11:17 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Positive changes

[You don't often get email from ethan.bodin@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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The 50' buffer and land grabbing of citizens' property by deeming class 2 wetlands has become extreme and should be checked. I absolutely support shortening the buffer area to 25'. These changes should extend to the entire state and not just new housing projects. Everyday Vermonters and small business owners are being hurt by the expansive wetland rules. Common sense should prevail!

Thank you.
Ethan Bodin

From: Deborah Kulisch <dkulisch@gmail.com>
Sent: Sunday, January 4, 2026 7:34 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Strong Opposition to any changes in Wetland Management

[You don't often get email from dkulisch@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I am opposed to any changes to wetland class definition and also any changes to tolerance of construction zones (from 50 to 25 ft).
All wetland preservation is critical to keep Vermont... Vermont.

Deborah Kulisch
Essex Junction VT

Sent from my iPhone

From: garfield <g952699@gmail.com>
Sent: Sunday, January 4, 2026 8:29 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed rule change to residential wetlands

You don't often get email from g952699@gmail.com. [Learn why this is important](#)

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Greetings;

I strongly disagree with changing the existing rules on residential permitting in unmapped and mapped wetlands.

1. Wetlands provide a critical ecological service to a wide range of species, including humans. Acre for acre they are a far more effective carbon sink than a forest. They provide a critical buffer to flood prone areas. They offer critical refuge for pollinators and other beneficial species
2. The historical extent of wetlands in Vermont has been shrinking for generations as these incremental losses due to inadequate protections continue to accumulate.
3. Even the current 50 foot set-back is wholly inadequate to preserve existing wetlands; a 25 foot reduction will be devastating.
4. The argument that this will address Vermont's "housing shortage" is absurd. The perceived housing crisis is driven by purely economic mismanagement, not by lack of building permits.

Sincerely,
Garfield Burnham
248 Main Street
Lyndonville, VT 05849

From: Starr Wolfe <clearedspace@gmail.com>
Sent: Sunday, January 4, 2026 8:41 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Leave our wetlands alone

You don't often get email from clearedspace@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Greetings from Brattleboro,

I am writing to you all to tell you that I am absolutely opposed to this new ruling. Why are you so bent on destroying Vermont's natural beauty and killing off our magnificent wildlife.

Please leave our wetlands alone and create more wellness, safety and caring for our wildlife Vermont.

Thank you for your courage and support.

Sincerely,
Starr Wolfe
Brattleboro, Vermont

From: Albert Stringer <astringe@comcast.net>
Sent: Sunday, January 4, 2026 9:35 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands

[You don't often get email from astringe@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Protect all wetlands!! It has been the standard and should remain. They are vital to mitigate the flooding that has occurred in recent years and will be more needed as the warming issues continue to progress as there is no alternative to changing what has happened over the years.
Albert

From: Amy Suzanne Heneveld <mesangenonnette@gmail.com>
Sent: Sunday, January 4, 2026 12:39 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland rules change seems irresponsible!

[You don't often get email from mesangenonnette@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern,
I know we need more housing in Vermont, but these changes to the rules for how we can build near wetlands seems irresponsible and, to be honest, stupid. With climate change and flooding impacting waterways across the state, we need to give water more room to move, not less. Our birds, mammals and amphibians also need wetlands to survive, especially in a changing climate. Please don't go through with these changes. Encourage higher building density on dry land and leave our wetlands alone.

Thank you,
Amy Heneveld
Essex Junction

Sent from my iPhone

From: Mary L <mslinvt@gmail.com>
Sent: Sunday, January 4, 2026 2:53 PM
To: ANR - Wetlands Rulemaking Comment
Subject: proposed wetland regulation changes

You don't often get email from mslinvt@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

As a Vermont native, I was not well informed about current wetland rules/laws. So when I heard about proposed changes, I had to read so I would know what was proposed.

Here are my comments:

I am very aware of the push for easier and more housing construction and rehabilitation in Vermont. I am aware of the lack of housing in certain areas where businesses are located with insufficient housing to attract workers.

As someone who has watched the growth and changes in Vermont for 7 decades, I know there is a big debate between municipalities, citizens, developers, and “environmentalists” over how and how much and where development should be allowed. I put “environmentalists” in quotes to signify that it’s an umbrella term for all sorts of people, professional and not, who care deeply about the environment.

For purposes of my comments, I fall in the category of “environmentalist.” I am not a scientist, just a concerned citizen, and an amateur naturalist.

An Unmapped Class II Wetland is still an ecologically significant, protected wetland under Vermont’s current regulations. An Unmapped Class II Wetland has the same required hydrology, soil, and vegetation characteristics as a “mapped” wetland. A wetland, whether mapped or unmapped, has extremely important ecological functions. If a wetland is disregarded, we lose valuable habitat used by all sorts of animals, birds, aquatic creatures, insects, and plants. Wetlands have existed a long time and they serve many purposes. Wetlands serve as giant natural water filters as well as help with flood control.

I believe that we, as a State, need to absolutely keep the wetland regulations as they stand. If we don’t, wetlands will be lost, and they will not come back. They will be gone, and will continue to be lost. We can’t simply keep taking advantage of the land resources around us in order to create more housing. Especially in the current political climate, Vermont needs to stay strong and committed to these very fundamental rules and regulations that are in place. It is possible to find a way to build housing, attract families and workers and businesses, while also protecting the very precious land resources that we are fortunate to have here.

It’s just not as simple as saying “We need more housing.” “We need to attract more workers.” “We need more business.” To solve these listed concerns, it simply is not prudent to take advantage of our natural surroundings to create “more.” Easing up on regulations is the “easy” way out. Something is going to suffer. I don’t want developers to have less “red tape” at the expense of protected, ecologically significant wetlands that merit protection due to their valuable functions.

I don’t have information from other state governments, but I believe Vermont to be in the forefront in so many ways when it comes to environmental regulations. There are reasons why the regulatory buffer zone is currently at 50 feet. Vermont is undergoing so much development right now (for the last 20 years) and it seems to spring up overnight. I believe developers must continue to be required to meet stringent criteria any time new development is proposed.

Thank you for reading.

Best,
Mary Landon
12 East Road
Middlebury, VT. 05753

From: Cinse Bonino see choose do Bonino <cinse.bonino@gmail.com>
Sent: Sunday, January 4, 2026 3:34 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Please keep 50 ft. buffer

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To all those who are handling this matter -

Please keep the buffer at 50 feet. I won't get into "give them an inch..." because you know how the rest goes. I'm thinking more about how the loss of 25 feet means that more residential/commercial/and perhaps even industrial substances will be even closer to wildlife and wildlife environments, which of course could cause both expected and unexpected harm. It's also true that shortening the distance from a wildlife area means that wildlife may wander or encroach on non wildlife areas and cause harm to these areas or be harmed themselves.

Let's buck the current national trend and care more about (all) life instead of about money from development.

That's my 2¢ to throw in the pile of comments about this change.

Best -
Cinse

Cinse Bonino
cinse.bonino@gmail.com

@cinse.substack.com
<https://www.blurb.com/b/10874692-life-lines>
<https://www.blurb.com/b/11022050-you-are-not-cake>

From: Jim Andrews <jandrews@vtherpatlas.org>
Sent: Sunday, January 4, 2026 4:17 PM
To: Sinsigalli, Misty (she/her); ANR - Wetlands Rulemaking Comment
Cc: Amy Sheldon; Peter Conlon; Ruth Hardy; awatson@leg.state.vt.us; sheffernan@leg.state.vt.us
Subject: Input from the Salisbury Conservation Commission regarding Executive Order 06-25
Attachments: Input on EO 06-25 by the Salisbury Conservation Commission, 1426.docx

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Folks, attached is input from the Salisbury Conservation Commission on Executive Order 06-25. We are opposed to the rule for many reasons. Thanks for the opportunity to provide this input.

Jim Andrews
642 Smead Road
Salisbury, VT 05769
802-352-4734
jandrews@vtherpatlas.org
VtHerpAtlas.org

"Anyone who believes that exponential growth can go on forever in a finite world is either a madman or an economist"
(Kenneth Boulding, 1973)

To: Wetlands Rule Making, WetlandsRulemakingComment@vermont.gov
Misty Sinsigalli, misty.sinsigalli@vermont.gov.

Cc: Rep. Amy Sheldon, asheldon@leg.state.vt.us
Sen. Peter Conlon, PConlon@leg.state.vt.us
Sen. Ruth Hardy, RHardy@leg.state.vt.us
Sen. Anne Watson, awatson@leg.state.vt.us
Sen. Steven Heffernan, sheffernan@leg.state.vt.us

From: The Salisbury Conservation Commission
25 Schoolhouse Road
Town of Salisbury, VT 05769
Chair Heidi Willis, redsprings@MyFairpoint.net

Re: Our Opposition to Executive Order 06-25, "Promoting Housing Construction and Rehabilitation

Date: January 4, 2025

The Salisbury Conservation Commission strongly opposes the Governor's Executive Order 06-25, "Promoting Housing Construction and Rehabilitation for a variety of reasons.

While packaged as a bill to promote housing that one might assume should be affordable, it actually is written to promote **development of any kind** in wetland permitting modification areas (WPMAs). Developments could include breweries, motels, and other types of development. Only one house is required in these WPMAs, and there is **nothing in the order that requires housing to be affordable**.

This executive order (EO) greatly reduces the protection of wetlands in these WPMAs. Existing legislation mandates an increase in the area of Vermont's wetlands. This EO runs counter to our existing legislation. While it maintains some minimal protections for currently mapped wetlands, large areas of wetlands are not included on our wetland maps. Wetlands maps are always works in progress, and they don't include many vernal pools, beaver ponds, wooded seeps, wooded swamps, and other types of wetlands that either remain to be mapped and/or change over time.

Other than being able to build in unmapped wetlands, the EO also allows for the building of utilities such as power lines, sewer lines, water lines, and even transit areas to be built through wetlands, even if they are mapped.

Even on mapped wetlands, the protective buffer of 50 ft (already minimal) has been reduced to 25 ft.

Our state wetland conservation and wildlife professionals were not consulted regarding any aspect of this executive order, and all of those professionals we have talked to oppose it.

There is no mitigation required for the loss of wetlands in these WPMAs.

The WPMAs, as mapped by the state, are often much larger than the growth areas designated in town plans. In some cases, the WPMAs include entire towns, such as in Springfield, Johnson, Royalton, Randolph, and St. Johnsbury. This opens up large areas of unmapped wetlands and wildlife habitat to development, contrary to wetlands law (Act 121) and other conservation legislation.

As a result of climate change, flooding has recently devastated some of our town centers. In many cases, wetlands can help minimize flood damage. During tropical storm Irene in 2011, our wetlands in Salisbury helped protect the village of Middlebury from what could have been substantial economic damage.

Wetlands are not only essential for a wide variety of our native species, they also help maintain clean water.

The WPMAs in our town of Salisbury contain large areas of significant mapped wetlands, and as far as we are aware, the WPMA has not been surveyed on the ground by appropriate professionals for seeps, vernal pools, and other unmapped wetlands.

The WPMA in Salisbury contains a large area of important Wood Turtle (S3, SC, High Priority SGCN) habitat that should not be developed.

This executive order is counter to existing regulatory processes, the role of science, climate resilience, smart growth, and regulatory equity.

Encouraging the redevelopment of abandoned homes, barns, storefronts, abandoned upper floors of downtown buildings, and abandoned manufacturing buildings would do far less environmental damage and would also be an aesthetic gain. Even these areas should be visited by wetlands professionals before being redeveloped.

Mapping areas where the development of **affordable** housing would have the least environmental impact would be useful.

If these WPMAs were to be filled with development in 20 years, what then? Would the WPMAs be enlarged? Perpetual growth is not sustainable without doing considerable environmental damage and lowering our quality of life.

We are opposed to the implementation of Executive Order 06-25. Please do what you can to prevent this misguided EO from being implemented.

From: Ned Swanberg <ned.swanberg@gmail.com>
Sent: Monday, January 5, 2026 11:55 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments and Questions regarding Vermont Wetlands Rulemaking under EO 06-25

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Comments and Questions regarding Vermont Wetlands Rulemaking under EO 06-25

Higher density walkable communities are critically important. The major barrier to this outcome is not energy efficiency or wetlands but rather access to land within those designated areas (incentives/disincentives), resistance by privileged abutters, the need to resolve historic brownfields, and a preference by builders for single family homes that are unaffordable. If the available space in designated centers is built out primarily to single family homes we will have squandered this opportunity to provide the housing that is needed. I live with 16 other households on less than one acre. Can we improve on that density?

Real wetlands provide multiple valuable services including receiving and moderating the discharges of stormwater. If the real wetlands are not protected and density is increased these real wetland areas will be impacted by increasing discharges of stormwater, sediments, and nutrients. To moderate local stormwater damage there will be a need to pay for additional engineered stormwater facilities and their maintenance. This deferred cost will impact the existing and additional residents and community. The real (albeit unmapped) wetlands and their buffers may not be able to accommodate this impact without new capacity / space. We need to protect the real-and-existing wetlands with room (such as with adequate buffering areas), to not diminish their function, and hopefully to accommodate some of the heightened stormwater stresses. With the goals for infill development how much will the associated stormwater management systems cost per unit? How can that be minimized?

Real wetland soils with shallow depth to groundwater are not good settings for multi-family structures. Foundation slabs on this surface cannot support significant buildings and will be subject to rapid seasonal freeze-thaw damage. This will allow for rapid degradation and maintenance costs for residents. Areas outside of real wetlands can be/should be selected and specifically prioritized for higher density residential construction. What is needed to identify functioning wetlands so we can encourage durable multi-family housing in appropriate places?

Currently mapped Class 2 wetlands do not reflect the true extent of functioning wetlands and their buffers. Building on a wetland is a setup for rapid deterioration of the building and an increase in the level of water impacts on that building and others. Can you identify ways to expedite wetland delineations rather than exacerbate the impact of wetlands loss?

The value of wetlands in developed areas is valuable both in the immediate setting as well as the larger watershed. Do you have estimates regarding what percentage of wetlands will be missed using the current mapping in designated areas? And inversely, how much developable land (currently but erroneously mapped as wetlands and their buffers) will be not considered for development based on error?

How could an accelerated update to the VSWI in designated areas be done? Could a system of robust technical review be funded in conjunction with active development proposals in the designated areas?

Permit appeals by adjacent landowners are often a significant barrier to infill. Poorly informed and disarticulated

development schemes can be damaging. Better planning and coordination with the community/neighbors might create opportunities for better outcomes. The loss of wetlands and the avoidable impacts on neighbors (both anticipated and experienced) will not support community trust in the planned residential infill that is needed. Can we avoid the damage and consequences of poor planning?

Land access is a problem. How can we encourage the owners of land and buildings to favor the redevelopment and infill needed? Where are the necessary tax incentives and disincentives to allow for new higher density housing? There are obvious unoccupied commercial and residential spaces in many communities apparently undeveloped for tax purposes or speculation. Vermont has disproportionate stocks of second homes and short-term leases. How can we incentivize better use of appropriate but dormant infill spaces?

Thank you,

Ned Swanberg
4 Mechanic St #10
Montpelier, VT 05602

From: Sue Wetmore <iibirdvt@icloud.com>
Sent: Monday, January 5, 2026 7:57 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Set backs

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Maintain the current 50 ft setback as it is crucial to certain flora and fauna.
Susanne Wetmore
Brandon

Sent from my iPod

From: Susan Elliott <ovenbird14@yahoo.com>
Sent: Monday, January 5, 2026 8:00 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Changes to Vermont Wetland Rules

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please do not change the current Vermont Wetland Rules to allow for a 25' setback. This is a badly conceived idea that will impact wildlife including many amphibian species and have a negative effect on water quality. In addition, in a state that has experienced severe flooding over the past few years, it is important that we protect our existing wetlands.

Furthermore, encouraging housing nearer to wetlands may result in negative health impacts due to exposure to mosquitoes and the increased possibility of mold in housing.

Heathy wetlands mean a healthy environment. Let's keep it that way.

Susan Elliott
62 Crossman Dr Ext (formerly named 62 Heather Ln)
Rutland Town, VT 05701

From: Rose Paul and George Springston <rosegeo@myfairpoint.net>
Sent: Tuesday, January 6, 2026 7:54 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Comments on VT Wetlands Rules per Governor's Executive Order 06-25
Attachments: Comments on proposed changes to VT Wetlands Rules January 6 2025.pdf

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To whom it may concern:
Please accept the attached comments from the Plainfield Conservation Commission regarding proposed wetland rules per Governor's Executive Order 06-25.
Thank you.

Rose Paul
Chair, Plainfield Conservation Commission

To: Wetlands Rulemaking Committee

From: Plainfield Conservation Commission

Rose Paul, Julie Hackbarth, Mary Trerice, Becky Atchinson, Maureen Lynch, Mead Binhammer

Date: January 6, 2026

Re: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

We are writing to say, please leave the VT Wetland Rules as they are. The proposed changes would diminish the functions and values of wetlands in proximity to areas proposed for housing development as specified in Executive Order 06-25. Wetlands protect built infrastructure by absorbing heavy rainfall and slowly releasing it. Protecting wetlands is much less expensive than filling them and building stormwater infrastructure, which as we have seen in our town (The Health Center) is prone to failure and costly to fix.

The VT Wetland Rules were developed to identify and protect significant wetlands and the functions and values that they provide, not only as habitat, but also for community resiliency in the face of storms and flooding. Section 5 of the rules lays out the many critical functions and values that wetlands provide. The Executive Order will result in a diminishment of wetland functions and values in areas that could really benefit from these natural services.

We are opposed to reducing the regulatory buffer on Class II wetlands. The regulatory wetland buffer width of 50 feet was originally a compromise from a proposed greater width. Abundant research shows that 50 feet is less than adequate to fully protect wetlands. Reducing the required wetland buffer width to 25 feet is completely inadequate.

The 2023 changes to Vermont's Wetland Rules provided that previously unmapped wetlands could be added to regulatory maps once they were identified. It makes no sense to ignore the presence of wetlands just because they weren't previously identified by the Wetlands Program. If wetlands exist in proposed residential areas, they should be protected because of the flood mitigation services they provide, as well as other values such as surface and groundwater protection, and provision of important habitat. Allowing a diminishment of wetlands in these proposed development areas is counterproductive.

Ignoring unmapped wetlands and allowing development as close as 25 feet to a wetland boundary is akin to cutting off your nose to spite your face. Most of Vermont's village centers are in and adjacent to the mid-size and larger river corridors. The wetlands in these areas are typically performing a critical flood mitigation function by slowing and/or storing floodwaters and stormwater runoff. They serve as ready-made green infrastructure for the community and it is completely unwise to allow them to be degraded.

From: Paul Collodi <prcollodi@gmail.com>
Sent: Wednesday, January 7, 2026 9:29 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Against proposed changes to wetland rules

[You don't often get email from prcollodi@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I strongly disagree with the proposed changes to the wetland rules. Wetlands are our main protection against the massive flooding that we are experiencing from severe storms that hit our state each year. Wetlands slow the flow and absorb the water during storms thereby protecting downstream structures. This protective effect of large wetlands was clearly illustrated in Middlebury during Irene. Wetlands also play a significant role in maintaining ground water levels during droughts such as the one Vermont just experienced this past summer and fall. As these storms and droughts continue to become more frequent, we should be working to expand our wetlands and strengthen rules to protect them.

Paul Collodi
Hubbardton

From: Marvin Elliott <marvelliott61@gmail.com>
Sent: Wednesday, January 7, 2026 11:36 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed change to 25 ft. setback

You don't often get email from marvelliott61@gmail.com. [Learn why this is important](#)

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I write to comment.

I am against the proposed rule.

I am active in the Rutland County Audubon Society and have been involved in previous efforts regarding homeowners wishing to change this rule. When we examined the situation thoroughly we concluded there was no alternative that would avoid negatively impacting the environment.

Changing to a 25 ft. setback would allow a greater concentration of homeowners creating more environmental problems.

Please do not make this change.

Sincerely,

Marvin B Elliott

Rutland Town, Vermont

From: Fern Lickfield <fearnessence@gmail.com>
Sent: Wednesday, January 7, 2026 3:09 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Submitting a comment against developing more wetlands

You don't often get email from fearnessence@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello, I have been informed of an executive order that opens wetlands to development in designated growth areas, and in some cases beyond. Under this new rule, wetlands within these designated growth areas that are not mapped (many) would not be protected at all, and Class II wetlands that are mapped would have their protective buffers cut from 50 ft. to 25 ft.

As you know, wetlands provide many important ecological functions, including habitat for our herptiles.

Please do NOT develop our remaining wetlands. They are critical for diversity, clean water and the sustainability of many different species.

Thank you,

Fern Lickfield

Worcester, VT

From: RA <vtkitty@gmail.com>
Sent: Thursday, January 8, 2026 12:40 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments

You don't often get email from vtkitty@gmail.com. [Learn why this is important](#)

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I would like to note that VERMONTERS own Vermont land. That the proposed wetlands rules Go get beyond, those actually necessary, to protect land and ecology in Vermont. The proposed regulations accomplish harming Vermont residents.

We don't want to see true aquatic habitat damaged. However, the proposed regulations take land that was wet, thousands of years ago, and tries to impose protections today.

We shouldn't bury a wetlands for housing. We should, However, factor in human needs while considering how best to protect nature.

This proposed regulation sets up a hostile environment between landowners and the State. Wouldn't it be much more effective to enact legislation that seeks to educate.....before punish. To seek balance between use and protection. Vermont's current regulations do not balance use and protection well. Many landowners feel the State is an enemy, not an ally. This legislation just amplifies hostilities already festering throughout the State.

Vermont is creating a land ownership culture of seclusion and secrecy, where land owners avoid all contact with the State.

I pray that the state I love does not become a state in constant turmoil. A state where residents resent their government and see the government as more of an enemy, than ally.

I pray Vermont takes lessons from other liberal leaning states and learns that extreme policies only lead to division and.... Often lead to the reverse effect desired, when the public rebels against an oppressive government. Vermont is already fostering a very unsettled citizenry.... With excessive taxes, excessive Costs of living, and over-regulation.

Sincerely
Richard, lifelong resident of Vermont

Sent from my T-Mobile 5G Device

From: Paul Wieczoreck <mgcpw@gmavt.net>
Sent: Thursday, January 8, 2026 9:48 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Wetland Rule Changes

You don't often get email from mgcpw@gmavt.net. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To Whom It May Concern,

I recently became aware of the states proposal to change wetland rules and would like to express my opposition to theses changes . They appear very short sighted and would counter Vermont's stated goal of increasing wetland areas to help improve water quality, slow the ongoing loss of biodiversity and slow loss of more carbon sequestering ecosystems. Among other things it would also cost Vermonters more money as building in flood prone areas will put taxpayers at a higher risk of having to mitigate losses from flood related property damage. We can see this first hand here in Hinesburg where I live. A house in a flood zone (my classification) that has been flooded multiple times in the last ten years, has been bought out using federal tax dollars. Under the proposed new Vt state rules the area adjacent to this buy- out property could be filled and developed placing these new properties in the same potential flooding situation. Not a very smart move.

I understand and support the need to increase housing in the state, particularly affordable, and the need to streamline permitting, but this can all be achieved while still maintaining functioning wetlands. Is there any data available to show what the net loss of wetlands would be regarding this rule change? How much input has there been from the scientific community regarding these changes? Also, how do these changes dove tail with Vt's Flood Safety Act, Act 21? They seem quite contradictory to me, and as such, is just another in a long list of reasons the proposed rule changes should be drastically revised.

I could go on, but to be brief, please consider these Rule changes carefully and don't allow them to become law.

Respectfully,

Paul Wieczoreck
Lincoln Hill Rd
Hinesburg, VT

From: Chris Rimmer <ccrimmer@gmail.com>
Sent: Thursday, January 8, 2026 9:58 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: Amy Sheldon; Anne Watson; Jim Masland; Rebecca Holcombe; Becca White; Alison Clarkson; Joe Major
Subject: Proposed Wetlands Rules Changes

You don't often get email from ccrimmer@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to express my strong opposition to the proposed wetlands rule changes put forward by Governor Scott. As a recently-retired conservation biologist who devoted my entire career to conserving wildlife and their habitats in Vermont, I am convinced that these proposed rules changes would seriously set back decades of hard-won progress to safeguard our state's vulnerable wetlands.

I won't detail exactly why I believe the proposed changes are misguided and short-sighted, as I know you will hear from many others with more direct experience than mine in wetlands ecology and conservation. However, it is clear to me that wildlife conservation, wetlands protection, and housing development need not be mutually exclusive; there is no question that housing opportunities can be advanced without curtailing regulations on wetlands. There are numerous alternative solutions to improve housing availability and affordability in Vermont, and these can be implemented without making ill-advised and costly changes to our existing wetlands rules, which so many worked so hard to achieve over so many years.

Please ensure that Vermont's wetlands continue to receive the highest level of protection by voting against these proposed rules changes. I will follow your actions with great interest and concern.

Respectfully,

Chris Rimmer
Norwich, VT

From: Andrew Graham <amg11285@gmail.com>
Sent: Friday, January 9, 2026 12:49 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Development of Unmapped Wetlands

You don't often get email from amg11285@gmail.com. [Learn why this is important](#)

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I am in favor of increased development of housing in Vermont. However, I don't think that we need to develop wetlands in order to make that happen. Towns should be encouraged (and assisted) to map wetlands of concern, as prioritized by their local Conservation District, Regional Planning Commission or the equivalent town-level entity.

~ Andrew Graham

From: Valerie Gillen <vgillen850@gmail.com>
Sent: Friday, January 9, 2026 7:42 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Standing against destruction of our wetlands

You don't often get email from vgillen850@gmail.com. [Learn why this is important](#)

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I write in strong opposition to amending the rules to make some wetlands the sacrificial lambs to new development. Do we not all know by now the value that wetlands bring to our environment, including natural flood mitigation? Not to mention places for endangered and at risk species. Yes everyone wants to open up new areas for housing but it can be done without this. There are so many houses and buildings sitting empty at this moment, slowly decaying. Not to mention brand new "office space" sitting empty.

I drive by them every day. Buildings that are on or near to the bus line, that would be much more convenient for people to get to their jobs and shopping. Let us rehab these buildings which already have sewer/water/electric before we think about new developments. Seems like it would be much more cost effective and prevent urban sprawl as well.

Sincerely,

Valerie Gillen

From: Danielle Schneider <thegreenlife4me@gmail.com>
Sent: Saturday, January 10, 2026 8:40 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rule Changes

[You don't often get email from thegreenlife4me@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Developing in wetlands is so contradictory to what we know about flood resilience. Vermont needs housing yes, but we need to move it up and out of where water wants to go! Absurd proposal.

Danielle S.
Williamstown Vt.

Sent from my iPhone

From: Nicholas Maclure <nick@farmandforest.com>
Sent: Saturday, January 10, 2026 9:44 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland changes

You don't often get email from nick@farmandforest.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning and thank you all for your efforts to expand housing by reducing wetlands restrictions.

I support the changes but I would
Really love for the changes to apply to all areas of the state and not just designated growth areas.

Right now our state needs development to start to address our tax / school / and healthcare issues.

Not all communities have the designated zones which would allow the benefit of these changes which puts the rural folks like much of the NEK at a disadvantage and raise the overall cost of housing and buildable land.

By moving the changes to statewide we are not moving to the Wild West and we are not going to turn into New Jersey. We are going to open up resources, reduce the cost of housing, expand our tax base and make Vermont more affordable and sustainable for our generations and future generations while still taking a reasonable approach to protecting our Natural resources.

I recently heard Kevin Chu speak and he said if Housing is a human right, we need the right to build housing! His group has some amazing / data and resources.

<https://vtfuturesproject.org/>

Thank you again for your efforts to expand housing and listening to comments.

Nicholas Maclure
Broker / Owner
Century 21 Farm & Forest
802-334-1200 Office
802-673-8876 Cell
www.FarmAndForest.com
Nick@FarmAndForest.com

Disclosure:

Please understand that unless you have entered into a written buyer broker agreement or a listing agreement with our firm, information you may disclose may not be held confidential. To view the Vermont Required Mandatory Disclosure, please click [here](#).

From: Bernard Paquette <bernie.paquette@yahoo.com>
Sent: Saturday, January 10, 2026 10:10 AM
To: ANR - Wetlands Rulemaking Comment
Cc: Lapierre, Laura; Tom Baribault; Sabina Ernst; kdailey; Trevor Squirrel; Edye Graning; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Subject: Written Testimony in Opposition to Executive Order No. 6-25. Let's build houses on dry land; float boats, not houses.
Attachments: PDF- Wetlands Rules Testimont, Paquette, Bernard.pdf

You don't often get email from bernie.paquette@yahoo.com. [Learn why this is important](#)

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Written Testimony in Opposition to Executive Order No. 6-25 (PDF ATTACHED)

Proposed Amendments to the Vermont Wetland Rules

Submitted for the Wetlands Rulemaking Record

I. Statement of Position

I respectfully submit this testimony in opposition to Executive Order No. 6-25 and the proposed amendments to the Vermont Wetland Rules. The Executive Order undermines existing statutory mandates, contradicts established wetland science, weakens climate resilience and smart growth objectives, and creates inequitable and inconsistent regulatory outcomes across the State. The proposed changes are inconsistent with legislative findings and exceed the proper scope of executive authority.

II. Statutory Framework and Legislative Intent

The Vermont Wetland Rules were adopted pursuant to **10 V.S.A. Chapter 37**, which establishes clear legislative intent that wetlands:

- Protect public safety through flood attenuation;
- Maintain surface and groundwater quality;
- Support fish, wildlife, and rare, threatened, and endangered species;
- Serve the public welfare as natural infrastructure; and
- Be managed to achieve **no net loss and, where feasible, a net gain of wetland acreage and function.**¹

The Legislature further directed that regulation of wetlands and other water resources “**shall be guided by science**” and that authorized activities must provide a **net environmental benefit to the State.**² These mandates were reaffirmed in **Act 121 (Flood Safety Act)** in direct response to increasing flood risk and climate-driven hydrologic change.³

III. Summary of Proposed Rule Changes and Impacts

A. Reliance on Mapping Rather Than Wetland Function

The proposed amendments would limit state wetland permitting for residential housing to mapped wetlands shown on the Vermont Significant Wetlands Inventory (VSWI). **Unmapped wetlands—regardless of their ecological function—would not trigger state review in designated growth areas.**

This approach conflicts with Vermont law and wetland science. Wetlands are defined and regulated based on **in-field delineation of soils, hydrology, and vegetation**, not cartographic presence.⁴ Mapping tools were developed for planning and screening purposes and were never intended to serve as the sole determinant of regulatory protection.

Numerous wetland types critical to flood resilience—including hillside seeps, forested basin swamps, vernal pools, headwater wetlands, and agricultural wetlands—are widely acknowledged to be **underrepresented in statewide mapping**, particularly where forest cover, steep terrain, or seasonal hydrology limit aerial detection.

The Vermont Agency of Natural Resources Department of Environmental Conservation Watershed Management Division Wetlands Program currently struggles

with a backlog in identifying wetlands promptly. **To shift towards a policy that relies on the actual ecological function of wetlands, rather than just relying on those areas already mapped, the program needs increased resources and capacity for timely on-site identification, evaluation, and VSWI map updates.**

B. Reduced Buffer Protections

The proposed rules would reduce Class II wetland buffers from **50 feet to 25 feet** in designated areas. Scientific literature and Vermont’s own regulatory findings recognize that buffers are essential to preserving wetland hydrology, pollutant filtration, habitat connectivity, and flood storage.⁵ Buffer reductions directly diminish wetland function even when the wetland itself is not filled.

Buffer areas based only on VSWI maps may contain wetland areas only visible through delineation. “A mapped wetland is a wetland that appears on the Vermont Significant Wetlands Inventory (VSWI) map. These maps are mostly created by looking at aerial photos, not by visiting the site. Because of this, **the maps often do not show the exact boundaries of wetlands and usually show wetlands as smaller than they really are.**” - VTANR

C. Elimination of Functional Review for Unmapped Wetlands

Under the proposal, **Section 5 functional criteria**—which require evaluation of flood storage, groundwater recharge, water quality protection, and habitat value—would not be triggered for residential impacts to unmapped wetlands in growth areas. This results in **no scientific review of wetland function**, despite explicit statutory direction to regulate wetlands based on function and cumulative impact.⁶

IV. Scientific and Environmental Impacts

A. Flood Resilience and Climate Adaptation

Wetlands are among Vermont’s most effective and cost-efficient tools for flood mitigation. They slow runoff, store floodwaters, stabilize baseflows, and reduce downstream damage. Weakening protections—particularly in headwater and village-scale wetlands—will increase flood risk to homes, roads, culverts, and municipal infrastructure, shifting long-term costs to taxpayers.

These outcomes directly contradict Vermont’s **Resilience Implementation Strategy**, which prioritizes **nature-based solutions**, including wetlands, floodplains, and upland forests, as core climate adaptation measures.⁷

B. Water Quality and Groundwater Protection

Wetlands filter sediments, nutrients, and contaminants before they reach rivers, lakes, and groundwater supplies. Many Vermont communities, including village centers, rely on private wells and shallow aquifers that are directly influenced by adjacent wetlands. Incremental wetland loss undermines Vermont’s clean water investments and phosphorus reduction obligations.

Wetlands are widely acknowledged for their capacity to intercept and retain non-point source phosphorus, acting as buffers to reduce the load of phosphorus to downstream lakes (Zedler 2003, Hansson et al. 2005, Dunne et al. 2015).

C. Biodiversity and Public Trust Resources

Wetlands support the highest levels of plant, animal, and rare species diversity of any habitat type in Vermont. Within developed areas, wetlands function as wildlife corridors, habitat refugia, and some of the last remaining green spaces. These public trust values are explicitly recognized in statute and cannot be fully replaced through mitigation.⁸

Further impact: Within designated areas, the Executive Order would remove the requirement for state-level mitigation when certain wetland impacts occur (especially unmapped wetlands), which diverges from current mitigation and net gain statutory goals.

V. Implementation and Equity Concerns

1. Incomplete Mapping Creates Regulatory Inequity

Reliance on VSWI mapping results in uneven protection across the State, where communities with unmapped wetlands—often rural towns, hillside settlements, and village centers—receive less protection despite equivalent ecological function.

2. Administrative and Legal Uncertainty

Towns lack the technical capacity to independently assess wetland function absent state review. Reduced state oversight increases the risk of inconsistent decisions, enforcement challenges, and subsequent legal disputes.

3. Conflict with Federal Regulation

Federal Clean Water Act jurisdiction remains unchanged. The proposed state rollback may not streamline permitting, but instead shift projects into a more complex and uncertain federal review process.⁹

VI. Housing, Smart Growth, and Long-Term Costs

Framing wetlands as barriers to housing presents a false choice. Sound land-use planning directs growth away from flood-prone landscapes and toward areas already served by infrastructure. Development in wetlands increases long-term risk to residents, raises infrastructure and insurance costs, and exposes communities to repeated flood damage.

Smart growth, as contemplated by Vermont law, is not achieved by sacrificing wetlands. Once wetlands are filled or built upon, they are permanently lost along with their flood storage, water quality functions, and climate resilience benefits.

VII. Conclusion

Executive Order No. 6-25 and the proposed Wetland Rule amendments:

- Contradict explicit legislative mandates for science-based wetland protection and net gain;
- Undermine flood resilience, water quality, biodiversity, and public safety;
- Misapply wetland mapping in a manner inconsistent with scientific practice;
- Create regulatory inequity and implementation challenges; and
- Shift long-term environmental and fiscal costs onto Vermont communities.

For these reasons, I urge decision-makers to reject Executive Order No. 6-25 and retain strong, function-based wetland protections consistent with Vermont law, legislative intent, and the realities of a changing climate.

Let's build houses on dry land; float boats, not houses.

Bernard Paquette

Jericho, Vermont

Open questions:

How do the proposed rule changes create a consistent application of protections across landscapes when some parts of the state have more wetland functions mapped than in other areas of the state?

What mitigation process or equivalent safeguards will be put in place (as part of the proposed changes) to ensure functional replacement of wetland loss from housing built on unmapped wetlands?.

Footnotes

1. 10 V.S.A. § 902 (Legislative findings and policy).
2. 10 V.S.A. § 902(2)–(3).
3. Act 121 (2024), Flood Safety Act, codified in relevant part in 10 V.S.A. ch. 37.
4. U.S. Army Corps of Engineers, Wetland Delineation Manual; incorporated by reference in Vermont Wetland Rules.
5. Vermont Wetland Rules, §§ 9–10 (buffers and functional protection).
6. Vermont Wetland Rules, § 5 (Functional criteria for wetland significance).
7. Vermont Climate Council, Resilience Implementation Strategy (nature-based solutions priority actions).
8. 10 V.S.A. §§ 901–902 (public trust values; wildlife and habitat protection).

9. 33 U.S.C. § 1344 (Clean Water Act § 404).
10. [Determining the Nutrient Retention Capacity of Newly Restored Wetlands in Southwestern Ontario](#)

Appendix A

Jericho Center–Specific Impacts of Proposed Amendments to the Vermont Wetland Rules

(Executive Order No. 6-25)

I. Geographic and Planning Context

Jericho Center is a historic village center situated within a headwater landscape characterized by shallow soils, intermittent and perennial surface waters, and a high density of small wetlands, seeps, and seasonally saturated areas. These features are integral to the hydrology of the Browns River watershed and contribute disproportionately to local flood attenuation, groundwater recharge, and water quality protection.

Municipal planning documents recognize wetlands in and around Jericho Center as critical natural assets that support stormwater management, flood control, wildlife habitat (including vernal pool–dependent amphibians), and groundwater recharge for private drinking water wells.

II. Wetland Mapping Status in Jericho Center

A significant portion of wetlands within Jericho Center are currently **unmapped on the Vermont Significant Wetlands Inventory (VSWI)**, but have been identified through:

- Updated National Wetlands Inventory (NWI) aerial interpretation not yet incorporated into the VSWI;
- Field delineations associated with prior projects; and
- On-the-ground observations of seepage forests, forested basin swamps, and seasonally inundated soils.

As confirmed by the Vermont Agency of Natural Resources Wetlands Program, newly completed NWI mapping for Jericho Center has not yet been adopted into the VSWI and is therefore shown as **“pending”**. Until that update occurs, only wetlands appearing on the current VSWI map would be considered “mapped wetlands” under the proposed rules.

Implication:

Under the proposed amendments, wetlands within Jericho Center that are ecologically functional but not yet reflected on the current VSWI would not trigger state wetland permitting for residential housing projects.

III. Regulatory Consequences Under the Proposed Rules

A. Loss of State Review for Unmapped Wetlands

If adopted, the proposed rules would allow residential housing projects in Jericho Center to proceed without a state wetland permit where impacts occur to unmapped wetlands, even when those wetlands perform Class II functions such as:

- Floodwater storage and flow attenuation;
- Groundwater recharge affecting private wells;
- Surface water protection for downstream waters;
- Wildlife habitat, including vernal pool complexes.

Because no state permit would be required, **Section 5 functional criteria** of the Vermont Wetland Rules would not be evaluated for these wetlands.

B. Inconsistent Application Based on Project Type

For the same unmapped wetland in Jericho Center:

- A **residential housing project** would not require a state wetland permit or functional evaluation.

- A **non-residential project** would still trigger state permitting and a full Section 5 functional analysis.

This inconsistency undermines predictable land-use planning and creates inequitable regulatory outcomes unrelated to wetland function or environmental risk.

IV. Flood Resilience and Infrastructure Risk

Jericho Center contains multiple small wetlands and seepage systems that moderate runoff from upland areas and reduce peak flows during storm events. Scientific consensus and Vermont legislative findings recognize that headwater and seasonal wetlands play an outsized role in flood mitigation relative to their size.

Reducing protections for these wetlands increases the likelihood of:

- Localized flooding of homes, roads, and culverts;
- Increased maintenance and replacement costs for municipal infrastructure;
- Downstream flood impacts that accumulate at the village scale.

These risks are magnified under current and projected climate conditions, which include more frequent extreme precipitation events.

V. Water Quality and Drinking Water Considerations

Many properties in and around Jericho Center rely on **private wells**. Wetlands and associated saturated soils provide filtration, nutrient uptake, and groundwater recharge that directly influence well water quality and quantity.

Allowing unreviewed impacts to unmapped wetlands increases the risk of:

- Sediment and nutrient loading to surface waters;
- Altered groundwater flow paths;
- Degradation of drinking water sources without prior assessment or mitigation.

VI. Biodiversity, Community Character, and Public Trust Values

Wetlands within Jericho Center support amphibians, birds, pollinators, and wetland-dependent plant communities that contribute to the village's ecological and scenic character. Within developed areas, these wetlands serve as:

- Wildlife corridors connecting fragmented habitats;
- Refuge for species displaced by surrounding development;
- Some of the last remaining green spaces in the village landscape.

Loss or degradation of these wetlands represents a permanent reduction in public trust resources recognized by Vermont law.

VII. Mapping Versus Delineation: Scientific and Legal Concerns

Wetland mapping is an important planning tool but is not a substitute for **in-field delineation**, which evaluates hydric soils, hydrology, and vegetation in accordance with the Army Corps of Engineers Wetland Delineation Manual.

In Jericho Center, forest cover, steep slopes, and seasonal hydrology make certain wetlands—particularly seepage forests and forested basin swamps—difficult to detect via aerial imagery. Reliance on mapping alone therefore fails to capture the full extent and function of wetlands present.

Using mapping status as a regulatory threshold contradicts accepted wetland science and departs from Vermont's long-standing function-based regulatory framework.

VIII. Cumulative Impacts and Long-Term Costs

While individual impacts to small wetlands in Jericho Center may appear limited, cumulative losses across the village and watershed reduce flood storage capacity, habitat connectivity, and water quality resilience. These impacts are incremental, difficult to reverse, and costly to address through engineered solutions.

The long-term financial burden of increased flooding, infrastructure damage, and water quality degradation will fall on the Town of Jericho and its residents, not solely on individual project applicants.

IX. Conclusion

In Jericho Center, the proposed amendments to the Vermont Wetland Rules would:

- Remove state oversight from ecologically functional but unmapped wetlands;
- Eliminate science-based evaluation of wetland functions for residential projects.
- Increase flood, water quality, and infrastructure risks;
- Create inconsistent and inequitable regulatory outcomes; and
- Undermine the statutory purposes of Vermont’s wetland protection framework.

For these reasons, the application of Executive Order No. 6-25 to Jericho Center is inconsistent with legislative intent, scientific understanding, and sound community planning.

By modifying zoning in village and commercial districts, Jericho is directly boosting housing supply, which is **a better approach than changing wetland rules for this purpose.**

Let's build houses on dry land; float boats, not houses.

Bernard Paquette

Jericho, Vermont

=====

Condensed Testimony Points

- The Executive Order undermines established regulatory process, science-based decision-making, climate resilience, smart growth, and regulatory equity.
- Vermont wetlands support the highest levels of biodiversity in the state, including RTE species, in addition to flood and water quality functions.
- Many critical wetlands—seeps, vernal pools, agricultural and headwater wetlands—are unmapped.
- Urban and village wetlands provide wildlife corridors, habitat refuge, green space, and climate buffering.
- **Mapping is not a substitute for in-field wetland delineation; many high-functioning forested wetlands are missed by NWI and legacy maps.**
- The EO contradicts accepted wetland delineation science and the Army Corps of Engineers Manual.
- The EO directly conflicts with Act 121’s mandates for net gain of wetlands and science-guided management.
- It undermines Vermont’s Resilience Implementation Strategy and nature-based climate solutions.
- Smart growth should not come at the expense of permanent wetland loss.
- Wetland mapping should inform planning—not determine whether wetlands are protected.

End of Document

Reference notes and documentation can be viewed at <https://jerichovermont.blogspot.com/2025/12/proposes-changes-to-vermont-wetland.html>

Hug an insect if you see one - it's cold out there, and they are ectothermic!

Laugh, Dream, Try, and Do Good

- *Bernie Paquette*

Jericho, Vermont

Written Testimony in Opposition to Executive Order No. 6-25

Proposed Amendments to the Vermont Wetland Rules

Submitted for the Wetlands Rulemaking Record

I. Statement of Position

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This approach conflicts with Vermont law and wetland science. Wetlands are defined and regulated based on **in-field delineation of soils, hydrology, and vegetation**, not cartographic presence.⁴ Mapping tools were developed for planning and screening purposes and were never intended to serve as the sole determinant of regulatory protection.

Numerous wetland types critical to flood resilience— including hillside seeps, forested basin swamps, vernal pools, headwater wetlands, and agricultural wetlands—are widely acknowledged to be **underrepresented in statewide mapping**, particularly where forest cover, steep terrain, or seasonal hydrology limit aerial detection.

The Vermont Agency of Natural Resources Department of Environmental Conservation Watershed Management Division Wetlands Program currently struggles with a backlog in identifying wetlands promptly. **To shift towards a policy that relies on the actual ecological function of wetlands, rather than just relying on those areas already mapped, the program needs increased resources and capacity for timely on-site identification, evaluation, and VSWI map updates.**

B. Reduced Buffer Protections

The proposed rules would reduce Class II wetland buffers from **50 feet to 25 feet** in designated areas. Scientific literature and Vermont’s own regulatory findings recognize that buffers are essential to preserving wetland hydrology, pollutant filtration, habitat connectivity, and flood storage.⁵ Buffer reductions directly diminish wetland function even when the wetland itself is not filled.

Buffer areas based only on VSWI maps may contain wetland areas only visible through delineation. “A mapped wetland is a wetland that appears on the Vermont Significant Wetlands Inventory (VSWI) map. These maps are mostly created by looking at aerial photos, not by visiting the site. Because of this, **the maps often do not show the exact boundaries of wetlands and usually show wetlands as smaller than they really are.**” - VTANR

C. Elimination of Functional Review for Unmapped Wetlands

Under the proposal, **Section 5 functional criteria**—which require evaluation of flood storage, groundwater recharge, water quality protection, and habitat value—would not be triggered for residential impacts to unmapped wetlands in growth areas. This results in **no scientific review of wetland function**, despite explicit statutory direction to regulate wetlands based on function and cumulative impact.⁶

IV. Scientific and Environmental Impacts

A. Flood Resilience and Climate Adaptation

Wetlands are among Vermont's most effective and cost-efficient tools for flood mitigation. They slow runoff, store floodwaters, stabilize baseflows, and reduce downstream damage. Weakening protections—particularly in headwater and village-scale wetlands—will increase flood risk to homes, roads, culverts, and municipal infrastructure, shifting long-term costs to taxpayers.

These outcomes directly contradict Vermont's **Resilience Implementation Strategy**, which prioritizes **nature-based solutions**, including wetlands, floodplains, and upland forests, as core climate adaptation measures.⁷

B. Water Quality and Groundwater Protection

Wetlands filter sediments, nutrients, and contaminants before they reach rivers, lakes, and groundwater supplies. Many Vermont communities, including village centers, rely on private wells and shallow aquifers that are directly influenced by adjacent wetlands. Incremental wetland loss undermines Vermont's clean water investments and phosphorus reduction obligations.

Wetlands are widely acknowledged for their capacity to intercept and retain non-point source phosphorus, acting as buffers to reduce the load of phosphorus to downstream lakes (Zedler 2003, Hansson et al. 2005, Dunne et al. 2015).

C. Biodiversity and Public Trust Resources

Wetlands support the highest levels of plant, animal, and rare species diversity of any habitat type in Vermont. Within developed areas, wetlands function as wildlife corridors, habitat refugia, and some of the last remaining green spaces. These public trust values are explicitly recognized in statute and cannot be fully replaced through mitigation.⁸

Further impact: Within designated areas, the Executive Order would remove the requirement for state-level mitigation when certain wetland impacts occur (especially unmapped wetlands), which diverges from current mitigation and net gain statutory goals.

V. Implementation and Equity Concerns

1. Incomplete Mapping Creates Regulatory Inequity

Reliance on VSWI mapping results in uneven protection across the State, where communities with unmapped wetlands—often rural towns, hillside settlements, and village centers—receive less protection despite equivalent ecological function.

2. Administrative and Legal Uncertainty

Towns lack the technical capacity to independently assess wetland function absent state review. Reduced state oversight increases the risk of inconsistent decisions, enforcement challenges, and subsequent legal disputes.

3. Conflict with Federal Regulation

Federal Clean Water Act jurisdiction remains unchanged. The proposed state rollback may not streamline permitting, but instead shift projects into a more complex and uncertain federal review process.⁹

VI. Housing, Smart Growth, and Long-Term Costs

Framing wetlands as barriers to housing presents a false choice. Sound land-use planning directs growth away from flood-prone landscapes and toward areas already served by infrastructure. Development in wetlands increases long-term risk to residents, raises infrastructure and insurance costs, and exposes communities to repeated flood damage.

Smart growth, as contemplated by Vermont law, is not achieved by sacrificing wetlands. Once wetlands are filled or built upon, they are permanently lost along with their flood storage, water quality functions, and climate resilience benefits.

VII. Conclusion

Executive Order No. 6-25 and the proposed Wetland Rule amendments:

- Contradict explicit legislative mandates for science-based wetland protection and net gain;
- Undermine flood resilience, water quality, biodiversity, and public safety;
- Misapply wetland mapping in a manner inconsistent with scientific practice;
- Create regulatory inequity and implementation challenges; and
- Shift long-term environmental and fiscal costs onto Vermont communities.

For these reasons, I urge decision-makers to reject Executive Order No. 6-25 and retain strong, function-based wetland protections consistent with Vermont law, legislative intent, and the realities of a changing climate.

Let's build houses on dry land; float boats, not houses.

Bernard Paquette

Jericho, Vermont. (See more below)

Open questions:

How do the proposed rule changes create a consistent application of protections across landscapes when some parts of the state have more wetland functions mapped than in other areas of the state?

What mitigation process or equivalent safeguards will be put in place (as part of the proposed changes) to ensure functional replacement of wetland loss from housing built on unmapped wetlands?.

Footnotes

1. **10 V.S.A. § 902** (Legislative findings and policy).
2. **10 V.S.A. § 902(2)–(3)**.
3. **Act 121 (2024), Flood Safety Act**, codified in relevant part in **10 V.S.A. ch. 37**.
4. **U.S. Army Corps of Engineers, Wetland Delineation Manual**; incorporated by reference in Vermont Wetland Rules.
5. **Vermont Wetland Rules**, §§ 9–10 (buffers and functional protection).
6. **Vermont Wetland Rules**, § 5 (Functional criteria for wetland significance).
7. **Vermont Climate Council, Resilience Implementation Strategy** (nature-based solutions priority actions).
8. **10 V.S.A. §§ 901–902** (public trust values; wildlife and habitat protection).
9. **33 U.S.C. § 1344** (Clean Water Act § 404).
10. Determining the Nutrient Retention Capacity of Newly Restored Wetlands in Southwestern Ontario

Appendix A

Jericho Center–Specific Impacts of Proposed Amendments to the Vermont Wetland Rules

(Executive Order No. 6-25)

I. Geographic and Planning Context

Jericho Center is a historic village center situated within a headwater landscape characterized by shallow soils, intermittent and perennial surface waters, and a high density of small wetlands, seeps, and seasonally saturated areas. These features are integral to the hydrology of the Browns River watershed and contribute disproportionately to local flood attenuation, groundwater recharge, and water quality protection.

Municipal planning documents recognize wetlands in and around Jericho Center as critical natural assets that support stormwater management, flood control, wildlife habitat (including vernal pool–dependent amphibians), and groundwater recharge for private drinking water wells.

II. Wetland Mapping Status in Jericho Center

A significant portion of wetlands within Jericho Center are currently **unmapped on the Vermont Significant Wetlands Inventory (VSWI)**, but have been identified through:

- Updated National Wetlands Inventory (NWI) aerial interpretation not yet incorporated into the VSWI;
- Field delineations associated with prior projects; and
- On-the-ground observations of seepage forests, forested basin swamps, and seasonally inundated soils.

As confirmed by the Vermont Agency of Natural Resources Wetlands Program, newly completed NWI mapping for Jericho Center has not yet been adopted into the VSWI and is therefore shown as **“pending”**. Until that update occurs, only wetlands appearing on the current VSWI map would be considered “mapped wetlands” under the proposed rules.

Implication:

Under the proposed amendments, wetlands within Jericho Center that are ecologically functional but not yet reflected on the current VSWI would not trigger state wetland permitting for residential housing projects.

III. Regulatory Consequences Under the Proposed Rules

A. Loss of State Review for Unmapped Wetlands

If adopted, the proposed rules would allow residential housing projects in Jericho Center to proceed without a state wetland permit where impacts occur to unmapped wetlands, even when those wetlands perform Class II functions such as:

- Floodwater storage and flow attenuation;

- Groundwater recharge affecting private wells;
- Surface water protection for downstream waters;
- Wildlife habitat, including vernal pool complexes.

Because no state permit would be required, **Section 5 functional criteria** of the Vermont Wetland Rules would not be evaluated for these wetlands.

B. Inconsistent Application Based on Project Type

For the same unmapped wetland in Jericho Center:

- A **residential housing project** would not require a state wetland permit or functional evaluation.
- A **non-residential project** would still trigger state permitting and a full Section 5 functional analysis.

This inconsistency undermines predictable land-use planning and creates inequitable regulatory outcomes unrelated to wetland function or environmental risk.

IV. Flood Resilience and Infrastructure Risk

Jericho Center contains multiple small wetlands and seepage systems that moderate runoff from upland areas and reduce peak flows during storm events. Scientific consensus and Vermont legislative findings recognize that headwater and seasonal wetlands play an outsized role in flood mitigation relative to their size.

Reducing protections for these wetlands increases the likelihood of:

- Localized flooding of homes, roads, and culverts;
- Increased maintenance and replacement costs for municipal infrastructure;
- Downstream flood impacts that accumulate at the village scale.

These risks are magnified under current and projected climate conditions, which include more frequent extreme precipitation events.

V. Water Quality and Drinking Water Considerations

Many properties in and around Jericho Center rely on **private wells**. Wetlands and associated saturated soils provide filtration, nutrient uptake, and groundwater recharge that directly influence well water quality and quantity.

Allowing unreviewed impacts to unmapped wetlands increases the risk of:

- Sediment and nutrient loading to surface waters;
- Altered groundwater flow paths;
- Degradation of drinking water sources without prior assessment or mitigation.

VI. Biodiversity, Community Character, and Public Trust Values

Wetlands within Jericho Center support amphibians, birds, pollinators, and wetland-dependent plant communities that contribute to the village's ecological and scenic character. Within developed areas, these wetlands serve as:

- Wildlife corridors connecting fragmented habitats;
- Refuge for species displaced by surrounding development;
- Some of the last remaining green spaces in the village landscape.

Loss or degradation of these wetlands represents a permanent reduction in public trust resources recognized by Vermont law.

VII. Mapping Versus Delineation: Scientific and Legal Concerns

Wetland mapping is an important planning tool but is not a substitute for **in-field delineation**, which evaluates hydric soils, hydrology, and vegetation in accordance with the Army Corps of Engineers Wetland Delineation Manual.

In Jericho Center, forest cover, steep slopes, and seasonal hydrology make certain wetlands—particularly seepage forests and forested basin swamps—difficult to detect via aerial imagery. Reliance on mapping alone therefore fails to capture the full extent and function of wetlands present.

Using mapping status as a regulatory threshold contradicts accepted wetland science and departs from Vermont's long-standing function-based regulatory framework.

VIII. Cumulative Impacts and Long-Term Costs

While individual impacts to small wetlands in Jericho Center may appear limited, cumulative losses across the village and watershed reduce flood storage capacity, habitat connectivity, and water quality resilience. These impacts are incremental, difficult to reverse, and costly to address through engineered solutions.

The long-term financial burden of increased flooding, infrastructure damage, and water quality degradation will fall on the Town of Jericho and its residents, not solely on individual project applicants.

IX. Conclusion

In Jericho Center, the proposed amendments to the Vermont Wetland Rules would:

- Remove state oversight from ecologically functional but unmapped wetlands;
- Eliminate science-based evaluation of wetland functions for residential projects.
- Increase flood, water quality, and infrastructure risks;
- Create inconsistent and inequitable regulatory outcomes; and
- Undermine the statutory purposes of Vermont’s wetland protection framework.

For these reasons, the application of Executive Order No. 6-25 to Jericho Center is inconsistent with legislative intent, scientific understanding, and sound community planning.

By modifying zoning in village and commercial districts, Jericho is directly boosting housing supply, which is **a better approach than changing wetland rules for this purpose.**

Let's build houses on dry land; float boats, not houses.

Bernard Paquette

Jericho, Vermont

=====

Condensed Testimony Points

The Executive Order undermines established regulatory process, science-based decision-making, climate resilience, smart growth, and regulatory equity.

Vermont wetlands support the highest levels of biodiversity in the state, including RTE species, in addition to flood and water quality functions.

Many critical wetlands—seeps, vernal pools, agricultural and headwater wetlands—are unmapped.

Urban and village wetlands provide wildlife corridors, habitat refuge, green space, and climate buffering.

Mapping is not a substitute for in-field wetland delineation; many high-functioning forested wetlands are missed by NWI and legacy maps.

The EO contradicts accepted wetland delineation science and the Army Corps of Engineers Manual.

The EO directly conflicts with Act 121's mandates for net gain of wetlands and science-guided management.

It undermines Vermont's Resilience Implementation Strategy and nature-based climate solutions.

Smart growth should not come at the expense of permanent wetland loss.

Wetland mapping should inform planning—not determine whether wetlands are protected.

End of Document

Reference notes and documentation can be viewed at <https://jerichovermont.blogspot.com/2025/12/proposes-changes-to-vermont-wetland.html>

From: Laurie Kozar <laurieannekozar@gmail.com>
Sent: Saturday, January 10, 2026 10:34 AM
To: ANR - Wetlands Rulemaking Comment
Subject: proposed VWR changes

You don't often get email from laurieannekozar@gmail.com. [Learn why this is important](#)

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Good morning, I am writing as a resident of Vermont for the last 29 years. I moved to Vermont in 1997 from Southern Connecticut, where I grew up in Fairfield County, in the town of Norwalk.

I am opposed to the VWR changes for a multitude of reasons:

1. Climate Change, increasing frequency of high-precipitation events, and increased risk to low lying areas.

After the flooding in 2023, when I worked first as a caseworker with Capstone Community Action under Sue Minter, I assisted flood impacted individuals directly. I then moved to Vermont Community Foundation, as the Allocations Director for the Vermont Disaster Recovery Fund - managing applications for grant assistance for unmet needs. I then served as Program Officer for the Disaster & Resilience portfolio at Vermont Community Foundation. In these roles I have been in the unique position in the state to have heard a very large portion of ALL flood-damage claim cases - those with unmet needs related to flood damage from 2023 and 2024 from across the state.

Repeatedly the underlying issues discussed with state officials, and partners working in the space (including FEMA) was the challenge of settlement patterns in Vermont, and the high prevalence of settlement in or near wetlands, streams, brooks, rills and rivers. Historically, the settlement patterns have followed the course of waterways as those waterways had provided mills for industry (lumber processing), as well as grain and power generation. Water sources also served livestock and flood plains provided excellent agricultural soils. Unfortunately, many of the homes in these low-lying areas have flooded. Many during Irene, and again in 2023, and 2024. Many have been identified as at-risk in hazard areas by FEMA.

Those homes that have flooded and were repaired with FEMA funds required homeowners to carry flood insurance. Unfortunately, few home owners were able to afford the cost of flood insurance (even though it was subsidized by National Flood Insurance Program NFIP). In my roles, speaking with flood impacted residents, or their case manager, I was often told that NFIP ranged from over a thousand dollars per year, up to 6K in some instances. Many Low income Vermonters who had been flooded during Irene simply could not afford to continue with the NFIP. Then there was the case where homeowners who had bought in a floodplain or purchased a home that had been flooded had not been told the home had been flooded - there was no disclosure requirement. Many had no idea that they too had to subscribe to the program to qualify for FEMA. The result was many homes had allowed their Flood Insurance policies to lapse. Many homeowners did not know about the FEMA flood hazard area maps, or All Hazard Mitigation plans of their municipality, OR FEMA flood maps were out of data, and were being updated. Regardless of the reason NFIP was not carried, it is cost prohibitive to low or even moderate income Vermonters, and certainly a barrier for those on a fixed income (such as SSI, or SSDI).

Based on the data, and the experiences I shared above, proceeding with changes that would allow housing development in or near wetlands would seem to fly in the face of common sense. There is a heightened flood risk for homes near wetlands, or within waterways that connect wetlands in high precipitation events. And the cost of Flood Insurance would not be affordable for affordable housing - meaning only more affluent individuals could afford to build a home in a wetland adjacent area and afford the flood insurance, or cost to build flood-resilience into the design of the foundation (elevated homes).

2. Wetlands and low lying areas are wildlife sanctuaries that provide biodiverse areas not seen in less wet areas.

These areas are necessary to conserve wildlife - for breeding, feeding and sheltering of numerous species (migratory and endangered birds) as well as reptiles, amphibians and mammals that are under pressure from humans and development. Wetlands also act as sponges that absorb high precipitation and reduce flooding.

Having grown up near a wetland in Norwalk Connecticut (Sier Hill Rd.) I spent many hours of my childhood playing in and learning about the wildlife in what was called then, "The Swamp". As a young girl I was saddened to watch as a large wetland was bulldozed and in-filled to create the "Rt 7 Connector, and the Rt 7 Merritt Parkway interchange". That development project was planned way back in the late 1960s, and utilizing eminent-domain entire neighborhoods were bought out and only a partial road was completed back in the 1970s as the project faced ongoing litigation from opponents. This project was conceived of when we were much stupider about the function of wetlands as filters that protect water-quality downstream, and prevent flooding as they act as sponges to hold extreme precipitation and run off.

As a cautionary tale, this road development that started in the 1960s, cost millions in legal challenges by residents, and is still in litigation. The city of Norwalk, CTDOT, and State are still in legal fights over development with environmental conservation advocates. As I recall, in the early 80s CTDOT was forced to recreate a wetland area as part of a compromise, costing millions of dollars - and only providing a ghost of what had been a vibrant and thriving wetland. (see the Merritt Parkway Conservancy, Norwalk River Valley Trail)

Is this the sort of development we want in the Green Mountain State? Is the cost of development worth the cost to our wildlife, is there a value placed on wetlands to act as sponges, and is this worth the cost to litigate as Vermonters try to conserve and preserve areas for the wildlife that we love?

3. With housing development comes a need for sewage treatment. We have had some successes with mapping of public septic and public water systems (thanks Chris Campany for leading that charge!). Unfortunately, the maps are not yet developed across the state. How development near wetlands would be covered with access to public septic, how much would depend on private septic systems?

Private septic is expensive and cost prohibitive. A septic system may cost \$20K in well-drained soil conditions. In a challenged area, such as a wetland adjacent area or high water table area, the installation of a 'mound system' would cost well over \$30K. This cost is not a solution for affordable housing development. Our state should consider investing in public septic in high density areas for affordable and in-fill housing, before we start allowing encroachment on wetlands where only our more affluent neighbors can afford the cost to build a costly mound system.

In closing I would like to say that I am heartened to know that the Department of Environmental Conservation is actively mapping wetland areas and provides a wetland screening tool for realtors, potential buyers, town administrators, conservation commissions and landowners. More promotion of this tool (and other mapping tools that the state and partners like the Leahey Institute have developed) will help to inform and educate the residents of the state and set us on a pathway for smart, resilient development that protects our wetlands, and the wildlife that depends on those areas.

All my best,

Laurie Anne Kozar
802-397-2143

From: Rose Paul and George Springston <rosegeo@myfairpoint.net>
Sent: Saturday, January 10, 2026 11:03 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on proposed changes to Vermont Wetlands Rules
Attachments: SpringstonCommentChangesToWetlandRules.pdf

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Please find attached my comments in opposition to the proposed changes to the Vermont Wetlands Rules.

Sincerely,

George
Springston

81 East Hill Road
Plainfield, VT 05667
802-454-1220
rosegeo@myfairpoint.net

To: Wetlands Rulemaking Committee

From: George Springston

Date: January 10, 2026

Re: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

I am writing to say that the Vermont Wetland Rules should not be changed. Executive Order 06-25 would dramatically reduce the protection given to wetlands in designated growth areas and areas exempt from Act 250 regulation. The Rules as originally written in 1990 were carefully crafted to provide critical protection of wetland functions and values and were improved further by the amendments up through 2023. The proposed changes would dramatically reduce the protection of important wetland functions and values that are mandated by statute.

I have been studying Vermont's wetlands for over 30 years. I worked for over four years as an Assistant Wetland Coordinator for the Department of Environmental Conservation and since that time have engaged in wetland and geologic research throughout the entire state. I have visited many hundreds of wetlands in **all** of Vermont's large towns and cities and most of the smaller towns. Prior to my time in Vermont I worked for four years on the National Wetland Inventory in the Eastern U.S. and the Upper Midwest. Throughout my career I have specialized in using remote sensing techniques to identify wetlands and other landscape features. I am thoroughly familiar with past and present techniques used for identification of wetlands through field and remote sensing techniques.

As currently written the Rules depend heavily on field delineation of wetland boundaries to identify the wetlands. These areas include contiguous wetlands that have a significant hydrologic connection to the mapped wetlands. The 2023 changes to Vermont's Wetland Rules provide that previously unmapped but significant wetlands can be added to regulatory maps once they are identified. The proposed changes would strip contiguous wetlands of protection and would base wetland locations solely on the Vermont Significant Wetland Inventory (VSWI) maps.

The VSWI maps are based on remote sensing techniques and although they have been substantially improved in recent years, these maps (and indeed any remote sensing products) are completely inadequate substitutes for on-the-ground wetland delineations. The resulting boundaries will undoubtedly miss parts of the actual wetlands and include pieces of definite non-wetland within the so-called "wetland". This will result in less protection of the wetland functions and values mandated by statute and greater confusion for developers and regulators.

The 50-foot wetland buffer for Class II wetlands should not be reduced. The regulatory wetland buffer width of 50 feet was originally a compromise and is none too large as it is. Abundant research shows that 50 feet is less than adequate to fully protect many of the wetland functions and values as mandated in statute. The full 50-foot buffer width is especially important in residential areas, where intrusions into buffer zones are almost inevitable and a wider buffer serves to reduce the likelihood of wetland damage.

Many of Vermont's village centers are in and adjacent to the mid-size and larger river corridors and the wetlands in these areas serve to filter out sediment and pollutants, slow down stormwater runoff, and provide flood storage, all functions of great importance to our communities. If we want to reduce the impacts of heavy rains and floods in our downtowns and village centers and protect water quality in our rivers and lakes, then we need to protect these wetlands. Ignoring unmapped and contiguous wetlands and reducing the buffer zones that help them to function is especially counterproductive to Vermont's goals for increasing flood resiliency.

From: RICHARD JACKSON <jacksonrml@aol.com>
Sent: Saturday, January 10, 2026 2:18 PM
To: ANR - Wetlands Rulemaking Comment

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I strongly oppose this amendment to act 250.
Disaster for environment. It will excel co2 emissions as trees and wetlands clean air soil Do research. Removing everything that makes vt good. Housing crisis is highly questionable considering market loaded with 2000 plus for appts. Everywhere. Taxes never go down. Who's allowing these decisions as governor veto?!
Generational Vermonter,
This would be a disgrace
Maria Jackson
Caring , sending ideas to better our environment but wondering if you really care???
Sent from my iPhone

From: Jesse Wagner <jwagner0120@gmail.com>
Sent: Saturday, January 10, 2026 2:25 PM
To: ANR - Wetlands Rulemaking Comment
Cc: mmrowicki@leg.state.vt.us; mboslun@leg.state.vt.us; wharrison@leg.state.vt.us;
nhashim@leg.state.vt.us
Subject: Wetland Rules Change Comment
Attachments: Executive Order 6-25 Wetland Rule Change Commentary from Dummerston Conservation Commission.pdf

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Attached is commentary from the Dummerston Conservation Commission regarding the wetland rules change process and Governor Scott's executive Order 6-25.

Thank you,

Jesse Wagner

Dummerston Conservation Commission
1523 Middle Rd
East Dummerston, VT 05346

Vermont Department of Environmental Conservation
1 National Life Drive
Montpelier, VT 05602

Dear Vermont DEC, Agency of Natural Resources, Natural Resources Secretary Moore, and Governor Scott,

On behalf of the Dummerston Conservation Commission we are writing to strongly recommend that wetland rules remain unchanged. Governor Scott's 6-25 proposed Executive Order aims to accelerate housing by rolling back environmental regulation. The Dummerston Conservation Commission believes that alteration of any wetland buffer especially those within the existing regulation of 50' is consistent with negative ecological outcomes, regardless of the size or location. Wetland buffers protect habitat, surface and groundwater quality and strengthen bank stability. Our wetlands act as sponges that retain water during large weather events and dissipate it slowly back into lower watersheds, which helps keep rivers that flow through more populated areas from swelling beyond their banks. Flooding has been disastrous for Vermonters, especially since Storm Irene in 2011. More recent floods like those in central Vermont in July 2023 and 2024 have shown us that we must SLOW DOWN THE WATER and let wetlands, floodplains and ponds keep the system functioning to lessen the blow from future flooding events. The current development buffer of 50' is already minimal in our opinion, making the proposed decrease to 25 feet unacceptable. Post Irene FEMA mapping identified many more "flood prone" areas than many of us had considered before. Vermont has lost 50% of its historical wetlands due to development. Much of this development happened prior to state level environmental and development regulation, but now we find ourselves paying for this historical loss. The Vermont DEC has itself published the article *The Bountiful Benefits of Wetland Buffers* that describes the importance of these remaining wetlands and adjacent buffers.

The Dummerston Conservation Commission understands that rollbacks to buffer width are only proposed for Act 181 Tier 1A and 1B zones. These properties are likely in areas that are already disturbed and developed, but they may also be areas that are prone to flooding. With each development, future housing developments may find themselves at increased flood risk. Increased bank erosion, the filling of wetlands, wastewater systems closer to water edges, these will all affect our fragile watersheds. The current regulations 10 V.S.A 913 states that a wetland is protected if it "serves significant ecological functions," regardless of whether it is

identified on Vermont's Significant Wetlands Inventory Map or maps by other agencies that seek to identify levels of wetland significance. The new executive order also seeks to offer protection only to mapped wetlands, which seems to favor ecological significance simply because a wetland has been mapped. We think it is of greater importance to protect it simply for what it is! Please reject this Vermont Wetland Rules change. We agree that housing is badly needed and extremely important, but let's not increase our flood risk and cause more wetland destruction just to make investments that might someday wash down river. Thank you for your time.

Sincerely,

The Dummerston Conservation Commission

From: Rose Fairley <rosemargaretfairley@gmail.com>
Sent: Saturday, January 10, 2026 6:52 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on Proposed Changes to Wetland Rules

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Dear lawmakers,

Please do not weaken wetland protections in Vermont. Weakening wetland protections in the midst of a biodiversity and climate crisis is short-sighted for our human communities as well as wildlife and water quality. Vermont has been a leader in demonstrating its commitment to the environment and therefore the quality of life of residents and wildlife. Is this what Vermonters need or what developers want to profit from the (very real and critical) housing crisis?

Weakening these rules is likely to lead to future flood damage to properties and an attending cost to human health (mold exposure, stress, financial ruin). We need to give water more space, not less, and focus on affordable housing and housing density in areas that are already developed.

Throughout the state there are properties that are abandoned or derelict that can be removed or renovated. Underutilized parking lots can become apartment buildings. Examining onerous code laws that make building or converting single family homes to multi-unit prohibitively expensive (rather than imperiling wildlife) could also ease the path forward for new housing in the state.

Please fund creative solutions and don't abandon the core values of Vermont and Vermonters to care for the land.

Rose Fairley
581 Recreation Field Rd
Plainfield VT 05667
347 586 1877

From: BC Rainville <rainvillebc@gmail.com>
Sent: Saturday, January 10, 2026 10:28 PM
To: ANR - Wetlands Rulemaking Comment
Subject: VWR - 50' to 25'

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Eminently practical - recognizing the reality of existing small lots - particularly around Vermont's lakes.

Thank you,

Brian C. Rainville
Franklin, VT. 05457

From: Becki Trudell <trudellbecki@gmail.com>
Sent: Sunday, January 11, 2026 4:37 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Opposition to Proposed Changes to Vermont Wetland Rules

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Hi,

I am writing to oppose any changes to the Wetland Rules that weaken protections, reduce buffer zones, or allow development in wetlands simply because they are currently “unmapped.”

Wetlands are not optional open space. They are essential public infrastructure. They protect downstream communities from flooding, clean our water, store carbon, and provide irreplaceable wildlife habitat. As climate change brings more intense rain and more frequent flooding, reducing wetland protections is not just environmentally reckless, it is a direct threat to public safety and long-term resilience.

Unmapped does not mean unimportant. Many wetlands remain unmapped because the state has not had the resources to identify them all, not because they lack ecological value. Allowing development to proceed with fewer safeguards in these areas effectively rewards the absence of data and puts irreplaceable land at risk before its functions are even documented.

Vermont has long stood for a “no net loss” and even “net gain” approach to wetlands. That principle reflects a commitment to precaution, clean water, and intergenerational responsibility. Weakening buffers, bypassing review, or reducing mitigation requirements moves us in the opposite direction and erodes that legacy.

We absolutely need housing, but we do not need to achieve it by trading away the natural systems that protect our towns, our rivers, and our future. True smart growth means building in ways that respect ecological limits, not relaxing them.

I urge the Agency to revise this rulemaking so that it strengthens wetland protection rather than carving out new exceptions, and to ensure that all wetlands, mapped or unmapped, are treated as the vital public resources they are.

Sincerely,

Becki Trudell
Manchester Center, VT

From: Janice McNerney <janicemcinerney@yahoo.com>
Sent: Sunday, January 11, 2026 10:38 AM
To: ANR - Wetlands Rulemaking Comment
Subject: VWR Modification for Residential Housing

You don't often get email from janicemcinerney@yahoo.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

This rule modification doesn't make sense to me. If anything, we should be developing and protecting wetlands to mitigate flood issues in the state.

It seems to me that building closer to wetland could minimize their effectiveness and worsen flooding in the surrounding area.

Additionally, these homes seem quite likely to flood and have insurance claims, which could raise insurance rates for all Vermonters. Maybe if homes are built in the new proposed locations, they should be uninsurable so we don't all incur at the risks.

This seems like a bad idea anywhere and especially in a state with so many flood risks.

Regards,
Janice McNerney
Weston, VT
802-345-4055

From: Micahel Sabourin <mothvet@yahoo.com>
Sent: Sunday, January 11, 2026 11:51 AM
To: ANR - Wetlands Rulemaking Comment
Subject: VT Wetland Rules per Governor's Executive Order 06-25

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: Wetlands Rulemaking Committee
Date: January 11, 2026

Re: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

I am writing to say that the Vermont Wetland Rules should not be modified per Executive Order 06-25. This would dramatically reduce the protection given to wetlands in designated growth areas and areas exempt from Act 250 regulation. The Rules as originally written in 1990 were carefully crafted to provide critical protection of wetland functions and values and were improved further by the amendments up through 2023. The proposed changes would dramatically reduce the protection of important wetland functions and values that are mandated by statute. I do not believe that the state should be unnecessarily destroying critical habitat for the purpose of supporting unmitigated development. A purview of the wetland rules in general show a naive understanding of wetland habitats. The Proposed Wetland Rule as illustrated shows a house impeding on a riparian area with a generalization that a wetland is only the 'wet' area. The wetland rules are also devoid of any consideration of invertebrates which themselves require habitat. Sure a number of invertebrates are aquatic, but also numerous species are endemic to habitat associated with wetland borders and vegetation. The rule as illustrated essentially eliminates invertebrate habitat adjacent to wetlands. I understand the need for housing development, but it should not be at the expense of the aesthetic view of our environment. The 50-foot wetland buffer for Class II wetlands should not be reduced. To do so would have even a greater intrusion on the phenology of invertebrates associated with wetland boundaries.

Thank you! for your consideration

Michael Sabourin
President, Vermont Entomological Society
mothvet@yahoo.com
(802) 595-0484[c], (802) 595-0484[h]

From: Sarah LaValley <sarahi04@hotmail.com>
Sent: Sunday, January 11, 2026 1:40 PM
To: ANR - Wetlands Rulemaking Comment
Subject: please do not change existing wetlands laws

You don't often get email from sarahi04@hotmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

It's incredibly important not to sacrifice the habitat, pollution prevention, and flood storage values that wetlands resources provide. Vermont is already behind most other northeast states by allowing work to occur within 50 feet of wetlands. Countless studies have shown the value of buffer areas extending beyond 100 feet. In addition, increased rains and a changing climate will result in expanded wetlands in upcoming years. Do not place future homeowners at risk of flood events, and do not sacrifice our finite and critical resources by amending laws necessary to protect us all.

Thank you-
Sarah LaValley
Wetlands Professional

From: christa wurm <christa.wurm@gmail.com>
Sent: Sunday, January 11, 2026 2:36 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Against proposed Wetland Rule changes

You don't often get email from christa.wurm@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I wanted to share my concern for the proposed changes to the Wetland Rule Modification for Residential Housing.

I do not support removing protections for Class II Wetlands - we need more protection for environmentally significant and fragile ecosystems, not less.

I do not support reducing the wetland buffer from 50 to 25 feet. Construction and household impact and waste inevitably and irrevocably contaminate wetlands.

This requires a long-range vision and I know is not politically snazzy. I empathize, and also respectfully request that policy makers use the expertise available to them to make decisions that acknowledge the essential role the natural world plays in humanity's existence.

I wish you courage, foresight, and integrity. Thank you for your work.

Christa Wurm
South Strafford, VT
802-477-2105

From: Andrew Murdock <andrew@forkshill.com>
Sent: Sunday, January 11, 2026 4:15 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment in favor of proposed changes to the Vermont Wetland Rules

You don't often get email from andrew@forkshill.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I want to add my support for the proposed changes to the rule to only include currently mapped wetlands. We are in a housing crisis across Vermont and many housing projects are held up or never proposed due to permitting and regulatory uncertainty. This proposed change will allow for clearer planning and development, and hopefully allow for more housing to be developed in Vermont.

In Waitsfield the town has been working for years to develop and revitalize the Irasville neighborhood with walkable mixed use housing. The proposed improvements to the VWR help provide the certainty needed to continue to advance the project.

Anything to improve the housing availability, and therefore improve our education systems, is a welcome change to improve the vibrancy of our communities.

Thank you,
-Andrew Murdock
Waitsfield

From: Savannah Bailey <savannah430@gmail.com>
Sent: Sunday, January 11, 2026 7:52 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on Proposed Changes to VT Wetland Rules (Executive Order 06-25)

You don't often get email from savannah430@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Wetlands Rulemaking Committee:

I do not agree with the changes to the Vermont Wetland Rule proposed by Executive Order 06-25. This Executive Order would dramatically reduce the protection given to wetlands in designated growth areas and areas exempt from Act 250 regulation. The Rules as originally written in 1990 were carefully crafted to provide critical protection of wetland functions and values and were improved further by the amendments up through 2023. The proposed changes would drastically reduce the protection of important wetland functions and values that are mandated by statute. They would strip contiguous wetlands of protection and would base wetland locations solely on the Vermont Significant Wetland Inventory (VSWI) maps, which are notoriously limited and under-representative of the state's wetlands. The proposed changes also decrease wetland buffers in designated areas, but abundant research shows that the current 50-foot buffer is less than adequate to fully protect many of the wetland functions and values. The full 50-foot buffer width is especially important in residential areas, where natural functioning ecosystems are already limited and wider buffers provide essential wildlife habitat and ecosystem processes.

I am a member of the Vermont Association of Wetland Scientists and am trained in wetland delineation in Vermont, providing me much experience with the nuance of the wetland rules. But outside of my technical expertise and understanding that wetlands slow down stormwater runoff and provide essential flood storage, I believe this proposed change also creates an equity issue. For obvious reasons, wetlands are not smart places to build. Allowing development to occur in unmapped wetland areas will lead to housing of poor quality and long-term problems.

Many of Vermont's village centers are in or adjacent to river corridors and if we want to reduce the impacts of heavy rains and floods in our downtowns and village centers, then we need to continue to protect wetlands. I agree that there is a housing shortage in Vermont, but I do not believe this issue should be addressed at the cost of ecologically significant and beneficial wetlands, mapped and unmapped. We need to be more strategic with Vermont's continued development, considering watershed-wide impacts and finding opportunities for infill development and ways to consolidate impervious surface, reducing stormwater runoff and wetland loss, which contribute to catastrophic flooding. I implore you to find another solution to address Vermont's housing crisis that does not have such a catastrophic impact on essential Vermont ecosystems.

Thank you for your time and I look forward to finding another solution together.

Best,
Savannah Bailey

From: Penny Miller <pennymillervt@gmail.com>
Sent: Monday, January 12, 2026 8:34 AM
To: ANR - Wetlands Rulemaking Comment
Subject: I am OPPOSED to changing the Vermont Wetland Rules to conform with Executive Order 06-25

You don't often get email from pennymillervt@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you for taking my comments. I am on the Development Review Board in Underhill, and our most challenging problems regarding development have had to do with water and its unpredictability and its ability to cause damage to a property and to neighboring properties. I believe we need to add resiliency measures to our planning and regulations, not remove them.

I oppose the proposed changes to the Vermont Wetland Rules (VWR), changing setbacks and making housing project construction an allowed use in unmapped Class II wetlands located within specified growth areas and Act 250 exempt areas.

I reference and repost below the thoughtful document written by my local community member Bernie Paquette.

Thank you for your time.
Penny Miller

*Penny Miller
Underhill, Vermont*

Written Testimony in Opposition to Executive Order No. 6-25 by Bernie Paquette, Jericho

Proposed Amendments to the Vermont Wetland Rules

Submitted for the Wetlands Rulemaking Record

I. Statement of Position:

Let's build houses on dry land; float boats, not houses.

I respectfully submit this testimony in opposition to Executive Order No. 6-25 and the proposed amendments to the Vermont Wetland Rules. The Executive Order undermines existing statutory mandates, contradicts established wetland science, weakens climate resilience and smart growth objectives, and creates inequitable and inconsistent regulatory outcomes across the State. The proposed changes are inconsistent with legislative findings and exceed the proper scope of executive authority.

II. Statutory Framework and Legislative Intent

The Vermont Wetland Rules were adopted pursuant to 10 V.S.A. Chapter 37, which establishes clear legislative intent that wetlands:

Protect public safety through flood attenuation;
Maintain surface and groundwater quality;
Support fish, wildlife, and rare, threatened, and endangered species;
Serve the public welfare as natural infrastructure; and

Be managed to achieve no net loss and, where feasible, a net gain of wetland acreage and function.¹ The Legislature further directed that regulation of wetlands and other water resources “shall be guided by science” and that authorized activities must provide a net environmental benefit to the State.² These mandates were reaffirmed in Act 121 (Flood Safety Act) in direct response to increasing flood risk and climate-driven hydrologic change.³

III. Summary of Proposed Rule Changes and Impacts

A. Reliance on Mapping Rather Than Wetland Function

The proposed amendments would limit state wetland permitting for residential housing to mapped wetlands shown on the Vermont Significant Wetlands Inventory (VSWI). Unmapped wetlands—regardless of their ecological function—would not trigger state review in designated growth areas.

This approach conflicts with Vermont law and wetland science. Wetlands are defined and regulated based on in-field delineation of soils, hydrology, and vegetation, not cartographic presence.⁴ Mapping tools were developed for planning and screening purposes and were never intended to serve as the sole determinant of regulatory protection.

Numerous wetland types critical to flood resilience—including hillside seeps, forested basin swamps, vernal pools, headwater wetlands, and agricultural wetlands—are widely acknowledged to be underrepresented in statewide mapping, particularly where forest cover, steep terrain, or seasonal hydrology limit aerial detection.

The Vermont Agency of Natural Resources Department of Environmental Conservation Watershed Management Division Wetlands Program currently struggles with a backlog in identifying wetlands promptly. To shift towards a policy that relies on the actual ecological function of wetlands, rather than just relying on those areas already mapped, the program needs increased resources and capacity for timely on-site identification evaluation, and VSWI map updates.

B. Reduced Buffer Protections

The proposed rules would reduce Class II wetland buffers from 50 feet to 25 feet in designated areas. Scientific literature and Vermont’s own regulatory findings recognize that buffers are essential to preserving wetland hydrology, pollutant filtration, habitat connectivity, and flood storage.⁵ Buffer reductions directly diminish wetland function even when the wetland itself is not filled.

Buffer areas based only on VSWI maps may contain wetland areas only visible through delineation. “A mapped wetland is a wetland that appears on the Vermont Significant Wetlands Inventory (VSWI) map. These maps are mostly created by looking at aerial photos, not by visiting the site. Because of this, the maps often do not show the exact boundaries of wetlands and usually show wetlands as smaller than they really are.” - VTANR

C. Elimination of Functional Review for Unmapped Wetlands

Under the proposal, Section 5 functional criteria—which require evaluation of flood storage, groundwater recharge, water quality protection, and habitat value—would not be triggered for residential impacts to unmapped wetlands in growth areas. This results in no scientific review of wetland function, despite explicit statutory direction to regulate wetlands based on function and cumulative impact.⁶

IV. Scientific and Environmental Impacts

A. Flood Resilience and Climate Adaptation

Wetlands are among Vermont's most effective and cost-efficient tools for flood mitigation. They slow runoff, store floodwaters, stabilize baseflows, and reduce downstream damage. Weakening protections—particularly in headwater and village-scale wetlands—will increase flood risk to homes, roads, culverts, and municipal infrastructure, shifting long-term costs to taxpayers.

These outcomes directly contradict Vermont's Resilience Implementation Strategy, which prioritizes nature-based solutions, including wetlands, floodplains, and upland forests, as core climate adaptation measures.⁷

B. Water Quality and Groundwater Protection

Wetlands filter sediments, nutrients, and contaminants before they reach rivers, lakes, and groundwater supplies. Many Vermont communities, including village centers, rely on private wells and shallow aquifers that are directly influenced by adjacent wetlands. Incremental wetland loss undermines Vermont's clean water investments and phosphorus reduction obligations.

Wetlands are widely acknowledged for their capacity to intercept and retain non-point source phosphorus, acting as buffers to reduce the load of phosphorus to downstream lakes (Zedler 2003, Hansson et al. 2005, Dunne et al. 2015).

C. Biodiversity and Public Trust Resources

Wetlands support the highest levels of plant, animal, and rare species diversity of any habitat type in Vermont. Within developed areas, wetlands function as wildlife corridors, habitat refugia, and some of the last remaining green spaces. These public trust values are explicitly recognized in statute and cannot be fully replaced through mitigation.⁸

Further impact: Within designated areas, the Executive Order would remove the requirement for state-level mitigation when certain wetland impacts occur (especially unmapped wetlands), which diverges from current mitigation and net gain statutory goals.

V. Implementation and Equity Concerns

Incomplete Mapping Creates Regulatory Inequity

Reliance on VSWI mapping results in uneven protection across the State, where communities with unmapped wetlands—often rural towns, hillside settlements, and village centers—receive less protection despite equivalent ecological function.

Administrative and Legal Uncertainty

Towns lack the technical capacity to independently assess wetland function absent state review. Reduced state oversight increases the risk of inconsistent decisions, enforcement challenges, and subsequent legal disputes.

Conflict with Federal Regulation

Federal Clean Water Act jurisdiction remains unchanged. The proposed state rollback may not streamline permitting, but instead shift projects into a more complex and uncertain federal review process.⁹

VI. Housing, Smart Growth, and Long-Term Costs

Framing wetlands as barriers to housing presents a false choice. Sound land-use planning directs growth away from flood-prone landscapes and toward areas already served by infrastructure. Development in wetlands increases long-term risk to residents, raises infrastructure and insurance costs, and exposes communities to repeated flood damage.

Smart growth, as contemplated by Vermont law, is not achieved by sacrificing wetlands. Once wetlands are filled or built upon, they are permanently lost along with their flood storage, water quality functions, and climate resilience benefits.

VII. Conclusion

Executive Order No. 6-25 and the proposed Wetland Rule amendments:

- Contradict explicit legislative mandates for science-based wetland protection and net gain;
- Undermine flood resilience, water quality, biodiversity, and public safety;
- Misapply wetland mapping in a manner inconsistent with scientific practice;
- Create regulatory inequity and implementation challenges; and
- Shift long-term environmental and fiscal costs onto Vermont communities.
- For these reasons, I urge decision-makers to reject Executive Order No. 6-25 and retain strong, function-based wetland protections consistent with Vermont law, legislative intent, and the realities of a changing climate.

Footnotes

10 V.S.A. § 902 (Legislative findings and policy).

10 V.S.A. § 902(2)–(3).

Act 121 (2024), Flood Safety Act, codified in relevant part in 10 V.S.A. ch. 37.

U.S. Army Corps of Engineers, Wetland Delineation Manual; incorporated by reference in Vermont Wetland Rules.

Vermont Wetland Rules, §§ 9–10 (buffers and functional protection).

Vermont Wetland Rules, § 5 (Functional criteria for wetland significance).

Vermont Climate Council, Resilience Implementation Strategy (nature-based solutions priority actions).

10 V.S.A. §§ 901–902 (public trust values; wildlife and habitat protection).

33 U.S.C. § 1344 (Clean Water Act § 404).

Determining the Nutrient Retention Capacity of Newly Restored Wetlands in Southwestern Ontario

From: Sarah Easton <sarahteaston@gmail.com>
Sent: Monday, January 12, 2026 8:42 AM
To: ANR - Wetlands Rulemaking Comment
Subject: executive order 06-25 comments

You don't often get email from sarahteaston@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear wetland committee,

I'm writing to comment on the proposed change to the 50' border rule linked to Executive Order 06-25 for housing. Although we all know affordable housing is a major concern for Vermont.

This proposal is shortsighted, if you change the perimeter around wetlands, you are increasing the proposed housing cost to provide adequate drainage to the structure and decreasing the impact of the wetlands to handle increased floodwaters and rain! We know from past experience that only destabilizes our communities and increases our housing issues and insurance rates to rebuild, yet again!

Thanks for taking the time to look at all the ramifications of these changes.

Sincerely,

Sarah Easton

From: Cris Mayo <cmayo2@gmail.com>
Sent: Monday, January 12, 2026 8:43 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Keep current wetland restrictions

You don't often get email from cmayo2@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Do not allow houses to be built closer to wetlands, mapped or not. The damage to houses is obvious: flooding, rot, seepage. The damage to wetlands is equally obvious: sewage contamination, encroachment on habitat and drainage functions. With all the land available in Vermont, the idea that a flood-prone state would seek out more problems for homeowners is astonishingly bad.

Best,
Cris Mayo

From: Daniel Hoviss <danielhoviss@gmail.com>
Sent: Monday, January 12, 2026 9:06 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment

You don't often get email from danielhoviss@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I support not lowering the buffer zone to building anything else near wetlands.

50 feet is not enough as it is because wetlands evolve and change.

Please don't allow further encroachment.

Daniel Hoviss
Putney VT

From: Karen Saunders <karenfransdottir@gmail.com>
Sent: Monday, January 12, 2026 9:12 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Brattleboro Conservation Commission Comments on Proposed Rules Changes
Attachments: Brattleboro Cons Comm comments on Wetland Rules Amendments .pdf

You don't often get email from karenfransdottir@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

January 12, 2026

The

Brattleboro Conservation Commission is writing in response to Executive Order 06-25 "Promoting Housing Construction and Rehabilitation." We have grave concerns about the proposed modification of Vermont's Wetland Rules in order to make the construction of housing projects an allowed use in unmapped Class II wetlands that are located within specified growth areas and Act 250 exempt areas and to reduce the 50 foot buffer zone to 25 feet.

We are

concerned that wetlands with significant functions of value to Vermont's ecosystems and communities will be lost, simply because they haven't yet been identified or mapped. We are also concerned that significant functions of mapped wetlands will be impaired by shrinking the buffer zone surrounding those wetlands from 50 to 25 feet. The functions of wetlands include flood retention, water quality improvement, drought protection, wildlife habitat. These well-known functions are increasingly important as Vermont deals with the weather extremes of climate change. Additionally, because many wetlands have unique microclimates, they have been refugia for species affected by climatic changes of the past and now are proving to be valuable refugia for species affected by climate change. This Executive Order will negatively impact these essential functions of wetlands, here in Brattleboro, and more broadly Vermont.

Housing

construction in wetlands generally involves filling in at least portions of the wetlands or construction of drainage ditches. Filling in or draining wetlands results in a loss of storage capacity, increased erosion, decreased water quality as wetlands aren't available to filter storm water and sediments. Even without filling or drainage, housing construction results in the loss of wildlife habitat in terms of both food and shelter, as well as the loss of refugia for threatened species.

Because

wetlands, like lakes, rivers, and our groundwater, are part of a single hydrologic system, housing construction in unmapped wetlands and wetland buffer zones reduces the climate resilience of surrounding communities in the face of increasing floods and drought. Although housing is a critical need, the answer is not to take away one of our most essential ecosystem services in the face of flooding, drought, and largely climate change.

In spite of

stringent wetland rules, we have lost 20 acres of regulated wetland per year in Vermont since 1995, according to the Vermont Natural Resource Council. Note

that this does not include unmapped or unregulated wetlands. It has been estimated that 39% of Vermont wetlands may not be mapped, according to the White River Natural Resource Conservation District. Unmapped wetlands, just as much as mapped and delineated wetlands, need to be protected in order to ensure that human communities, ecosystems, and wildlife are as well equipped as possible to withstand worsening extreme weather.

Promoting housing construction in unmapped wetlands and wetland buffers also is courting disaster for those who will rent or buy the new housing stock that is created. If you've ever lived in a home that was built too close to, or within, a wetland, you have probably experienced issues such as mold and rotting of sills or other structural components. Original engineering to attempt to avoid these problems is costly, as is the repair work needed once damage has occurred. There are also health problems that come as a consequence of living in housing that has developed mold issues.

We also are concerned that weakening Vermont's wetland rules could cause unwitting violations of federal wetland regulations under the Army Corps of Engineers. Additionally, the recent passage of Act 121, an act relating to the regulation of wetlands, river corridor development, and dam safety, occurred because legislators recognized the critical importance of identifying housing development sites "that will not cause or contribute to increases in fluvial erosion hazards. The proposed changes to Vermont's Wetland Rules conflict with Act 121.

We urge you to reject these changes to our wetland rules. There are better ways to solve our housing crisis.

Thank you,

Brattleboro
Conservation Commission
Laurie
Callahan
Gretchen
Cowan
Emma Gregg
Kevin
O'Brien
Karen
Saunders

January 12, 2026

The Brattleboro Conservation Commission is writing in response to Executive Order 06-25 "Promoting Housing Construction and Rehabilitation." We have grave concerns about the proposed modification of Vermont's Wetland Rules in order to make the construction of housing projects an allowed use in unmapped Class II wetlands that are located within specified growth areas and Act 250 exempt areas and to reduce the 50 foot buffer zone to 25 feet.

We are concerned that wetlands with significant functions of value to Vermont's ecosystems and communities will be lost, simply because they haven't yet been identified or mapped. We are also concerned that significant functions of mapped wetlands will be impaired by shrinking the buffer zone surrounding those wetlands from 50 to 25 feet. The functions of wetlands include flood retention, water quality improvement, drought protection, wildlife habitat. These well-known functions are increasingly important as Vermont deals with the weather extremes of climate change. Additionally, because many wetlands have unique microclimates, they have been refugia for species affected by climatic changes of the past and now are proving to be valuable refugia for species affected by climate change. This Executive Order will negatively impact these essential functions of wetlands, here in Brattleboro, and more broadly Vermont.

Housing construction in wetlands generally involves filling in at least portions of the wetlands or construction of drainage ditches. Filling in or draining wetlands results in a loss of storage capacity, increased erosion, decreased water quality as wetlands aren't available to filter storm water and sediments. Even without filling or drainage, housing construction results in the loss of wildlife habitat in terms of both food and shelter, as well as the loss of refugia for threatened species.

Because wetlands, like lakes, rivers, and our groundwater, are part of a single hydrologic system, housing construction in unmapped wetlands and wetland buffer zones reduces the climate resilience of surrounding communities in the face of increasing floods and drought. Although housing is a critical need, the answer is not to take away one of our most essential ecosystem services in the face of flooding, drought, and largely climate change.

In spite of stringent wetland rules, we have lost 20 acres of regulated wetland per year in Vermont since 1995, according to the Vermont Natural Resource Council. Note that this does not include unmapped or unregulated wetlands. It has been estimated that 39% of Vermont wetlands may not be mapped, according to the White River Natural Resource Conservation District. Unmapped wetlands, just as much as mapped and delineated wetlands, need to be protected in order to ensure that human communities, ecosystems, and wildlife are as well equipped as possible to withstand worsening extreme weather.

Promoting housing construction in unmapped wetlands and wetland buffers also is courting disaster for those who will rent or buy the new housing stock that is created. If you've ever lived in a home that was built too close to, or within, a wetland, you have probably experienced issues such as mold and rotting of sills or other structural components. Original engineering to attempt to avoid these problems is costly, as is the repair work needed once damage has

occurred. There are also health problems that come as a consequence of living in housing that has developed mold issues.

We also are concerned that weakening Vermont's wetland rules could cause unwitting violations of federal wetland regulations under the Army Corps of Engineers. Additionally, the recent passage of Act 121, an act relating to the regulation of wetlands, river corridor development, and dam safety, occurred because legislators recognized the critical importance of identifying housing development sites "that will not cause or contribute to increases in fluvial erosion hazards. The proposed changes to Vermont's Wetland Rules conflict with Act 121.

We urge you to reject these changes to our wetland rules. There are better ways to solve our housing crisis.

Thank you,

Brattleboro Conservation Commission

Laurie Callahan

Gretchen Cowan

Emma Gregg

Kevin O'Brien

Karen Saunders

From: Kate Kelly <kate@lewiscreek.org>
Sent: Monday, January 12, 2026 9:22 AM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: sheffernan@leg.state.vt.us; asheldon@leg.state.vt.us; tchittenden@leg.state.vt.us;
awatson@leg.state.vt.us; rhardy@leg.state.vt.us; vlyons@leg.state.vt.us;
kramhinsdale@leg.state.vt.us; ppouech@leg.state.vt.us; Karen.Lueders@vtleg.gov;
ssweeney@leg.state.vt.us; holson@leg.state.vt.us; cevans@leg.state.vt.us;
mbirong@leg.state.vt.us; klalley@leg.state.vt.us; rnorth@leg.state.vt.us
Subject: Wetlands Rulemaking Comment and EO - Lewis Creek Association
Attachments: LCA letter opposing wetlands rule changes.pdf

You don't often get email from kate@lewiscreek.org. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

Attached, please find LCA's wetlands rulemaking comment as relates to the proposed wetlands rule changes which originated from Governor Scott's EO 06-25. Thank you!

Kate

photo

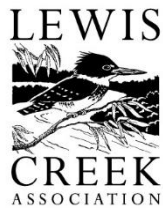
Kate Kelly, Program Manager
Lewis Creek Association

(802) 488-5203 | www.lewiscreek.org

kate@lewiscreek.org

[PO Box 146, Hinesburg, VT 05461](#)





To: Wetlands Rulemaking, WetlandsRulemakingComment@vermont.gov
Misty Sinsigalli, misty.sinsigalli@vermont.gov

CC: Representatives and Senators in the watersheds we represent:

Rep. Phil Pouech, ppouech@leg.state.vt.us

Rep. Chea Waters Evans, cevens@leg.state.vt.us

Rep. Kate Lalley, klalley@leg.state.vt.us

Rep. Shawn Sweeney, ssweeney@leg.state.vt.us

Rep. Matthew Birong, mbirong@leg.state.vt.us

Rep. Rob North, rnorth@leg.state.vt.us

Rep. Karen Lueders, Karen.Lueders@vtleg.gov

Rep. Herb Olson, holson@leg.state.vt.us

Sen. Kesha Ram Hinsdale, kramhinsdale@leg.state.vt.us

Sen. Ginny Lyons, vlyons@leg.state.vt.us

Sen. Thomas Chittenden, tchittenden@leg.state.vt.us

Sen. Ruth Hardy, rhardy@leg.state.vt.us

Sen. Steven Heffernan, sheffernan@leg.state.vt.us

Rep. Amy Sheldon, asheldon@leg.state.vt.us, Chair of House Committee on Environment

Sen. Anne Watson, awatson@leg.state.vt.us, Chair of Senate Committee on Natural
Resources & Energy

From: Lewis Creek Association

Kate Kelly, Program Manager, kate@lewiscreek.org

Date: Jan. 5, 2026

Re: Proposed Wetlands Rule Changes

Lewis Creek Association (LCA) is writing to express our strong opposition to the proposed wetlands rule changes which originate from Governor Scott's EO 06-25, which:

- do not meet statutory intent
- are inequitable

- are contrary to other recently passed acts
- would negatively impact water quality and our work to reduce phosphorus inputs to Lake Champlain
- would reduce protections of critical wildlife habitats such as vernal pools, and
- would lead to increased costs to taxpayers in our watersheds and beyond during floods and droughts.

Conservation, wetlands protection, and development are not mutually exclusive; we can improve housing without decreasing regulations on wetlands. We feel that there are other/better ways to streamline the process for development in certain areas. We will touch briefly on each of these points below.

LCA is a non-profit conservation organization that has worked with communities on water quality management, wildlife and habitat enhancement, and restoration for over 30 years. LCA covers the Lewis Creek, LaPlatte River, and direct-to-lake watersheds. Our mission is to protect, maintain and restore ecological health while promoting social values that support sustainable community development in these watersheds.

Do not meet statutory requirement. Statute states that we shall manage wetlands to achieve a net gain in wetlands. This proposed rule clearly will not work towards this goal. In addition, we feel that this proposed rule is arbitrary – wetlands professionals, watershed organizations and basin planners were not consulted. There has been no economic impact analysis, or environmental impact analysis to meet the requirements of the rule change, or to show how much wetland will be lost (and therefore how we could meet the statutory intent to achieve a net gain in wetlands).

Are inequitable. In some towns, the entire town is a wetland permit modification area; in others, only a small portion of the town would be impacted. Neighbors would have different rules applied to their properties. Large landowners who hope to develop a parcel could meet the standard simply by including a house on some portion of the property. In addition, the modification areas are too big and extend well beyond village growth areas/village centers.

Are contrary to other recently passed acts. These rules are in direct conflict with the work and funding devoted to recently passed acts, including Act 121 (Flood Safety Act). Allowing impacts to wetlands as proposed by these rules would directly contradict this act, which states that Vermont shall achieve a net gain of wetlands. Act 121 also states that “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.” There is no indication that this proposed rule meets this requirement of the act. As scientists have

not been included in the drafting of the rule, allowing development to occur on wetlands will not have a net environmental benefit to the state.

Would negatively impact water quality and our work to reduce phosphorus inputs to Lake Champlain. Under Act 76 of 2019 (Clean Water Service Delivery Act), Vermont (Lake Champlain basin in particular) has been working hard to reduce phosphorus inputs to Lake Champlain through non-regulatory projects, as required by the US EPA. Wetlands and natural green infrastructure (such as beaver wetlands, vernal pools, and headwater seeps and wetlands) are critical to slowing water down, allowing it to spread out, and sink into the ground (thereby cleaning it up before it rushes downstream). Any impacts we make to wetlands (as suggested by this proposed rule change) will directly impact the water quality, fishability, and swimability of our streams, rivers, and Lake Champlain. Protecting wetlands is a low cost and easy way to improve water quality, as opposed to paying to restore them (and other such projects) through Act 76. Why would we purposefully cause impacts to free natural water cleaning systems, when we are also paying to clean up our waterways by restoring wetlands, planting trees, improving stormwater management, etc? See an example of these increased costs in the Appendix to this letter.

Would reduce protections of critical wildlife habitats such as vernal pools. Wetlands are critical not only to us but to the wildlife that depend on them. Vernal pools and other forested wetlands (headwater seeps, forested basin swamps) are often unmapped (as they are difficult to detect via aerial photography or lidar). Beaver ponds, as they change over time, are also often unmapped. But these areas are biodiversity hotspots and are critical to the foodweb and health of our shared ecosystems. Allowing building on or near these unmapped wetlands will directly impact the wildlife that depend on them, and indirectly, our human health. Data from the Vermont Center for Ecostudies suggests that 138 potential and 36 probable vernal pools could be impacted by this rule change; this is probably a much lower number than would actually be impacted (given that vernal pools are severely under-mapped). Given the ongoing loss of biodiversity and wildlife habitat, this is an unacceptable environmental impact, and irreplaceable loss. See an example of these impacts in Hinesburg in the Appendix.

Would lead to increased costs to taxpayers in our watersheds and beyond during floods and droughts. We believe that implementing these proposed rule changes would be costly to Vermont taxpayers. During floods and droughts, wetlands provide critical water storage capabilities. They lessen the impact of floods downstream, and during droughts, they store water on the landscape which can reduce the spread of forest fires and maintain groundwater levels. By impacting wetlands through this proposed rule change, Vermonters will have to pay more for flood mitigation and drought impacts to agriculture and drinking water sources.

We reject the idea that wetland rules and environmental regulations are the cause of not having enough housing in Vermont, and that reducing environmental regulations will increase affordable housing in the state. There are many other ways that we can improve housing without impacting wetlands. We encourage the redevelopment of already disturbed areas (abandoned homes, barns, upper floors of downtown buildings, etc.). Pushing for changes to zoning regulations that would encourage affordable housing in the state would also be critical. In addition, if we are concerned that wetlands take too long to delineate, increasing state wetlands staff and allowing them to delineate wetlands, or to accept wetland delineations by established and approved contractors would help.

We are strongly opposed to these proposed wetlands rule changes, and believe that there are other solutions to improve housing availability and affordability in the state, without making misguided and costly changes to the wetlands rules.

Thank you for your time,

A handwritten signature in cursive script that reads "Katherine Kelly".

Kate Kelly, Program Manager

On behalf of Lewis Creek Association Board

APPENDIX

As an example of negative impacts to water quality along with increased costs:

The unmapped wetlands (hash lines) along Route 116 south of Hinesburg (along the LaPlatte River) are primarily conserved as part of the LaPlatte Headwaters Town Forest. However, one parcel (highlighted in Fig. 1) has a house on it that was built approximately three decades ago (prior to existing wetland rules), and has flooded five times in the last 10 years. This parcel has now been bought out. LCA has received Great Lakes Fisheries Commission funding through the Lake Champlain Basin Program/NEIWPCC to design a restoration project here to improve wetland functions and values, which in turn will help protect downstream Hinesburg from flooding and improve water quality. Had the proposed wetland rules been in place recently, more of this parcel, in addition to other surrounding parcels, could have been filled in and built upon. We would have had more flooding in Hinesburg during the large rainfall events of 2019, 2023, and 2024, increased costs to taxpayers to buy out properties such as this one over time, plus the costs of future restoration work – all to the tune of millions of dollars that we could avoid by not building in this inappropriate place to begin with.



Figure 1. Area of presumptive class 2 wetlands (currently unmapped, green hash marks) along the LaPlatte River south (upstream) of the village of Hinesburg. The house on the circled parcel will be bought out due to flooding.

As an example of impacts to wildlife, water quality, and flooding impacts:

In Hinesburg, there are unmapped presumptive class 2 wetlands along Patrick Brook, which drains from Lake Iroquois, then under Mechanicsville Rd, and under Route 116 at a severely undersized culvert (Fig. 2). There is an active beaver complex along this stretch of stream, which provides critical wildlife habitat. This area (over Route 116) has flooded multiple times in the last couple years, quite severely in the 2024 floods. Not all of this wetland complex is mapped. Allowing housing in this area, where beaver activity and wetlands currently are allowed to slow the flow of water rushing downstream, threatens Route 116 and downstream houses (both those currently in place, and those being built now west of Route 116) during floods. Increased flows and speed, decreased attenuation of sediments, and decreased connection to groundwater by allowing housing to be built on or near unmapped wetlands that are currently occupied by beavers will impact people downstream, and will damage critical wildlife habitat.

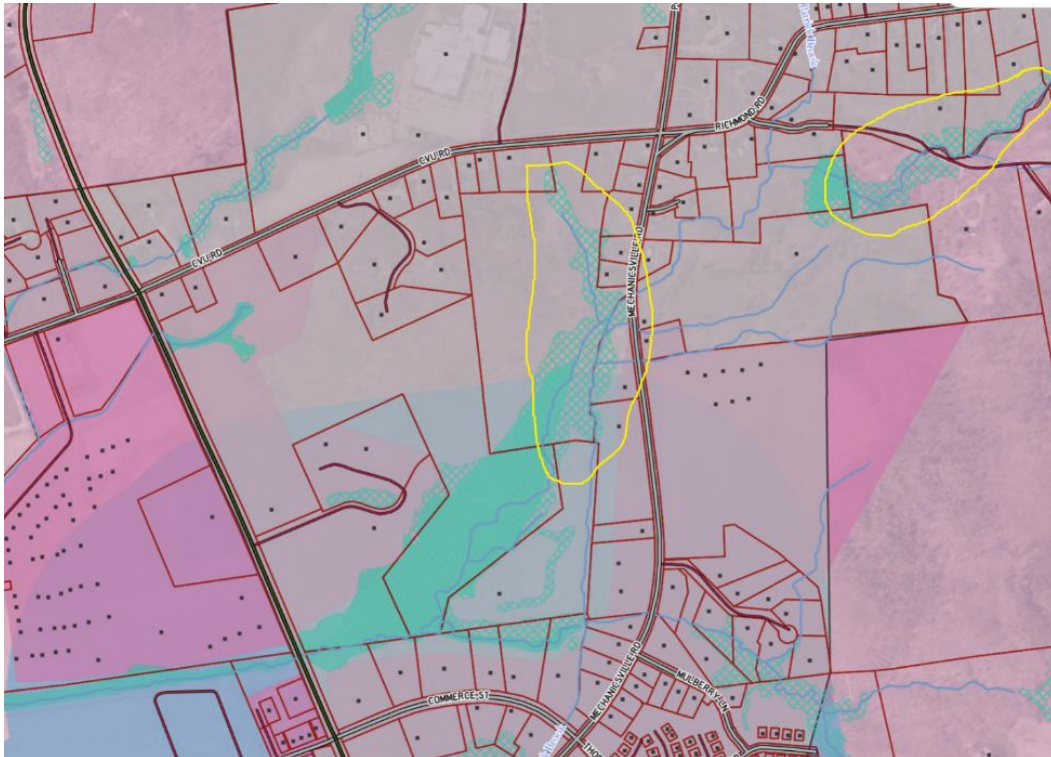


Figure 2. Areas of unmapped presumptive class 2 wetlands (green hash marks) in Hinesburg that would likely be impacted if the proposed rules went forward, threatening downstream properties with flooding.

From: Kate Kelly <katekelly01@gmail.com>
Sent: Monday, January 12, 2026 9:24 AM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: ppouech@leg.state.vt.us; kramhinsdale@leg.state.vt.us; cevans@leg.state.vt.us;
tchittenden@leg.state.vt.us; vlyons@leg.state.vt.us; asheldon@leg.state.vt.us;
awatson@leg.state.vt.us
Subject: Wetlands Rulemaking Comment
Attachments: KK letter opposing wetlands rule changes.pdf

You don't often get email from katekelly01@gmail.com. [Learn why this is important](#)

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Hello,

Attached please find my comments regarding the proposed wetlands rule changes.

Thank you,
Kate

--

Kate Kelly
573-465-1774
katekelly01@gmail.com

To: Wetlands Rulemaking, WetlandsRulemakingComment@vermont.gov
Misty Sinsigalli, misty.sinsigalli@vermont.gov

CC: Representatives and Senators (Hinesburg):

Rep. Phil Pouech, ppouech@leg.state.vt.us

Rep. Chea Waters Evans, cevens@leg.state.vt.us

Sen. Kesha Ram Hinsdale, kramhinsdale@leg.state.vt.us

Sen. Ginny Lyons, vlyons@leg.state.vt.us

Sen. Thomas Chittenden, tchittenden@leg.state.vt.us

Rep. Amy Sheldon, asheldon@leg.state.vt.us, Chair of House Committee on Environment

Sen. Anne Watson, awatson@leg.state.vt.us, Chair of Senate Committee on Natural Resources & Energy

From: Kate Kelly, katekelly01@gmail.com

Date: Jan. 11, 2026

Re: Proposed Wetlands Rule Changes

I am writing to express my strong opposition to the proposed wetlands rule changes, which will irreversibly damage critical wildlife habitat and impact rare species. Conservation, wetlands protection, and development are not mutually exclusive; I believe we can increase affordable housing without decreasing regulations on wetlands.

I am a conservation biologist (M.S.) and 25 years of experience focused on studying amphibians and reptiles. I have worked and studied in Vermont, Wyoming, West Virginia, and Missouri; I currently work as a herpetologist for the Vermont Reptile & Amphibian Atlas, and serve on the Reptile & Amphibian Scientific Advisory Group to the Endangered Species Committee.

Vermont's wetland protections (as they exist today) do not adequately protect vernal pool-breeding amphibians, which require a large area around the pool for the majority of their lives (when they are not breeding). Vernal pools and other similar habitats (semi-permanent pools, the margins of swamps, and beaver ponds) are critical to biodiversity. They support a large number of amphibians and reptiles, including rare species that are reliant on these habitats (for example, Jefferson Salamander, which is a S3 species of conservation need and breeds almost exclusively in vernal pools; and Wood Turtles, S3 and proposed for federal threatened listing, which use areas such as those that would be impacted by this proposed rule change for foraging). In addition to reptiles & amphibians, these wetlands support unique species (such as fairy shrimp) and are at the base of the food web. Amphibians that breed in these areas produce a huge number of young (dozens to thousands per adult female), most of which become prey for other species, and control other species such as mosquito larvae by feeding on them. These amphibians

only spend a week or two at the pools when breeding, but use the area 1000 feet and beyond the pool during the rest of the year (winters, summers and falls). They must also travel safely between vernal pools and their foraging and overwintering habitats. Our vernal pool protections (of 50 feet around a pool) are helpful, but do not adequately protect the entire area that these amphibians need to survive.

Vernal pools and other forested wetlands (headwater seeps, forested basin swamps) are often unmapped (as they are difficult to detect via aerial photography or lidar). Beaver ponds, as they change over time, are also often unmapped. However, these areas are biodiversity hotspots and are critical to the foodweb and health of our shared ecosystems. Allowing building on or near these unmapped wetlands will directly impact the wildlife that depend on them, and indirectly, our human health. Data from the Vermont Center for Ecostudies suggests that 138 potential and 36 probable vernal pools could be impacted by this rule change; this is probably a much lower number than would actually be impacted (given that vernal pools are severely under-mapped). This number also does not take into account other wetland type impacts (such as beaver ponds, forested swamps and headwater seeps). Given the ongoing loss of biodiversity and wildlife habitat, this is an unacceptable environmental impact, and irreplaceable loss.

In addition to my work as a herpetologist, I work for the Lewis Creek Association (LCA) to protect water quality in our local watersheds. As you can see in the letter submitted by LCA, these proposed rules do not meet statutory intent, are inequitable, are contrary to other recently passed acts, would negatively impact water quality and our work to reduce phosphorus impacts to Lake Champlain, and would lead to increased costs to taxpayers during floods and droughts.

Reducing environmental regulations will not improve affordable housing in the state. I encourage the redevelopment of already disturbed areas (abandoned homes, barns, upper floors of downtown buildings, etc.). These already-impacted areas are primed for development, without impacting our wetlands, most of which have already been drained, filled, and impacted over centuries.

I am strongly opposed to these proposed wetlands rule changes, and believe that there are other solutions to improve housing availability and affordability in the state, without making misguided and costly changes to the wetlands rules.

Thank you for your time,

A handwritten signature in cursive script that reads "Kate Kelly". The ink is dark and the signature is fluid, with a long, sweeping tail on the "y".

Kate Kelly

From: nate.res@myfairpoint.net
Sent: Monday, January 12, 2026 11:14 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment

You don't often get email from nate.res@myfairpoint.net. [Learn why this is important](#)

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I would ask that the Agency be more honest with the Legislature regarding the scale of wetland in VT. Mapping is very poor and any of us that work in the industry know that they are much more extensive than even recent updates show. We are a region of with significant over-consolidated soils due to glacial activity which allows the water to ride on top of these layers near or at the surface . We have an abundance of hillsides that seep groundwater to the surface forming significant numbers of wetlands in each catchment area forming streams, therefor I do not believe that wetlands are rare in VT.

Buffers on small wetlands need to be reduced or have a more prescriptive method for encroachment allowances so projects with minimal impacts can move forward. Giving up the significance in the downtown areas will help with potential revitalization of our communities in the regions of the state that are depressed and shrinking. I support changes to the program.

If everyone in the room thinks the same thing, no one is thinking.

Nathan P. Sicard, P.E., CPESC
Civil Engineer
Ruggles Engineering Services, Inc.
4580 Memorial Drive
St. Johnsbury, VT 05819
802-748-5898
www.rugglesengineeringservices.com

From: Laura Hill-Eubanks <laurahill-eubanks@tds.net>
Sent: Monday, January 12, 2026 11:50 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments regarding Wetlands Rulemaking as per EO 06-25
Attachments: Comments Wetlands Rulemaking L Hill-Eubanks 1 12 2026.pdf

You don't often get email from laurahill-eubanks@tds.net. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please accept my comments (attached below) regarding the Wetlands Rulemaking as per Executive Order 06-25.

Sincerely,

Laura Hill-Eubanks
Northfield, VT

Comments in Opposition to Wetlands Rulemaking as per EO-06-25

To: WetlandsRulemakingComment@vermont.gov

From: Laura Hill-Eubanks, Esq.

Date: 1-12-2026

1. The Proposed Rule Amendments Remove Protections from Some Wetlands, Resulting in the Loss of Critical Wetland Functions and an Increase in the Risk of Flood Impacts.

The Secretary of the Vermont Agency of Natural Resources (“the Secretary” of ANR) intends to amend the Vermont Wetlands Rules to remove some protections for wetlands, as ordered by the Governor ([Executive Order 06-25](#)). The rules would allow housing to be built in wetlands, located in certain designated growth areas around the state, without a permit.¹

The Class II wetlands in these areas that have not yet been mapped on the state wetlands maps will no longer be fully protected.² Under the *current* rules, any wetlands that meet the criteria for a Class II wetland are considered protected—mapped or not. There are likely to be a great number of wetlands that have not yet been mapped; and many mapped wetland boundaries may underestimate the size of those wetlands.³ The new rules will mean that some of those wetlands and wetland buffers would lose protections from development.

The proposed changes to the wetlands rules would also reduce the buffer zones around all Class II wetlands in the designated growth areas: from the current 50 feet, down to 25 feet. This means that development in those areas would no longer be prohibited within 50 feet of a Class II wetland. The protected area (and setback from development) would be only 25 feet.

Wetlands are one of our most valuable natural resources. The State’s own website explains the importance of wetlands and adequate wetland buffer zones. (See [Wetlands Functions and Values](#); and [Bountiful Benefits of Wetland Buffers](#)) Wetlands provide a number of beneficial functions and services: flood control; pollution filtration and water quality improvement; ground water recharge and discharge; drought prevention; shoreline stabilization and erosion control; carbon storage; fish and wildlife habitat; recreational and educational opportunities. Development in wetlands results in the loss of those functions.

Development closer to wetlands can have negative impacts on the wetlands, such as increased runoff, sedimentation, introduction of pollutants, diversion of water supply, introduction of invasive and exotic species, and reduced populations of wetland-dependent species. Adequate buffer zones are required to prevent impacts to the wetlands and their functions, including that of flood control. The closer to the wetland that development occurs, the greater the impacts and the potential for the loss of wetland functions.

¹ <https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>

² See [Vermont Significant Wetlands Inventory](#) (VSWI)

³ See <https://dec.vermont.gov/watershed/wetlands/wetland-maps>

The VT Department of Environmental Conservation has recognized the importance of wetlands in their ability to prevent increased flooding and its impacts, especially in more urban settings:

Many wetlands, particularly floodplain wetlands, have the capacity to temporarily store flood waters during high runoff events. ... As flood waters recede, the water is released slowly from the wetland soils. By holding back some of the flood waters and slowing the rate that water re-enters the stream channel, wetlands can reduce the severity of downstream flooding and erosion.

*In watersheds where wetlands have been lost, flood peaks may increase by as much as 80 percent. **Wetlands within and upstream of urban areas are particularly valuable for flood protection. The impervious surface in urban areas greatly increases the rate and volume of runoff, thereby increasing the risk of flood damage.*** (emphasis added)
(<https://dec.vermont.gov/watershed/wetlands/functions/wetland-functions-and-values-water-storage-flood-water-and-storm>)

It has been estimated that Vermont has already lost at least 35% of its wetlands. The function that wetlands provide in helping to prevent flood impacts seems justification alone to protect them for the increased safety and welfare of Vermonters—especially since we are seeing more flooding due to climate change. Building housing in wetlands, and thereby increasing the risk of flooding and its impacts, seems a misguided and arguably reckless proposal.

2. State Laws as Set Out in Statute Require the Protection and Net Gain of Wetlands. The Rule Amendments are in Direct Conflict and Not Authorized by Those Statutes.

State lawmakers have recognized that wetlands are important to the interests of the state and the welfare of its people. Wetlands are protected under the laws of the state of Vermont, as set out in statute ([Title 10, Chapter 37](#)). The policy to be followed under the law is clearly stated:

It is hereby declared to be the policy of the State that:

*(2) **the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage; and***

(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. (10 V.S.A. § 901)

The Vermont state legislature recently passed [Act 121](#) (“The Flood Safety Act”) with bipartisan support. This law provides a clear mandate to not only prevent wetland loss in Vermont, but to achieve wetland gains as part of an effort to increase flood resilience. Under the new law, the Secretary of ANR “**shall amend the Vermont Wetlands Rules ... to clarify that the goal of wetlands regulation and management in the State is the net gain of wetlands to be achieved through protection of existing wetlands and restoration of wetlands that were previously adversely affected. ... The Vermont Wetlands Rules shall prioritize the protection of existing intact wetlands from adverse effects.**” (10 V.S.A. § 918)

The statutes further require that the buffer zone for a Class II wetland “shall extend at least 50 feet from the border of the wetland” based on the functions and values listed in the statute. (10 V.S.A. §§ 902(9), 914) The buffer zone is not meant to be determined, or reduced--as these rules would, for an entire general category of wetland types (such as Class II wetlands in growth areas).⁴

Currently, wetlands that meet the criteria of Class II are protected by law, whether they are mapped or unmapped. The determination as to whether a wetland is a Class II and merits protection “shall be based upon an evaluation of the extent to which it serves the functions and values” listed in the statute, or its identification on the Vermont significant wetlands inventory maps. (§§ 905b(18)(A); 914; 902(7)). Note that one of the important wetland functions included in the statute is flood control (“provides temporary water storage for flood water and storm runoff” (10 V.S.A. 905b(18)(A)(i))

Not all wetlands have been mapped. As part of the effort to more effectively protect the state’s wetlands, the statutes require that state wetland maps be updated annually; and, after all areas (or “basins”) of the state have been mapped, every five years. (10 V.S.A. § 916) Mapping is an ongoing process and helps to identify and locate as many wetlands as possible, thereby raising awareness of their locations, and increasing the likelihood that they will be protected. But the intent of the laws is clearly that all wetlands that meet the criteria for Class II be protected, mapped or not.

The statutory goal of “net gain” of wetlands is intended to be achieved, in part, by requiring that any activity in a wetland that would adversely impact more than 5000 square feet, be compensated by the permit applicant through restoration, enhancement, or creation of a wetland or buffers. (10 V.S.A. § 918) Under the amendment to the rules proposed by the Secretary, there would be no permit required for building housing in an unmapped Class II wetland, or in part of the buffer of any Class II wetland. This seems to imply that, under the rule amendments, no compensation for permanent impacts would be required in these instances. This is not at all in keeping with the “net gain” goal required to be met in the law.

It’s difficult to see how wetlands will be protected--and a net gain achieved--under rules that would allow for their destruction in some cases. In addition, the statute does not say that only mapped wetlands will be protected; the statute states very clearly that existing wetlands shall be given priority for protection. The rule amendments run counter to the statutes and their intent to protect existing Class II wetlands, and buffers of at least 50 feet. The Secretary may have some discretion in the implementation of the statute, but they cannot fully ignore its clear intent. The Secretary has essentially given up jurisdiction and, in so doing, the protection of an

⁴ See VT Attorney General Charity Clark opinion as to validity of the Secretary’s potential action in the Wetlands Rulemaking, Op. No. 2025-01, p. 5 (Nov. 20,2025)

entire category of those wetlands (all unmapped, and 25" of buffers, in growth areas). The statute does not authorize this action and therefore, the rule amendments should be rejected.⁵

3. The Secretary Fails to Recognize that State Policies They Cited Recommend Both Compact Growth AND the Protection of Wetlands to Address the Impacts of Climate Change.

In addition to statutory protections for wetlands, planning policies have recently been put in place by the state of Vermont to address and prevent the very real, and at times devastating, impacts caused by climate change. In the filing of the proposed rule with the Secretary of State's Office ("[Rules Filing](#)" of November 1, 2025), the Secretary of ANR points to these plan documents to make the case that we should allow housing to be built in wetlands to support smart growth in compact growth areas. ("The [Vermont Climate Action Plan](#) (CAP) and the [Resilience Implementation Strategy](#) (RIS) support smart growth. ... Both the [Vermont Climate Action Plan](#) and [Resilience Implementation Plan](#) advocate for compact growth." (the Secretary of ANR in [Rules Filing](#) at pp. 9, 13))

But the Secretary fails to recognize or acknowledge two key points: 1) "smart growth" is defined as growth that includes protections for the State's important natural resources, including wetlands (24 V.S.A. § 2791(13,14); and 2) the plans and policies they cite (CAP and RIS) strongly recommend protecting wetlands for their value in increasing climate change resilience by providing flood protection, clean water, habitat for wildlife, and protections from drought. The plans recognize that safe and effective development strategies in the face of climate change will require policies that strike a balance and work to accomplish both objectives: compact growth AND flood resilience.

The [Vermont Resilience Implementation Strategy](#) (cited by the Secretary) explained that the loss of wetlands means the loss of the monetary value of flood protection and the other functions they provide, and recommends conserving intact wetlands:

*Studies show that the benefits of adaptation projects often go beyond the value of losses they prevent. This means that investing in adaptation is worthwhile even if a future disaster does not occur. ... **Projects that reduce climate risks, like protecting natural lands and restoring floodplains and wetlands, provide direct economic value.** For example, restoring the Otter Creek floodplains and wetlands near Middlebury is estimated to deliver at least \$126,000, and possibly as much as \$450,000, in flood protection every year. **An analysis of Vermont's investment in land conservation found that for every dollar the state spent, communities received about nine dollars' worth of natural benefits.** These include not only flood protection, but also cleaner water, better habitat for wildlife, and other important co-benefits.*

*... [Recommendation]: Revise the project selection and scoring criteria for Vermont's clean water funding programs to **explicitly prioritize prevention-focused projects, such***

⁵ See [VT Attorney General Charity Clark opinion](#) as to validity of the Secretary's potential action in the Wetlands Rulemaking (Op. No. 2025-01 (Nov. 20, 2025)); citing *In re Agency of Admin. State Blds. Div.*, 141 Vt. 68, 76 (1982) (agency cannot use rulemaking to enlarge statutory authority)

as conserving intact wetlands, floodplains, and river corridors, that build climate resilience. (emphasis added) (pp. 5-6, 42)

The [Vermont Climate Action Plan 2025](#) (cited by the Secretary) recognizes the importance of wetlands--and recommends their expansion--as part of the effort to increase flood resilience:

Since the adoption of the initial Climate Action Plan in 2021, the following important steps have been taken towards building resilience in Vermont communities and the built environment:

.... The enactment of the Flood Safety Act (Act 121 of 2024), which will move regulation of development in high-hazard river corridors to the state, establish a net-gain wetlands policy, ... and study how flood hazard policy might be more effectively administered.

... The plan ... recommends the promotion of healthy, connected river corridors, floodplains, and wetlands, through expansion of wetlands, floodplains, riparian forests and/or river corridor easements that support co-benefits of increased resilience to climate change, enhanced biological diversity, and water quality benefits. These nature-based, cost-effective approaches increase resilience of natural and human communities to future flooding and droughts. The effect of the floodplain wetlands in the Otter Creek watershed on maximum flood heights in Middlebury during Tropical Storm Irene in 2011 is particularly telling [Galford et al. 2014]. Watson et al. (2016) estimated that these wetlands reduced the potential damage to Middlebury by at least 6 times and perhaps as much as 20 times. (emphasis added) (pp. 49, 186)

Citing the [Climate Action Plan](#), the recently enacted Flood Safety Act ([Act 121](#)) recognized the importance of increased flood resilience in developing “compact settlements”:

Promoting existing compact settlements, located along Vermont waterways, will require improved flood resilience efforts, as described in the initial [Vermont Climate Action Plan of 2021](#), such as managing flood and fluvial erosion hazards to protect Vermont’s compact settlements, which will be a critical component of a successful climate adaptation response.” (emphasis added) (Act 121, Findings at Sec. 2(6))

The Secretary stated that, “While wetlands provide important environmental and economic benefits, such as, flood control and water quality functions, the impact to wetland functions will be confined to a limited number of wetlands located in designated areas. Any negative impacts will be balanced by advancing housing construction in compact growth areas.” (Rule Filing at p. 9) Is this statement true? They provide no evidence to support this assertion. In fact, the reports they cite (above), and the findings provided in Act 121, make clear that wetlands must be preserved, and even expanded by restoration, if we are to continue to develop urban “compact growth” areas in a safe and climate-resilient manner.

Building houses in wetlands could result in an increase in the risk of floods--and likely the costs of housing, as residents are confronted with the resulting flood damages. Evidence based in science and data argues for protecting and restoring wetlands and their buffers—it does not support the Secretary’s proposal to remove protections and build houses in them.

4. In Their Rules Filing, the Secretary Failed to Provide a Cost-Benefit Analysis of Building Housing in Wetlands. An Analysis Would Likely Show the Costs Could Be Significant.

In the [Rules Filing](#), the Secretary was required to provide an Economic Impact Analysis—an analysis of the costs and benefits of the proposed wetlands rule. There is no tangible economic analysis provided in the filing, however. The Secretary merely asserts that any negative impacts to wetlands will be balanced by building in compact growth areas. No monetary values or comparisons, or any factual data, are given to support these assertions.

*Wetlands provide important environmental and economic functions. ... Wetland water storage helps to lessen flood damage from more extreme storms to downstream properties and also provides for water in times of drought allowing us to be more resilient to the effects of climate change. ... **This rule will negatively impact some wetlands and their functions in designated areas.** However, the extent of those impacts will be limited and balanced by facilitating home building and densification in designated areas reducing sprawl and its associated environmental and climate-related impacts. ... **Any negative impacts will be balanced by advancing housing construction in compact growth areas.** (emphasis added) (the Secretary in [Rules Filing](#), pp. 4-5, 9, 17)*

Where is the factual data and analysis to support these claims made by the Secretary?

If the Secretary had undertaken an adequate economic analysis, they would likely have found that building housing in wetlands is more costly than building on more suitable dry land—and may not result in an increase of housing that is affordable.

Building a house in a wetland will increase the impervious surface, while also removing the capacity for water storage in that wetlands area. This could increase runoff and flood risk and impact the properties nearby. There are potential costs for the homeowners impacted by development nearby or downstream of those wetlands that have been lost to development.

In addition, the total costs to build housing in a wetland may be doubled or tripled in comparison to the average homes built on dry land. The added costs to prevent water and flood damage can include soil stabilization through added soils, compaction, and drainage systems; special foundations that may involve pilings to ensure stability; special engineering and construction personnel; and flood insurance. Building in an area with a high water table (like wetlands) can lead to failed wastewater and septic systems. Even if the house can be built, the wet soils and raised water levels during heavy rains can cause shifting soils, damaged foundations, damp and wet areas of the home, mold, erosion, and increased flood risks.

If the house is not built to be resistant to flood and water infiltration, then the homeowner may experience more impacts than if it had been. Long-term, the costs could be significant. And will the average homeowner have the ability to pay the costs of damages to their home? Will builders choose to build on wetlands because it may be cheaper to acquire and build on them

than on a more suitable dry building lot? If so, are we creating a two-tier system--where lower income residents end up living in wet and inadequate housing developments?

Allowing people to build where no wetlands have been mapped may also provide a false sense of security. Homeowners may be led to believe that it is safe to build in an area where no wetlands have been mapped. Homeowners, as well as builders, may not know that wetlands do in fact exist in these areas if they have not been mapped. Will the state require that homeowners in these areas be provided notice of the potential for housing built in wetlands? Will developers or the state be liable for damages in these areas?

The EPA estimates that 15% of a watershed that is maintained as wetland can reduce flood peaks by as much as 60%.⁶ One study found that wetlands and floodplains prevented 84-95% in flood damages to buildings in Middlebury during Tropical Storm Irene, saving them as much as \$1.8 million.⁷ Another study of the upper Midwest found that in Indiana, for example, residential flood mitigation from wetlands is valued at \$477 million per year. These values can be much higher when all flood damages (in addition to impacts on residential buildings) are taken into account.⁸ Tropical Storm Irene alone caused flood damages in Vermont estimated at more than \$600 million.

The loss of a wetland due to development also results in a loss of the beneficial ecosystem services that an intact wetland can provide: storage of flood waters and flood mitigation; water filtration and improved water quality; drought prevention; carbon storage; fish and wildlife habitat. These services provide economic value; and would be costly to replace if necessary to protect health and safety.

There are real costs to development of housing in wetlands, both environmental and economic. Those costs have not been provided by the Secretary in this rulemaking process.

5. The Rules Amendments are Arbitrary, Run Counter to State Law and Policy That Protects Wetlands for Increased Climate Change Resilience of Vermont, and Should be Rejected

In the Rules Filing, the Secretary was required to explain why the proposed rule is not arbitrary.⁹ The Secretary answered that the rule is not arbitrary, in part, because it is supported by “data collected by state government, as well as Agency staff and wetland professionals.” (Rules Filing, p. 4) If that is the case, where is that data? Where is the evidence of that support? Where is the science that the statutes intend any wetlands regulations be based on? (10 V.S.A. § 901) Are “Agency staff and wetlands professionals” really willing to support and work under rules that

⁶ https://www.epa.gov/sites/production/files/2021-01/documents/economic_benefits_of_wetlands.pdf

⁷ https://library.weconservepa.org/library_items/1634/files/1822;

⁸ <https://www.ucsusa.org/sites/default/files/2024-12/wetlands-full-report.pdf>

⁹ 3 V.S.A. § 801(b)(13)(A): “Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply: (i) There is no factual basis for the decision made by the agency; (ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision; (iii) The decision made by the agency would not make sense to a reasonable person.

are not based on fact, science, or reasoned analysis, and that run counter to statutes as enacted by the state of Vermont?

The Vermont legislature recognized the need for protection of wetlands as part of an effort to protect people and property from the increasingly frequent and intense flooding caused by climate change. They enacted laws in statutes that clearly require increasing protections for wetlands—not removing protections.

As climate change causes the flood waters to continue to rise, the costs will rise along with them. To enact these rules would be a step backwards in our efforts to protect our state and its residents from flooding and other impacts. The rules as proposed by the Secretary would increase the risk of flooding and the risk to the safety and welfare of the residents of our state.

On a personal note: I live in Northfield, a town that experienced devastating floods in some areas, caused by Tropical Storm Irene. After the floods, some homes in the hardest hit areas of town had to be rebuilt. A number of houses along one side of the Dog River in the Village were so badly damaged, they were bought out by FEMA and torn down. There is now a riverside park where those houses once stood. The park serves as a protected floodplain, including a wetland, so the properties nearby and downstream will get some protection from the next floods. The wetland in the park, and another upstream, are within the exempted growth areas under this rulemaking. I certainly hope no development occurs in or near those wetlands, or in other wetlands that may be unmapped; because there are many homes and businesses downstream that could be impacted and that have been impacted by the previous floods.

I am an attorney with a master's degree in environmental law and policy. I have served as Chair of my town Planning Commission, Chair of my Regional Planning Commission, and as a member of our town Conservation Commission. My perspective is that a reasonable but careful balance must be struck between the need for development and the need to protect valuable natural resources. Both are necessary for the health, safety, and welfare of our society. But that balance is not being struck in this rulemaking. If this policy came before a commission that I served on, I would not vote to approve it—because I feel a responsibility to do my best to ensure that everyone that may be impacted by a potential policy is as safe from harm as I can reasonably keep them. This rulemaking does the opposite—it increases the risk of harm to our residents.

We can create affordable housing without destroying a natural resource as valuable as wetlands—one that provides us with the means to keep areas of development safer and more resilient. If, as has been stated, the Secretary wants the environmental community to provide them with alternatives to building in unmapped wetlands and buffers, I suggest they request resources that would allow ANR to identify and map the remaining wetlands in the designated growth areas--before deciding it's acceptable to fill them in and build houses on them.

For all the reasons above, the amendments to the Vermont Wetlands Rules should be rejected.

From: anne dannenberg <acd@gmavt.net>
Sent: Monday, January 12, 2026 12:24 PM
To: ANR - Wetlands Rulemaking Comment
Subject: comment

You don't often get email from acd@gmavt.net. [Learn why this is important](#)

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Good Afternoon,

I am writing to express my interest in NOT reducing the buffer zone around wetlands.

Wetlands are a major ecosystem that affect and indeed control many other ecosystems - aquatic, terrestrial, and ultimately and super importantly, the climate.

I've lived in Huntington for 50 years next to a wetland where I have first hand experience regarding the cycles, environment, wildlife, including rare plants. Abusive residents live on the other side where they have impaired and abused the delicate ecosystem to the detriment of all the above benefits.

I have reported them to no avail - which is extremely discouraging.

Let's NOT make it easier for the abusers, disregards and those obsessed with greed.

I vote to have 100' buffers and if not that then keeping them the same - never decreasing.

Thank you,

Anne in Huntington

From: Cam Barrows <nghtswft@gmail.com>
Sent: Monday, January 12, 2026 1:21 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Appalled and Opposed

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Thank you for taking public comments and feedback on the proposed changes to development restrictions of Vermont's wetlands.

I am appalled and opposed to the proposed change and urge the regulatory body to heed the existing restrictions as a necessary and urgent protection for land that does the most to protect us. As a property owner abutting a marshland, I have seen both the resiliency to weather increasingly common floods and extreme weather. Equally, I have seen the lush, vital community of flora and fauna that benefit and depend on wetlands. These ecosystems are not trivial, unsightly, or in the way: they are the prize and heart of Vermont's environmental body.

Additionally, accepting this proposal sends the wrong and severely flawed message to our citizenry that we are not committed to environmental protection, and the existing (and recent) policies that provide this protection are both flippant and disposable.

As a final comment, I was once urged by the state to attend FEMA flood presentations and training that highlighted the inherent risk of developing wetlands as a member of Vermont's architectural design community. Am I to believe that this threat no longer exists and the flooding I've seen of mobile home parks in lowlands is a trivial matter? Of course not.

Stand up, say no, do the right thing. Not just for today, for the future of a resilient and committed Vermont that does not shy away from ecological devotion when lobbyists, developers and agendized politicians put profit before people. FEMA may not be there when we flood next.

Thank you for this opportunity,
Cameron Barrows
Monkton resident

From: Pam <pnalefski@gmail.com>
Sent: Monday, January 12, 2026 2:08 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Rule amendment

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I believe that the recent flooding history within the state of Vermont, and the entire country, shows quite clearly that we should be INCREASING wetland buffers.

NOT decreasing.

This is insanity.

Short-term thinking.

From: Gail Osherenko <gail.osherenko@gmail.com>
Sent: Monday, January 12, 2026 2:27 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Retain the buffer - oppose changes to wetland rules

You don't often get email from gail.osherenko@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Vermont DEC,

I am writing to oppose the changes in Wetlands Rulemaking initiated by E.O. 06-25.

At a time of climate change that brings us bigger, more intense storms, to reduce the protections for Class II and other wetlands is foolhardy. This invites developers to build housing that will result in costly repairs and high risks to homeowners and renters down the line. Sure it also can destroy endangered species and wreak havoc on ecologically important, even vital, habitat. Wetlands, esp. those that aren't obviously wet year round, are a vital part of protection as atmospheric rivers develop, rivers swell and overflow. If you approve the rules, you place lives at risk and cost the state dearly. Don't make this mistake. Reject the rule changes.

Thank you,

Gail Osherenko
Wolcott

PS I advocated for the wetland protections back in 1981 and my understanding of wetlands ecology and climate change have only deepened my understanding and concerns in the past 40+ years.

From: Susan Stasny <susan.stasny@gmail.com>
Sent: Monday, January 12, 2026 2:41 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Wetland Rule Changes

You don't often get email from susan.stasny@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I'm writing to express my strong opposition to the proposed wetland rule changes stemming from Governor Scott's executive order last September.

These rules are in direct conflict with Act 121, the Flood Safety Act, in that they undermine the effort toward a net gain of wetlands. Act 121 also requires that regulation and management of water resources should be guided by science and result in a net environmental benefit to the State. Further building or development of wetlands will put housing at risk of flooding and destroy wetlands necessary for clean water, abundant water resources, and valuable & irreplaceable wildlife and natural communities.

The wetland rules should not be changed at this time. This part of the executive order should be rejected as unlawful. We should maintain our current wetland rules and continue working toward a net wetland gain so we can maintain and maybe even restore wetland and their natural communities as well as become more resilient to drought and flooding.

Further, there are many other ways to relieve housing pressure in the state that don't include destroying wetland or encouraging sprawl. Find ways to incentivize redevelopment in towns with existing infrastructure, incentivize improvement to existing infrastructure, tax second homes more effectively, leverage our State's views and beauty to fund infrastructure, etc.

Here in Monkton we have many special natural communities that are reliant upon healthy wetlands and clean water. Our Town's committees are working hard to find ways to protect our wetlands and other natural communities because we believe that is what makes Monkton special. We do not have the kinds of infrastructure that our bordering towns have so building in these wetland areas will certainly have negative impacts on clean water and natural communities.

Knee-jerk, power grab tactics like this executive order are beneath our State's reputation for pragmatic and sensible actions. We can and must do better.

Thank you for your time and consideration.

Susan Stasny
4532 Monkton Rd
New Haven, VT 05472
802-825-1067

From: Barbara Carey <barbacarey@gmail.com>
Sent: Monday, January 12, 2026 5:46 PM
To: ANR - Wetlands Rulemaking Comment

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From: Barbara Carey <barbacreay@gmail.com>
Sent: Monday, January 12, 2026 6:39 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Re: Wetlands Rule comment

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I have had extensive property damage during recent flood events at my home in Grafton Vermont. And was more fortunate than lots of other Vermonters. We know the rain storms will continue to come.

I personally would not want to live next to a wetland without the assurances of a professional ecological evaluation and a plan to protect me and the wetland. This proposed development plan doesn't make good enough use of scientific knowledge to provide such assurances.

Using a remote map that is shown to have inaccuracies and eliminating the human on the ground? Is that what is being proposed? Crazy.

And a map that does not have all the wetlands on it? Getting crazier.

I have worked for a developer of affordable housing. I work as a visiting nurse. I see housing costs are too high for Vermonters and their children and grandchildren. So I fully applaud the sentiment of having town centers with robust affordable housing.

I also see fragile, lonely elderly in enormous houses. I see Air BNB's in the houses that used to have families. I see abandoned buildings. Are we looking at ALL the possible solutions?

Thanks,
Barbara Carey

From: Ann Johnston Miller <annjohnstonmiller@gmail.com>
Sent: Monday, January 12, 2026 7:52 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her); asheldon@leg.state.vt.us; awatson@leg.state.vt.us; holson@leg.state.vt.us; rhardy@leg.state.vt.us; sheffernan@leg.state.vt.us; Karen.Lueders@vtleg.gov
Subject: Wetlands Rule Change

You don't often get email from annjohnstonmiller@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Re: Proposed Wetlands Rule Changes

I am writing to express my strong opposition to the proposed wetlands rule changes.

I am a resident of Monkton VT. Monkton is fortunate to have vast numbers of wet lands and vernal pools in our beautiful town. Many of which are yet to be mapped.

There is much effort in the community to protect our wetlands for the many benefits they provide. During floods and droughts, wetlands provide critical water storage capabilities. Wetlands create habitat for animals, birds, insects and a huge diversity of species. Monkton's extensive wet lands significantly lessens the impact of floods downstream as well as filtering out pollutants and stormwater runoff that would ultimately end up in Lake Champlain. During droughts, they store water on the landscape which can reduce the spread of forest fires and maintain groundwater levels. They contribute to climate change mitigation by storing carbon.

The proposed rule changes grossly contradict Act 121 (Flood Safety Act) which states that Vermont shall achieve a net gain of wetlands. And further states, "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."

Allowing building near these unmapped or any wetlands will directly impact the wildlife that depend on them, and indirectly, our human health. Data from the Vermont Center for Eco-studies suggests that 138 potential and 36 probable vernal pools could be impacted by this rule change; this is probably a much lower number than would actually be impacted (given that vernal pools are severely under-mapped). Given the ongoing loss of biodiversity and wildlife habitat, this is an unacceptable environmental impact, and irreplaceable loss.

Under Act 76 of 2019 (Clean Water Service Delivery Act), Vermont (Lake Champlain basin in particular) has been working hard to reduce phosphorus inputs to Lake Champlain through non-regulatory projects, as required by the US EPA. Wetlands and natural green infrastructure (such as beaver wetlands, vernal pools, and headwater seeps and wetlands) are critical to slowing water down, allowing it to spread out, and sink into the ground (thereby cleaning it up before it continues downstream). Any impacts we make to wetlands (as suggested by this proposed rule change) will directly impact the water quality, for fishing, swimming and sustainable diversity of animal and plant life of our streams, rivers, and Lake Champlain. Protecting wetlands is the most expedient and cheapest way to improve water quality, as opposed to paying to restore them.

Before even proposing such a rule change there should have been and still needs to be:

1. Consultation with wet land professionals.
2. Provide an economic impact analysis and environmental impact analysis to meet the requirements of the rule change.
3. Show how it would be possible the state could meet the statutory intent to achieve a net gain in wetlands if this rule change goes forward.
4. Show how such rule changes could be applied equitably to various towns.
5. Show how much wetland would be lost with this rule change.

6. And most importantly realize that it is a ridiculous concept that environmental and wetland rules contribute to the housing shortage.

Granted that there is a great need for housing in Vermont. A few of the many possibilities to increase housing stock to consider:

1. Increase development bonuses for clustered housing,
2. Address statewide ADU regulations,
3. Increasing tax rates on second homes,
4. Redevelopment of already disturbed areas such as abandoned homes, barns, upper floors of downtown buildings.
5. Promote zoning regulations that would encourage affordable housing.

Wetlands are extremely valuable biologically productive natural ecosystems that need more protection, not less. The executive order of wetland rule changes is lacking in forward thinking long term insight into what most benefits the future of our state, and should be rejected.

Sincerely,
Ann Miller
129 Hidden Acres Dr.
Bristol, Monkton, VT 05443

From: Rachael Shaw <rachael@vermontel.net>
Sent: Monday, January 12, 2026 8:09 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Westminstervtconservation@gmail.com
Subject: Comments on Proposed Changes to Wetland Rules

You don't often get email from rachael@vermontel.net. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern:

Regarding Proposed Changes to Wetland Rules

It's very confusing to me that anyone would think that building housing near wetlands is a good idea, given all the flooding issues we have recently faced in our state. There are plenty of good places to build housing without impingement on our few remaining wetlands.

Everywhere you go in Vermont, you can see that there were once extensive wetlands in every valley with a stream or river, and there are so many of these in Vermont. They would have been creating massive wetland ecosystems for so many species and numbers of animals, birds, insects etc, so many of which we have lost. The loss of these ecosystems has contributed to the unbalanced environment that we are currently facing. Those microclimates around wetlands help to mitigate extreme temperatures which in turn help reduce the strength and likelihood of extreme weather events. They also help absorb flood waters to protect areas downstream.

Vermont has already lost a huge number of acres of wetlands to development and "aesthetics".

Wetlands are functionally critical to the continued maintenance of the biodiversity of our species and the quality of our ground and surface waters, as is already currently expressed on the DEC website.

The VT Nature Conservancy states:

"Over the last 200 years about **35% to 50%** of VT wetlands have been lost to development, agriculture, and other land uses. These wetlands were systematically drained and altered because they were historically viewed as obstacles to development and travel."

Please reject any changes that weaken protection of wetlands.

Sincerely yours,

Rachael Shaw

(Member, Westminster Conservation Commission)

From: Louis DuPont <louis@starkmountain.com>
Sent: Monday, January 12, 2026 10:42 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Herb Olson; Karen Lueders; Steven Heffernan; Ruth Hardy; Amy Sheldon; Anne Watson; Louis DuPont
Subject: Proposed changes to the wetlands regulations

You don't often get email from louis@starkmountain.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Representatives and Senators,

I am writing to express my dismay and disappointment at Governor Scott's wrongheaded attempt to roll back the clock on our hard won wetlands regulations. As a volunteer for over thirty years in several watershed organizations dedicated to improving water quality and our stewardship of water resources (the Addison County River Watch Collaborative, and the Lewis Creek Association) I am well aware of the importance of our wetlands and flood plains. These rule changes take us in the wrong direction exactly when it should be obvious that we need more protections for wetlands and floodplains. In our town of Starksboro there are at least 8 properties with owners that are seeking buyouts through FEMA. The extreme flooding in 2023 and 2024 was a brutal reminder that many towns in the state have houses and infrastructure that is and will continue to be at risk. Clearly, we need to be giving our streams and rivers more room, not allowing people to build where there is a threat of flooding and inundation. Allowing development in wetlands and floodplains would be a very expensive mistake.

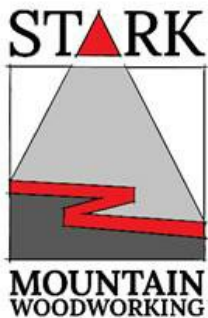
We have plenty of more appropriate places to build homes. We can continue to protect and restore the wetlands and floodplains that have been compromised and built upon in the past and find more suitable places for housing and development. These efforts can and need to be compatible.

I hope you will make every effort to scuttle these ill-considered recommendations.

Thanks for your consideration and your hard work for the citizens of Vermont.

Sincerely,

Louis duPont
2476 Ireland Rd
Starksboro, VT 05487



Louis DuPont

Vice President/Commercial

Main Line: 802-257-6704

Direct Line: 802-363-9916

Email: louis@starkmountain.com

359 South Street

New Haven VT 05472

www.starkmountain.com



Traditional woodworking meets state of the art technology

From: Lindsey Wild <wildfly11@yahoo.com>
Sent: Monday, January 12, 2026 11:24 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Wetlands Rule Changes

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Dear Governor Scott,

I am strongly opposed to changing the state wetland setback rules as proposed. There should be no change to the required 50' setback from mapped wetlands, especially given expected higher rainfalls in Vermont due to climate change. If this occurs as forecast, with higher water tables and more water, even 50' setbacks may not be enough.

Again, I am opposed to changing any of Vermont's wetland setback rules.

Lindsey Wild
Underhill, VT

[Yahoo Mail: Search, Organize, Conquer](#)

From: Becky Phillips <beckyinvermont@gmail.com>
Sent: Tuesday, January 13, 2026 4:13 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Weighing in on proposed rule changes

You don't often get email from beckyinvermont@gmail.com. [Learn why this is important](#)

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I would like to tell you that I object to changing the Vermont Wetland Rules. This is the wrong direction for Vermont, a state that cherishes and protects its natural areas and resources. We have had unusual storms recently, perhaps due to climate change. Wetland areas modify the impact of severe weather on our built environment. It is the responsibility of builders to choose their sites carefully. It is my responsibility and our responsibility as residents and caretakers of the state to protect it from exploitation. I believe these new rules allow such exploitation. Please keep the old rules intact.

Thank you.

Becky Phillips
Wolcott, VT

From: Kathryn Meader <khmeader@gmail.com>
Sent: Tuesday, January 13, 2026 8:26 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed changes to the Vermont Wetland Rules (VWR)

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Hi,

I wanted to include some perspective from a person who watched the wetlands around her childhood home become developed because of similar rule changes that were passed in Massachusetts.

My childhood home was surrounded by wetlands. But, after a rule change, the acres of wetlands behind and around our house were developed in several stages. We watched truckload after truckload of sand and rock and soil be shipped in to make the ground solid enough to be built upon, and once the million dollar homes were completed, our neighbors immediately began complaining of wet basements and water inundation. We had to break it to them that they had just bought homes in a swamp.

Beyond the selfish 'homes in wetlands are not worth living in' perspective, we watched the natural range of endangered box turtles and other wildlife vanish before our eyes. We used to have a wealth of different birds and creatures in our area, and after the developments they vanished.

I know this only one example, and I realize that there is a need to build more housing in this state. But, there **must** be adequate space made both for the natural world we're living in tandem with, and for water mitigation to keep these new homes safe and dry for people to live in.

Thank you,
Kathryn Meader, Colchester

From: Kelly Stettner <blackrivercleanup@gmail.com>
Sent: Tuesday, January 13, 2026 9:03 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment re: EO-06-25
Attachments: Wetlands comments - Stettner.docx

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Please see the attached comments. I'd appreciate responses to my proposals in the latter portion of my comments.

Thank you,
Kelly Stettner

--
Black River Action Team (B.R.A.T.)...Connecting people to the Black River since 2000

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Comments re: Wetlands Rulemaking as per EO-06-25

To: WetlandsRulemakingComment@vermont.gov

From: Kelly Stettner

Date: 1/13/2026

I comment not only as a longtime resident of Vermont (since 1988) but also as someone who has worked in Vermont's natural resources (rivers and watersheds, specifically) for the past 25 years. I write to express my vehement opposition to those portions of Executive Order 06-25 that allow the destruction of and damage to our state's wetlands. If implemented, this removal of protections will set Vermont on a regressive path toward increased risk, liability, and expense. These portions seem not only arbitrary but also in direct contradiction with the very character of our state and the protections currently in place by statute.

"Flooding in Vermont is not a problem to be fixed; it is a condition to be managed."

Water does not abide by property lines or town boundaries; it flows and moves wherever it can and carries with it whatever it has the capacity to move. Floods are normal and natural events that occur in the life cycle of every river on the planet, as water is not simply 'on' the landscape – water is *in, of, and beneath* the landscape.

Wetlands of all types are protectors in our efforts to thrive on the landscape:

Drought – the high water table in wetland areas provides easier access to drinking water for our wells, ground water for our forests and agricultural fields, and recharge water for our streams and rivers, lakes and ponds. *Wetlands mitigate drought conditions.*

Flood – wetland spaces absorb and retain rainfall and snowmelt, keeping excess water out of our streams and rivers, allowing their rising waters to spread out, slow down, and slowly soak in. *Wetlands, both mapped and delineated, help reduce flood conditions.*

Pollutants – the soils, plants, and microbes inherent in wetlands provides a 'sink' for excess sediment, nutrients, even heavy metals that might otherwise find their way into our drinking water and recreational waterways. *Wetlands provide critical water quality functions, especially within our areas of concentrated development – these functions cannot and should not be replaced by stormwater infrastructure.*

Biodiversity – both flora and fauna abound in both number and species richness in various types of wetland ecosystems. While mapped wetland areas provide us with political lines in which to manage development, the unmapped spaces are critically connected at and below the ground level to adjacent visibly wet ecosystems. The wetland areas that may be delineated but not included in the *mapped* VSWI need to be protected to protect the biodiversity these wetlands provide.

Destroying the functions of these invaluable areas by allowing development within wetlands is counterproductive, given the recent experience Vermont has had with both drought and flood. We have built our way into our current flood-vulnerable condition – it is counterintuitive to increase clearing and building while concentrating infrastructure in our floodways and wetlands. These proposed practices will threaten and ultimately harm our most vulnerable residents.

Adding development and infrastructure on the landscape will markedly increase storm runoff from the cleared land and the new impervious surfaces such as roofs, roads, lawns, driveways, parking areas, etc. More water entering our ditches, drains, and culverts will lead to increased loads in our streams and rivers, equating to larger-scale flooding and more damage due to building in the floodplains and floodways. This is likely to translate into loss of lives and livelihoods, reduced effectiveness of our emergency services, and greater cost to the entire State of Vermont. Considering the response to the Healthy Homes: On-Site program to assist low-income Vermonters with failed septic systems, any developer with integrity will not support building where the water table is high (*eg. Wetlands and wetland-adjacent land*).

The proposed rule changes conflict with Vermont's Flood Safety Act of 2024 (Act 121) on several important points, including the following mandates:

- ~ Expanded and updated mapping of wetlands across all watersheds in the state;
- ~ Compensation and mitigation requirements for negative wetlands impacts including any impacts to buffers that affect wetland function;
- ~ A goal of net gain of wetlands acreage across the state; and
- ~ Increased state oversight of flood-prone areas (river corridors) to reduce flood risk.

The proposed rule changes specifically undermine and negate these statutory obligations and put Vermonters and the entire landscape at risk. Many wetlands around the state remain unmapped due to outdated inventories – particularly forested wetlands, vernal pools, headwater wetlands, beaver-created and -managed wetlands, and those wetland complexes associated with small streams. These areas are the lifeblood of our landscape, capturing rain during storms and snowmelt in the spring, providing essential habitat for thousands of Vermont's native flora and fauna species, and providing water-retention value in times of drought.

To Secretary Moore's call for meaningful problem-solving and an "abundance agenda," I propose the following, which incorporates and echoes some of the points in the Governor's EO:

The Grow Resilience campaign

Not reinventing the wheel but re-establishing our connection with the landscape through common sense practices that embrace partnership at the grassroots.

The goals: infiltrate water wherever possible and pragmatic to protect human lives and livelihoods; keep our footprint on the landscape minimal while increasing housing options that provide reasonably-priced options for current residents as well as young Vermonters reaching an age of purchasing or renting for the first time; support and enhance both the real estate market and the developer's trade through incentivizing water-wise building and homeownership.

Whereas federal funding through FEMA is likely to begin phasing out and shifting more responsibility to state and local entities (including a four-year step down of federal block grants that will be awarded based on effective strategy-based planning by each state), Vermont stands poised at a critical threshold, a truly "watershed moment" and an opportunity to engage with residents, students, and private-sector professionals on every level toward a future in which we can manage our lives with flooding as part of the paradigm – embrace the fact that *the nature of Nature is change*, instead of fighting it and undoing decades of progress.

We can and must rediscover and reinforce our ability as a state to be self-reliant and self-sufficient. Each of the following components lists action items that will foster a surge in related career fields and training opportunities for Vermont's youth and will cultivate a state-wide paradigm shift toward water-wise land management.

Component One: Infrastructure

- Engage with community partners on existing or nascent grassroots programs such as Culvert Crawlers (*partnership with Black River Action Team and Dartmouth College*);
- Where there is existing municipal infrastructure, support efforts to update, upsize, and upgrade it wherever possible (*eg. Undersized culverts into bridges*);
- Learn how other states are incorporating permeable paving (*eg. In break-down lanes and parking lots*), ditch turnouts, retention ponds, etc. at the municipal level; incentivize towns to incorporate these measures where and when it is feasible, through a prioritized list over the course of four years;

- Require or better incentivize the State’s “Rivers and Roads” program – require the training for town road crews and incentivize it for private contractors, rewarding them with membership on a well-publicized ‘gold star’ list upon successful completion of all three tiers of training

Component Two: Housing

- In support of Section IV of the Executive Order, create or update and maintain a database of existing vacant properties of all types in every community and focus on redevelopment; streamline the state’s permitting process around redevelopment of these structures – double down on the VT Housing Improvement Program and other tools to incentivize towns to redevelop vacant lots (eg. Springfield has several closed school buildings and vacant industrial and commercial office buildings that have been empty for 30+ years);
- Continue supporting efforts at relocating important structures that are in the floodway and/or elevating those structures that cannot be relocated – retrofit all for maximum storm water infiltration;
- In keeping with Section VI of the Executive Order, support nature-based remediation wherever it is reasonable and pragmatic to do so, letting nature assist in mitigating toxins in soil and groundwater (it is understood that there will be federal/EPA guidelines around many of these sites). Engage state and area universities in these endeavors as research projects;
- Retrofit existing structures for nature-based solutions (“NBS”, aka Green Stormwater Infrastructure – an established program of the Watershed Management Division of the VT DEC, through the VT Green Infrastructure Initiative)
https://anrweb.vt.gov/PubDocs/DEC/WSMD/stormwater/docs/sw_gi_2.0_GSI_series.pdf
- Update and provide or reinforce training in NBS/GSI for all contractors, along with ‘gold star’ membership for those who fully complete the training;
- Engage with watershed groups and with the NGO community to elevate support for programs such as Lake Wise, Stream Wise, Rain Ready, Storm Savvy to help new & existing homeowners understand the impact their land-use decisions have on the landscape and on the waterways of Vermont – water flows downhill, so even landlocked parcels can negatively impact down-slope properties and waterways; consider incentivizing practices for anyone who implements and maintains Lake Wise designation (or Stream Wise, etc.).

Component Three: Soil & Landscape

Whereas soil that is healthy and alive to a depth of 3 feet provides absorbency for rainfall and snowmelt, excellent fertility for agricultural endeavors, root function for our forested areas, foundational basis for a healthy ecosystem, and water retention in times of drought:

- Redouble efforts to work with municipal partners and regional commissions to identify areas where rising streams and rivers may safely be allowed to spread out, slow down, and soak into the landscape; even small “ambassador floodplains” can provide vital pressure relief for a rising river, reducing the volume and velocity of water moving downstream to vulnerable areas;
- Engage with and support NGO efforts to rehabilitate identified floodplains and to establish new, smaller floodplains (“ambassador floodplains”) in which low-impact trails can be incorporated for both community recreation and low-level maintenance for introduced invasive plants;
- Incentivize the nursery industry in Vermont to promote and propagate native species and naturalized species, working to eliminate the sale of exotic/introduced/potentially invasive species onto the landscape. Every species of the wildlife community is dependent on the values inherent in native vegetation: insects are ‘used to’ the native plants on the landscape for both habitat and food; pollinator species are adapted to the flowers; birds eat those insects as well as the berries, nuts, and seeds; many of the problematic plants on the landscape (aka “invasive species”) are spread by birds eating their low-nutrition berries and leaving the seeds behind – encouraging native species of berry-bearing plants will give the birds healthier berries and spread the seeds of those native plants. Partner with VT Audubon Society on messaging;
- Support the establishment of intentionally planted floodplain areas as a valuable source of native stock through careful collection of seeds, cones, and cuttings; these can be propagated elsewhere on the landscape to promote more native species on our stream banks, farmlands, back yards, and shorelines; and
- Support the agricultural community through a robust commitment to the 14 Conservation Districts in their vital role as liaison between ag producer and resources of all kinds, especially those that promote practices to improve and protect soil health and water quality.

Component Four: Vermonters

- Support the continued engagement of NGOs such as watershed groups with educational facilities of all types and levels around NBS, storm water principles, native species identification and propagation, soil studies, and more (*Black River Action Team working with Dartmouth College and UVM; high schools and tech centers for internships and mentorships with municipal public works departments, etc.*);
- Scrutinize and prioritize the types of development being encouraged, to ensure that the units being created are geared towards the low- and median-income residents of the State of Vermont and are not benefiting short-term renters or large-money interests – if the goal is to retain working Vermonters, housing must appeal to their budgets;
- Engage participation of tech centers and community partners such as high schools, retirees with relevant skills, veterans' programs, etc.;
- Encourage public messaging around best practices for water infiltration (raise the mower deck to three inches, only mow where you go, leave the leaves, skip the pesticides, a healthy lawn needs no fertilizer, benefits of buffers, 'septic socials,' etc.) by providing or promoting a series of videos and printed/online resources in partnership with the VT Entomological Society, various lake associations, real estate boards, and other partners;
- As people express concerns about ticks in leaves and unmowed areas, support messaging around tick education: ticks only spread diseases that they pick up from mice – since it's mice that are the main concern, emphasize and support messaging around creating/allowing habitat for mouse predators (in partnership with VT Center for Ecostudies, the VT Herp Atlas, and VT Institute for Natural Science, etc.); and
- Encourage higher levels of engagement around storm water management by supporting, encouraging, and/or incentivizing seminars, conferences, and summits organized by NGOs and community partners (Chambers of Commerce, ski resorts, watershed teams, Conservation Districts, etc.) with an emphasis on shared learning from around the state, region, country, and globe.

Vermont can maximize our housing availability by embracing the concept that water and soil are inseparable elements at the very foundation of our lives, livelihoods, and landscape. Instead of reducing the land's ability to absorb water by adding acres of new impenetrable surfaces, I strongly urge taking a step back to see the full watershed scale and seek ways to utilize what we have through creative programs and partnerships.

If Vermont is to survive the coming floods and droughts, we must learn from our past and

embrace methods of living on the land with an eye on protecting and preserving the functions of that land. Wetlands, including those created and managed by beavers, are vital and precious protectors of both our soil and water; we should collaborate on preserving them while pursuing housing solutions that align with our resilience goals.

In summary, the sections of Executive Order 06-25 pertaining to encroachment into wetlands and the proposed Wetlands Rule Changes are completely contrary to common sense, watershed science, and established Rules, Priorities, Legislation, and Strategies:

[Act 121 The Flood Safety Act, Vermont Wetland Rules of 2023](#)

[Title 10 of the Vermont Statutes: “Conservation and Development,” Chapter 047: “Water Pollution Control”, Act 59 VT Climate Resilience and Biodiversity Protection Act](#)

[Vermont Resilience Implementation Strategy of 2025](#)

[Vermont Climate Action Plan of 2025](#)

I look forward to discussing opportunities for partnership.

Kelly Stettner, Director; Black River Action Team; Springfield, VT 05156

From: Joshua Carvajal <joshuawcarvajal@gmail.com>
Sent: Tuesday, January 13, 2026 10:35 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments on EO 06-25

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Per the Flood Safety Act (No. 121 - VT LEG #377630 v.1) passed in 2024, the following is stated on page 23 of 64:

** * * Wetlands * * **

Sec. 12. 10 V.S.A. § 901 is amended to read:

§ 901. WATER RESOURCES MANAGEMENT POLICY

It is hereby declared to be the policy of the State that:

(1) the water resources of the State shall be protected; regulated; and, where necessary, controlled under authority of the State in the public interest and to promote the general welfare;

(2) the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage; and

(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.

Regarding the governor's Executive Order 06-25 (Promoting Housing Construction and Rehabilitation):

1. How does the executive order achieve 'a net gain of wetland acreage' if it reduces protections and regulations for the impacted unmapped class 2 wetlands and buffers?
2. What 'science' guided the executive order in justifying the proposed changes to the regulation and management of the class 2 wetland and buffers being impacted?

Executive Order 06-25 is in direct contradiction to the Water Resource Management Policy passed by the legislature via Act 121.

Let us do some simple math together to look at the loss in volume of stored rainfall within these unmapped wetlands that would be filled in under this EO:

For every 10,000 square feet (i.e. 100 ft by 100 ft) of unmapped wetland that would store a conservative depth of 0.9 inches of rain (which is 90 percent of the annual storm events in Vermont), there will be an additional 750 cf of runoff being discharged into the undersized stormwater conveyance systems and then into the degraded urban

stream channels. As a visual reference, that 750 cf is over 5,500 gallons of water and equivalent to a 18 ft round and 4 ft deep above ground pool.

The additional stormwater runoff generated by the loss of the unmapped wetlands within municipalities across the state will contribute to urban flooding and the continued degradation of the urban streams which receive runoff from these stormwater systems.

Josh Carvajal
"An Everyday Vermonter"
Bennington, Vermont

From: Kathy Beyer <KBeyer@evernorthus.org>
Sent: Tuesday, January 13, 2026 10:49 AM
To: ANR - Wetlands Rulemaking Comment
Subject: comments from Evernorth on the Wetlands program rulemaking

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Evernorth supports the proposed changes to the Wetlands program currently in the rulemaking process.

As one of the largest multifamily developers in the state, we believe that improvements are needed in the wetlands program, and an appropriate balance between need to protect our wetlands, and build more housing, is found in the proposed rule.

Kathy Beyer

Kathy Beyer

Senior Vice President--Real Estate Development

Reception: 802.863.8424

Direct: 802.861.3813

Cell: 802-363-0920

Web: evernorthus.org

Burlington, VT | Portland, ME



From: Joanna Wilson Phillips <joannawilsonphillips@gmail.com>
Sent: Tuesday, January 13, 2026 11:06 AM
To: ANR - Wetlands Rulemaking Comment
Subject: NO to new Vermont Wetlands Rules

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Hello fellow Vermonters,

I am very concerned that the new Wetland Rule Modification for Residential Housing will create housing that will flood, leach into our wetlands, become uninhabitable, and then become our problem as citizens. I am also greatly concerned about the impact to our wetlands after storms, flooding, freezing, etc. Our state already can't pay for the houses that do flood and now we add more potential flood zones?? Is this a joke?

The proposed changes to the Vermont Wetland Rules (VWR) make housing project construction an allowed use in unmapped Class II wetlands.

They also remove protections for some Class II wetlands that are not shown on the Vermont Significant Wetlands Inventory map when the project is residential housing in designated areas of the state. This includes removing protections to Class II wetlands that are contiguous to VSWI mapping.

It's true we need more housing but why on wetlands?

Come down to Brattleboro and you can have your pick of rock side , meadow, forest, or riverside— leave the wetlands to be nature and be better at your jobs by thinking outside the box and creating rules that don't harm nature or potential buyers!

Thank you,
Joanna and Nic Phillips

Guilford, VT

Sent from my iPhone

From: Melanie Cofield <mel.c.cofield@gmail.com>
Sent: Tuesday, January 13, 2026 11:06 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Regarding Proposed Changes to Wetland Rules

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Dear Members of the Vermont Dept. of Environmental Conservation,

I oppose the proposed amendments to Vermont's Wetlands Rules outlined in the Governor's Executive Order.

These changes would:

- Reduce buffer zones around Class II wetlands from **50 feet to 25 feet**, allowing development much closer to sensitive areas.
- Remove protections for **unmapped wetlands**, leaving many ecologically valuable areas vulnerable to destruction.

Wetlands provide critical functions—flood control, water quality improvement, wildlife habitat, and climate resilience. Weakening these protections will increase runoff, pollution, and habitat loss, while putting communities at greater risk of flooding—especially as climate change intensifies. We know the floods are coming, so let us all be more forward thinking in living with our waters, present and future.

Housing needs are real, but sacrificing wetlands is short-sighted and dangerous. Protecting people and wildlife in our communities for the long-term should be priority number one. Vermont's own resources emphasize the importance of buffers and wetland functions (Wetlands Functions and Values, Benefits of Wetland Buffers).

Please reject these amendments and uphold strong protections for Vermont's wetlands.

Sincerely,

Melanie Cofield

Westminster, VT

From: Jon Binhammer <binhammerjon@gmail.com>
Sent: Tuesday, January 13, 2026 11:57 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments on proposed Wetland Rules changes

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I write to oppose the proposed changes to the Vermont Wetland Rules. Here's why:
Most Vermonters are aware that wetlands provide flood protection, so after several devastating floods in our State, the thought of relaxing, vs. strengthening our wetland rules for the ecosystem services they provide seems utterly incomprehensible. Frankly, in all my almost 40 years of residence in this, my adopted State, this is probably the worst idea I have ever encountered, and further indication of how far we have fallen from our former position as the State that best balances the needs of people and the natural world.

The proposed rule changes will have significant negative impacts on our already fragile green and gray infrastructure, while providing only a modest increase in available lands for housing. And, such development in or adjacent to wetlands could already receive a permit under the current rules if there is a compelling need. Here's the language from the existing rule: "Activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use or authorized by a permit, conditional use determination or order issued by the Secretary". So, instead of this overhaul of the Wetland Rules, projects could be issued permits by the Secretary on a case-by-case basis where there is rational justification.

Currently the State is giving money to farmers and other landowners to restore wetlands on their properties for their environmental benefits. It's backwards to do this at the same time weakening wetland regulations. How does one square that?

So please do not take a sledgehammer to rules that have served Vermonters well over the last 35 years. It is unwarranted and frankly, stupid.

Thank you.

From: Jim Corven <calidris1@gmail.com>
Sent: Tuesday, January 13, 2026 12:24 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Regulation changes

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Wetlands Rulemaking Committee:

As a farmer and professional conservation biologist I would like to offer the following comments regarding the proposed changes to Vermont wetland regulations for your consideration:

- The proposed policy change is supposed to facilitate affordable housing in Vermont, however this is not clearly defined or focused on in the executive order. The proposed changes will mostly encourage high value vacation or second home construction projects but is not focused on needed affordable primary housing. This distinction must be carefully defined so that the changes in wetland protection are directed only toward needed affordable primary housing projects and not to the unneeded benefit of high value projects.
- The added destruction of wetlands, our most productive and important ecosystems, will degrade our environmental resilience and the quality of life in Vermont. The proposed changes would most likely increase long-term housing losses through resultant flooding, infrastructure damage, and degraded public health. This executive order needs extensive revision considering ecological and economic factors before being considered as a way to facilitate affordable, primary housing in Vermont.
- The proposed reduction in wetland buffer zones from 50 ft to 25 ft will be ecologically very damaging since most wetland species require an adjoining terrestrial habitat of at least 100-300 ft. for survival. Maintaining a minimum of a 50 ft buffer with required mitigations for any wetlands damages should not be changed.
- The mapped wetlands in Vermont are very limited and incomplete. Wetlands as defined for housing development allowances should include actual, on-site delineated wetlands as well as the limited mapped wetlands.

Thank you for your consideration and attention to this vital issue.

Jim

~~~~~  
**Dr. Jim Corven**

Fenn Farmstead & Gardens

175 Fenn Road

Mount Holly, VT 05758

<https://vermonthomegardener.com/>  
~~~~~

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

~ Margaret Mead

From: Lee Toomey <ltoomey@dubois-king.com>
Sent: Tuesday, January 13, 2026 1:01 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment in Opposition of EO 06-25
Attachments: Wetland Rules Public Comment 1-13-26.pdf

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Please see my attached comment in opposition to EO 06-25.

Thank you,
Lee

Lee Toomey
Wetlands Scientist
He/They

DuBois & King Inc.
6 Green Tree Drive
South Burlington, VT 05403
802-424-4871

Comments in Opposition to Wetlands Rulemaking as per EO-06-25

To: WetlandsRulemakingComment@vermont.gov

From: Lee Toomey

Date: 01-13-2026

I am writing to oppose [Executive Order No. 06-25](#) and the proposed amendments to the Vermont Wetland Rules. While Vermont faces a significant housing shortage, weakening wetland protections is not consistent with wetland science, flood resilience goals, or the framework established in Vermont law.

I am a wetlands scientist. My profession exists, in part, because many wetlands, both in Vermont and nationally, remain unmapped. My work involves identifying and delineating wetlands in the field using soils, hydrology, and vegetation, following established scientific methods as outlined in the *United States Army Corps of Engineers Wetland Delineation Manual* (USACE 1987). Mapping tools such as the Vermont Significant Wetlands Inventory are valuable for planning purposes, but they are not always a reliable proxy for wetland presence or function. Many ecologically important wetlands, including headwater wetlands, forested wetlands, hillside seeps, and seasonally saturated areas, are not consistently captured in statewide mapping datasets.

The proposed rule changes rely heavily on mapping status to determine regulatory protection. This approach conflicts with how wetlands are identified scientifically and raises concerns about consistency with Vermont's function-based wetland statutes, which prioritize protection based on flood storage, groundwater recharge, water quality, and other public benefits—not on whether a wetland has been mapped yet (10 V.S.A. §§ 901–902).

Wetlands function as natural infrastructure. They store stormwater, slow runoff, reduce downstream flood peaks, stabilize groundwater levels, and filter nutrients and sediments before they reach surface waters and drinking water supplies (EPA 2021). These functions are particularly critical in developed and developing areas, where impervious surfaces increase runoff volume and velocity. Reducing wetland protections in designated growth areas increases long-term flood risk and undermines Vermont's climate adaptation and flood resilience goals.

The proposed amendments are also not supported by a clear, publicly available economic or environmental impact analysis, as required by Vermont's rulemaking procedures (3 V.S.A. § 842). Wetlands provide measurable economic value by reducing flood damages and protecting water quality. When wetlands are lost or degraded, those costs are transferred to municipalities, homeowners, and taxpayers through increased flood damage, infrastructure maintenance, and insurance costs (EPA 2021).

Vermont law and recent policy, including Act 121, emphasize flood resilience, science-based regulation, and the protection of existing wetlands. Development and wetland protection are not mutually exclusive. Vermont can and should focus new housing in upland areas already served by infrastructure, rather than in landscapes that naturally store floodwaters and protect downstream communities.

For these reasons, I urge ANR and DEC to reconsider the proposed amendments and retain wetland protections that are grounded in science, aligned with statutory intent, and responsive to Vermont's increasing flood risks.

Thank you for the opportunity to comment.

Respectfully submitted,

Lee Toomey, Wetlands Scientist, MS

Burlington, Vermont

References

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Vermont General Assembly. (2024). *Act 121*. An Act Relating to the Regulation of Wetlands, River Corridor Development, and Dam Safety.

Wetland Delineation Manual. (1987, January). US Army Corps of Engineers.

Wetland Functions and Values | Department of Environmental Conservation. (2025).

<https://dec.vermont.gov/watershed/wetlands/functions>

From: Elemental Patricia GS <elemental@gmavt.net>
Sent: Tuesday, January 13, 2026 1:16 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland comments
Attachments: Wetland Rules Official Comments_PEGreene-Swift.docx

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Good afternoon,

Please find attached my comments regarding proposed Wetland Rule changes.

Thank you for your time and attention to this matter.

Patricia

Patricia Greene-Swift
MS Natural Resources Scientist
Elemental Wetland & Ecological Consulting, LLC
Elemental@gmavt.net
802-279-2125

Public Comment and (professional comments) on Executive Order 06-25 to reduce protections for wetlands in Vermont.

Patricia Greene-Swift
Natural Resources Scientist
Elemental Wetland & Ecological Consulting, LLC
Elemental@gmavt.net 802-279-2125

Good morning,

My name is Patricia Greene-Swift, and I am a natural resources scientist (MS Natural Resources Program at Antioch New England, 2008 graduate). My work since graduation has been dedicated to working in the field of wetland science (plants, soil, hydrology), botany, wildlife habitat use assessment, and wetland permitting work for residents and non-residents who desire development options on wetland challenged parcels in Vermont. I have also worked at the DEC Wetlands Program 2008 to 2011, and as a Zoning Administrator in the Town of Fayston VT from 2006 to 2009 and have gained a wide perspective related to zoning and development and wetland rules due to these experiences.

My multiple experiences with clients over the past 18 years have proved many times over that quite often there are options to avoid wetland impacts by moving structures to upland areas better suited for development (upland), which is the best outcome for families and persons with little means (money) to invest in expensive wetland development options and the continued maintenance of that these require. Other situations have involved obtaining a permit from the State of Vermont Wetlands Program for a driveway crossing a wetland or a wetland buffer at the location least likely to be problematic and/or obtaining a permit for a home to be allowed in the wetland buffer, and a myriad of mixed situation similar to these. I have also been involved in housing projects wherein multiple homes and infrastructure has been planned, and then successfully constructed. In the past three years my work has expanded to include many non-residents who have purchased land site unseen or unaware that Vermont has development laws and regulations. This is unfortunate, as these clients all felt that someone should have either informed them of the wetlands on the land they purchased potentially being a problem for unrestricted development (realtor or other consultant), or told them that the land they were purchasing had regulated wetlands present by a neighbor, wastewater designer, or engineer. As unfortunate as this is, it is also understandable as Vermont has no disclosure law or regulation for land that has a wetland/wetlands present.

Mapping is not done in our state, it is done remotely, and only periodic updates to the Vermont ANR Wetland map are completed by the Vermont Wetlands Program. Even then, a high number of wetlands are not mapped as the process involves on the ground wetland

examination. Therefore, many (presently) regulated wetlands in Vermont are not mapped and the Vermont Wetlands Program Ecologists work to classify these in the field.

Reasons to strongly consider not allowing unmapped wetlands to be developed with updated Wetland Rules:

- Interim Act 250 Exemptions (in blue on the Wetland Permitting Modification Areas for Residential Housing map) are arbitrary without roads to serve potential housing development locations. This means more development than just housing will need to be considered, which could easily incur wetland impacts from non-housing related development. These impacts will be to stormwater infrastructure that must transport and manage overland flow of water.
- Water from development in wetlands will flow onto other properties causing damage and issues for other property owners. Many unmapped wetlands are stream associated, and/or pond associated, and/or lake associated. These are high functioning wetlands that support reduced time of concentration (TOC) flows that are a primary cause of flooding in low topographic areas.
- Whole towns with small to large scale flooding occurrences will be subjected to higher amounts of water flow from the displaced water where wetlands are allowed to be developed.
- Stormwater from developing wetlands with and without streams could cause new drainage patterns and increased erosion of the banks of streams, brooks, and rivers.
- Vermont's residential neighbors will not be treated equally; if one wetland is mapped and another is not, one neighbor can be allowed to develop while another will not (potentially within the same wetland if it is large within the same town). There will be no equality for development in Vermont if this regulatory change is allowed.
- After 2010 The Vermont Wetland Rules changed to include jurisdiction over all wetlands mapped and unmapped, this meant parity for all Vermonters.
- Engineering and construction of homes and residential related buildings in a wetland is more expensive than dry land development since building in a wetland involves large amounts of fill to increase the bearing capacity for structures, ditching to remove water and/or pumping out water to dry out a site for construction prior to construction, and during construction. French drain installation to remove groundwater for protection of the home and infrastructure is necessary for the home to remain mold free (although this is not a guarantee as French drains fail over time and must be replaced when this happens). Driveways and parking areas need to be designed with bearing capacity in mind (the ability of the land to support the weight

of the structure), as well as water movement away from these areas via culvert and ditching which, again, must be maintained to function properly. This then becomes a burden for cities and towns who must then manage what will become a municipal responsibility for increased stormwater input.

- Wetland functions and values have already been established by the State of Vermont, and many towns in Vermont which agree that wetlands provide functions and values have voted to regulate the wetlands within their respective town/city boundaries by adopting local zoning bylaws and town plans.
- The Vermont League of Cities and Towns taught their constituents the importance of having their own wetland regulations and encouraged the passing of town zoning bylaws to prevent building in wetlands. There has been no follow-up to influence citizen government away from protecting wetlands.
- Without Public Input there were development zones created with wetlands present that will be developed. It would be advisable to allow one year to have these locations examined for wetlands in areas where development has enormous potential to negatively impact neighboring properties, homes, and existing infrastructure including public and private roads, driveways, ditches, culverts, wells, wastewater systems, lawns, gardens, and utility lines.
- The Army Corps of Engineers will still require a wetland permit (if it allows a wetland to be developed - and it is much more expensive than a VT Wetland permit if over 5,000 square feet of impact to a wetland), and a town or city permit will still require an applicant to be allowed to build within a where regulated by a town or city.
- Conflicts with the VT Wastewater Rules are present wherein a wastewater system cannot be within 50 feet of surface water. The VT Wetlands Program has allowed many permits when a home will fit in a wetland buffer due to the wastewater system needing to be placed in the dry ground.
- The Vermont Healthy Homes Program is currently structured to help people with replacing residential wastewater systems. It is unacceptable that our state will be creating a future in which more of these unfortunate situations occur and assistance upon the state for decision making related to appropriate best fit fixes for a situation in which limited options will be the only remedy. Also, please note this is not free, our tax dollars pay for this program as well as all Vermont Government programs.
- Opportunity zones were created for housing, and safe healthy and affordable homes should be prioritized by giving people options in locations that will not need expensive engineering to be successful and then followed up with necessary maintenance that will cost them hard earned money. It is counterintuitive thinking believing that cheap equals affordable when placing a home in a wetland.

- Many of the opportunity zones are related to flood zones, or within flood zones. As a Vermonter I do not want any development in flood zones as I (as well as you) know the hazards associated with flood debris from buildings, roads, industry, chemicals, and sludge. Wetlands in flood zones do a respectable job of holding vast amounts of water and then allowing that water to dissipate over time, leaving downstream infrastructure to be spared catastrophic flooding seen elsewhere in our state. What many people do not associate with the small Class II stream associated wetlands, is that in tandem they have high stormwater functioning in the same way as larger wetlands do, mitigating the impacts of downstream flooding. An especially important reason these wetlands should not be allowed to be developed.

The following are suggestions for wetland protections in Vermont moving forward:

Continue with Mapping new wetlands and put the focus on getting new wetlands mapped to get more people and entities knowledgeable about wetland locations over time.

Keep the current classifications for wetlands, keep unmapped wetlands protected.

Avoid creating new programs to address mold, rot, bug infestation, and breathing problems due to the aforementioned.

If Allowed uses must happen for the Governor's EO, they should only be for:

Class 3 wetlands that have been determined to be insignificant by a Vermont Wetlands Program District Wetland Ecologist, and/or delineated by a qualified wetland scientist, a VT natural resources scientist, or a qualified professional with wetland education/training in consultation with the Vermont Wetlands Program.

Temporary impacts to any Class 2 wetland between the area demarcated to be 25 to 50 feet away from a wetland edge within targeted development areas for housing when best practices for stormwater management are planned for, water and sewer service are present, and protective measures (silt fence, construction fencing) are put in place prior to the start of construction on the parcel to be developed.

Question:

What guarantees exist that will be set in place for any new housing created to be used singularly for permanent housing so it will not devolve into short-term rentals (one month or less) for fast profit?

From: Philip Savoy <savoyeng@hotmail.com>
Sent: Tuesday, January 13, 2026 1:29 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Bissell, Sharon
Subject: Governor's Executive Order - Wetland Rules, Recommendations

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As presented in the meeting regarding the Executive Order, the only wetlands affected by this would be class II, mapped wetlands in the neighborhood and certain districted included in the order. This involves 6% of VT class II wetlands. Personally, I have never seen a class II wetlands in one of these areas at all, never mind one that might be developed. The rule proposed allows for a reduced buffer zone from 50 feet to 25 feet. I asked the question; "If it is safe for a wetlands buffer to be reduced in the currently developed areas that why would it not be also safe to reduce it in all class II wetlands where the possible threats are considerably less?" There was no answer provided in the meeting.

The only areas that would or could ever be aided by this change would have to include all class II wetlands. There is no difference and they should be included.

Any threats to wetlands in this country are addressed by the Federal Government. They monitor wetlands in 50 states and 26 states have decided to create their own agency in addition to the Federal Government, which still handles these states, including Vermont. I have dealt with them on issues in this state and they are active.

There is no need for a wetlands dept in Vermont, it only adds one more layer of deterrent for any kind of development.

I strongly recommend the order be modified to include removing completely the Wetlands Dept and Act 250 Dept from our State Government.

Phil Savoy, PE

From: Claudia Mucklow <claudiamucklow@gmail.com>
Sent: Tuesday, January 13, 2026 2:06 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Setback Reduction

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To whom it may concern,

I'm writing to voice my opposition to the proposed wetland setback reduction. Reducing setbacks for mapped class II wetlands from 50 feet to 25 feet and not even considering unmapped class II wetlands is harmful, because it weakens the natural buffer that protects wetlands from pollution, erosion and human disturbance. It will allow more runoff, sediment and chemicals to reach wetlands, degrading water quality and wildlife habitat. Smaller setbacks undermine the ecological functions wetlands provide to surrounding communities such as their ability to filter water, support wildlife and reduce flooding. This law is incredibly shortsighted and will harm Vermont in the long run.

Sincerely,
Claudia Mucklow
Charlotte, Vermont
802-425-3437

From: Wendy Scott <dwscott23@gmail.com>
Sent: Tuesday, January 13, 2026 2:24 PM
To: ANR - Wetlands Rulemaking Comment; asheldon@leg.state.vt.us; awatson@leg.state.vt.us; ademar@leg.state.vt.us
Subject: Comment on changes to wetlands

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To the Wetlands Rulemaking Comments,

The Enosburg Conservation Commission is writing to say, please leave the VT Wetland Rules as they are. The proposed changes would diminish the functions and values of wetlands in proximity to areas proposed for housing development as specified in Executive Order 06-25. Wetlands protect built infrastructure by absorbing heavy rainfall and slowly releasing it. Protecting wetlands is much less expensive than filling them and building stormwater infrastructure.

The VT Wetland Rules were developed to identify and protect significant wetlands and the functions and values that they provide, not only as habitat, but also for community resiliency in the face of storms and flooding. Section 5 of the rules lays out the many critical functions and values that wetlands provide. The Executive Order will result in a diminishment of wetland functions and values in areas that could really benefit from these natural services.

We are opposed to reducing the regulatory buffer on Class II wetlands. The regulatory wetland buffer width of 50 feet was originally a compromise from a proposed greater width. Abundant research shows that **50 feet is less than adequate to fully protect wetlands. Reducing the required wetland buffer width to 25 feet is completely inadequate.**

The 2023 changes to Vermont's Wetland Rules provided that previously unmapped wetlands could be added to regulatory maps once they were identified. It makes no sense to ignore the presence of wetlands just because they weren't previously identified by the Wetlands Program. If wetlands exist in proposed residential areas, they should be protected because of the flood mitigation services they provide, as well as other values such as surface and groundwater protection, and provision of important habitat. Allowing a diminishment of wetlands in these proposed development areas is counterproductive.

Enosburg's village center is adjacent to the Missisquoi River corridor. The wetlands in these areas are typically performing a critical flood mitigation function by slowing and/or storing floodwaters and stormwater runoff. They serve as ready-made green infrastructure for the community and it is completely unwise to allow them to be degraded.

From: Brigid Sullivan <brigid526@gmail.com>
Sent: Tuesday, January 13, 2026 2:34 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Andy Schulz; Monique Szechenyi; Jim Corven; Barbara & Steve Hazelton; Dave Martin; william.jon.mccann; Kim Royar
Subject: Trying again on wetland rules comments
Attachments: MHCT Objections to Proposed Changes in Wetland Rules.pdf

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I am attaching the document from another source. Hopefully you can open this one. My apologies.
Brigid

On Tue, Jan 13, 2026 at 12:46 PM Brigid Sullivan (via Google Docs) <brigid526@gmail.com> wrote:

Brigid Sullivan attached a document



Brigid Sullivan (brigid526@gmail.com) has attached the following document:

Attached please find our comments on the proposed changes to the VT wetland rules. Please keep us informed of further action on this issue.

Thank you.

Brigid Sullivan

W Copy of Letterhead Blank - Montserrat 2026.docx

Snapshot of the item below:

Mount Holly Conservation Trust

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click [here](#) to learn more.

Google™

--

Brigid Sullivan

[Hoehkemo-- spectacular apartment with great views](#)



Mount Holly Conservation Trust

mounthollyconservationtrust.org

PO Box 85
Belmont, VT 05730

January 13, 2026

State of Vermont
Department of Environmental Conservation
Agency of Natural Resources
Via Email: WetlandsRulemakingComment@vermont.gov

Re: Proposed Changes to Wetlands Rules

I write on behalf of the Mount Holly Conservation Trust to object to misguided changes that are being proposed to the State's wetlands rules. If adopted, these changes would create a new "allowed use" for certain development in Class II wetlands and would exempt such development from otherwise applicable prohibitions against, among other things, draining, dredging, filling, or grading within the wetland.

As discussed in more detail below, the proposed changes are environmentally unsound; create increased risk to public safety; are contrary to existing law and policy; and would allow commercial development in Class II wetlands even though promoting new housing is the ostensible justification for the changes. Even if the exception might result in some new housing, they include no requirement that any such housing be *affordable*, which is Vermont's true need.

The importance of wetlands to our environment and climate are well documented. They play a critical role in providing water storage for flood water and storm runoff, thereby mitigating the risks of flooding – a hazard to life and property that, unfortunately, is well-known in Vermont and only likely to worsen in coming years due to climate change. Wetlands also provide essential and irreplaceable habitat for flora and fauna and serve multiple additional vital functions that are well-documented in scientific literature and set forth in State law. See 10 VSA § 905b(18)(A). For these reasons, wetlands have been protected by law and regulation for decades, and even unmapped Class II wetlands have been protected since 2010.

Indeed, 10 VSA § 918(a) states that the goal of wetlands regulation and management in the State is the "net gain" of wetlands "through the protection of existing wetlands and the restoration of wetlands that were previously adversely affected." Section 918(b) states that the Vermont Wetland Rules "shall prioritize the protection of existing intact wetlands from adverse effects." A similar goal is stated in the current Wetland Rules, which state in their first sentence: "It is the policy of the State of Vermont to identify and protect significant wetlands and the values and functions which they serve in such a manner *that the goal of no net loss of such wetlands and their functions is achieved.*" (italics added).

Yet, on their face the proposed changes to the Wetland Rules would defeat the goal of a net gain in protected wetlands, and would subordinate protection of existing wetlands to development goals, and in doing so yield a net loss of wetlands. As such,

Board of Directors Jim Corven • Steve Hazelton • David Martin • Jon McCann • Kim Royar • Andrew Schulz • Brigid Sullivan • Monique Szechenyi

adopting the proposed changes would violate state law and policy and so would be an unlawful exercise of agency authority.

The proposed changes would undermine and weaken current protections by reducing the required 50-foot buffer zone for mapped Class II wetlands and eliminating protections for unmapped Class II wetlands in certain designated area. As to the 50-foot buffer zone for mapped Class II wetlands, the buffer is necessary and should be retained because most wetland species require an adjoining terrestrial habitat of at least 100-300 feet for survival.

In addition to being necessary, the 50-foot buffer zone for Class II wetlands is required by State statute. See 10 VSA § 902(9). Although that statute authorizes the Secretary of Natural Resources to set a greater or narrower buffer zone when determining if a wetland is Class II or Class III under Section 914, that authority does not extend to *mapped* Class II wetlands. The latter do not require a determination by the Secretary, *compare* Section 902(7)(A) with Section 902(7)(B), and so no statutory authority exists for the Secretary to reduce the required 50-foot buffer for mapped Class II wetlands. Again, the Agency of Natural Resources cannot adopt a rule that conflicts with State law.

With respect to unmapped Class II wetlands, it should first be noted that in 2010 the Legislature adopted provisions intended to protect them because it was well-known that the inventory of mapped wetlands in the State was very limited and incomplete. Recognizing the impracticality of trying to map all the Class II wetlands, the Legislature instead opted to protect the unmapped wetlands through a process by which the Secretary of Natural Resources would determine the proper classification of a wetland either “upon a petition or on his or her own motion.” The proposed changes to the Wetlands Rule are contrary to the scheme adopted by the Legislature, which was to add to the inventory of protected wetlands by including unmapped ones on a case-by-case basis if they meet certain criteria. Nowhere in this statutory process is there an exemption for otherwise qualifying wetlands if they might serve development purposes.

Rather, unmapped wetlands are by definition significant and worthy of protection if they serve the functions and values set forth in Section 905b(18)(A). See 10 VSA § 902(7)(B). The fact that a Class II wetland may be unmapped, or that the Secretary of Natural Resources has not yet determined its classification, does not mean that the wetland doesn’t serve the functions or values that make it worthy of protection. The Legislature has determined that wetlands serving these functions and values shall be classified as Class II and shall be protected. The Agency cannot decide to ignore the legislative mandate and simply exempt unmapped wetlands from protection by prioritizing development.

For all the foregoing reasons, the proposed rule changes would be bad environmental policy, would undermine the State’s effort to mitigate the damaging effects

State of Vermont
Department of Environmental Conservation
Agency of Natural Resources
January 13, 2026

of catastrophic flooding, and would unlawfully use agency rule-making authority to adopt policies and procedures that plainly conflict with State law.

A separate concern is that the stated purpose of the proposed changes is to promote housing. Yet, the proposed changes allow mixed-use development, with no requirement as to the amount of residential use. All that would be required for a “mixed-use project” to be eligible for the new exemption is that it contain “a residential housing component.” It thus seems that a commercial development could be constructed in a Class II wetland while adding just one residential unit – hardly a significant contribution to the State’s housing stock and certainly insufficient to justify the environmental damage that such a development would cause.

Perhaps more objectionable, while Vermont does have a need for more *affordable* housing, nothing in the proposed changes would require that any new residential housing be affordable to Vermonters. In fact, building in wetland areas almost certainly will increase the cost of construction, making it even more likely that new residences will be targeted toward the more high-value vacation and second-home market. Adding expensive housing for non-residents does not serve the interests of Vermonters and so serves no useful purpose.

For the foregoing reasons, we believe that the proposed changes are ill-conceived and dangerous. They will only serve to destroy some of our most productive and important wetlands, degrade our environmental resilience, and do nothing to improve the quality of life for Vermonters. The proposed changes should be rejected.

Sincerely yours,

Brigid Sullivan
President

From: Mark L <marklenza@gmail.com>
Sent: Tuesday, January 13, 2026 2:42 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Support for Executive Order 06-25

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Dear Vermont

I write to express my support for Governor Phil Scott's Executive Order 06-25. I believe this Executive Order strikes a fair balance between environmental protections and responsible land use, as the two interests complement each other. The subject parcels are located in certain designated areas in towns and municipalities--parcels that, for the most part, are in developed areas already. Too, the total percentage of Vermont wetlands impacted by this Order is not as great as some may believe. The EO affects 6% of Vermont wetlands. This percentage is even *less* when one considers that not every property owner whose property is subject to the EO plans to or intends to develop his or her property.

The reduction of the 50 foot buffer to 25 feet is a necessary and vital component for residential development of the subject parcels, since much of the development would be classified as "infill" projects; i.e., filling in where development has already taken place. With that in mind, the goal of incentivizing housing development, and concentrating on areas that have already been developed (as opposed to urban sprawl into undeveloped rural areas), is a worthwhile goal, and strikes a fair balance between environmental interests and responsible land use.

For the above mentioned reasons, I support Governor Scott's Executive Order 06-25. Thank you for allowing me the opportunity to express my opinion.

Sincerely,

Mark A. Lenza

Manchester Center, VT

From: Alison Spasyk <alisonspasyk@gmail.com>
Sent: Tuesday, January 13, 2026 2:51 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Rule Change Public Comment

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I would like to urge the wetlands program to keep the wetland rules as they currently stand with regard to the 50 foot buffer around class II wetlands and the rules around unmapped wetlands in the state. Executive Order 06-25 undermines existing statutory mandates, contradicts established wetland science, weakens climate resilience and smart growth objectives, and creates inequitable and inconsistent regulatory outcomes across the State.

Additionally, under the recently passed Act 121, the legislature has directed the wetland program to adopt rules that contribute to a "net gain" wetland acreage policy. The recent executive order directly contradicts the desire of the legislature to protect areas on the landscape that are able to act like sponges to store excess water as well as buffer groundwater in times of drought.

We need to build houses on *dry* land that are safe from flood-related hazards. The weakening of wetland rules will harm our efforts to improve water quality in downtown areas and possibly increase flood related risks. If we allow filling and draining of wetlands in residential areas, we diminish the ability of water during heavy rainstorms to be held on the landscape for longer to reduce flood peaks and recharge groundwater.

In a time when so many Vermonters are questioning how to make our communities safer in the reality of more frequent flooding, reducing the land's ability to store and filter excess water during heavy rainstorms directly contradicts our ability to increase flood resiliency in downtown areas.

Thank you.

--

Alison Spasyk
802-881-7845

From: natsh@myfairpoint.net
Sent: Tuesday, January 13, 2026 3:01 PM
To: ANR - Wetlands Rulemaking Comment
Subject: EO 06-25 and proposed wetland rules changes
Attachments: comments on EO 06-25 and changes to wetland rules 01-13-2026.pdf

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Hello,
please accept the attached as my comments on EO 06-25 and the proposed changes to the Vermont Wetland Rules.

Sincerely,

Nathaniel Shambaugh
Berlin, VT

Vermont DEC Wetland Rules Committee:

Executive order 06-25 and the VT DEC proposed changes to the Vermont wetland Rules.

January 13, 2026

I am writing in response to Governor Scott's Executive Order 06-25, and the proposed changes to the Vermont Wetland Rules. I believe these proposed changes are not only poor environmental policy and not protective of Vermont's wetlands, but also illegal because they are contrary to VT statute. Neither these changes, nor any others which might weaken our wetland protections, should be considered in order to create more housing. More housing is obviously needed but sacrificing our wetlands in particular and environment in general is not the way to encourage it.

The current wetland rules state:

"It is the policy of the State of Vermont to identify and protect significant wetlands and the values and functions which they serve in such a manner that the goal of no net loss of such wetlands and their functions is achieved."

The proposed wetland rule define significant wetlands as ONLY those currently mapped as part of the Vermont Significant Wetland Inventory (VWSI). The VWSI maps though are based on aerial photos and other remote sensing and not on actual on the ground delineation of wetland conditions and characteristics.

The current as well as the proposed wetland rules state:

"The Vermont Significant Wetland Inventory (VSWI) maps denote the approximate location and configuration of significant wetlands. The actual boundaries of wetlands shown on the VSWI maps shall be determined in the field in accordance with the methodology provided for in Section 3.2(a) ...".

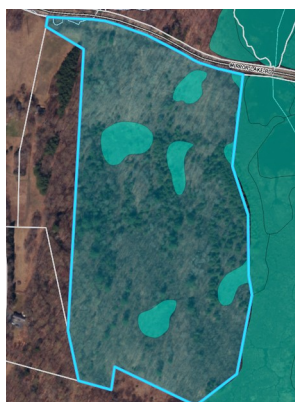
In addition:

"All wetlands shown on the Vermont Significant Wetland Inventory (VSWI) maps or contiguous to wetlands shown on the VSWI maps are Class II wetlands,..."

The VT DEC webpage concerning the proposed changes

(<https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>) even has a figure showing that houses could be built within wetlands, if not currently mapped. Do we really want to allow housing within our wetlands? This is certainly contrary to the intent of our wetland legislation, rules and environmental policy. This is NOT 'no net loss'.

The following is an example of the inadequacies of relying on the VWSI maps alone, from a proposed subdivision a few years ago in Berlin, VT. The figure on the left shows in green the VWSI mapped wetlands on the property, the shaded area in the map on the right is the wetlands as delineated on the ground by wetland professionals. The VWSI map obviously missed much of the actual wetland on this property. In the current rules all of the shaded area on the right are automatically Class II wetland because they are wetlands adjacent to VWSI class II wetlands. In the proposed rules, only the small areas on the left figure would be classified as wetlands, the rest would be develop-able, even though obviously not suitable when standing in the water on the ground there.



I also disagree with the proposed change of class II wetland buffers from 50' to 25' as part of some new housing projects. As is clear and obvious, and stated in the wetland rules:

"It is critical to note that wetland characteristics and boundaries are not static; wetland boundaries may change as a result of landscape and climatic change."

In many areas a 50' buffer is not adequate to protect the functions and values of a wetland over time as the environment changes. Therefore a 25' buffer cannot be appropriate in these times of climate risk and emphasis on flood resilience. Owners of new houses are not going to be happy if the groundwater level rises due to increased precipitation and their basement floods (or worse). We cannot have environmental resilience if we are cutting corners on wetland buffers.

In addition, I object to the new Section 6.26.e.i. which allows construction of access roads and or driveways and associated dredging and filling within mapped VWSI class II wetlands in order to access the new housing. This is certainly not environmentally appropriate.

Finally, it appears that the ability of an individual to ask the Secretary of ANR to reconsider wetland delineation or permit decisions made by the Secretary, has been completely eliminated, by the removal of Sections 8.4 and 9.6. I can understand the wish to discourage frivolous appeals, but there MUST be an appeal process available.

All of these changes are clearly 'NO NOT LOSS', not flood resilient, not consistent with the legislative intent of the Vermont Wetland Rules, and not compatible with the Vermont environmental ethic which balances a clean environment with reasonable and controlled development. Please reject all contemplated changes to the Vermont Wetland Rules.

Thank you for listening,

Nathaniel Shambaugh
Berlin, VT

From: Patricia McClellan <mcseahag@gmail.com>
Sent: Tuesday, January 13, 2026 5:45 PM
To: ANR - Wetlands Rulemaking Comment; egraning@leg.state.vt.us; asheldon@leg.state.vt.us;
tsquirrel@leg.state.vt.us; awatson@leg.state.vt.us
Subject: Wetlands Changes

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To Whom It May Concern:

As a longtime resident of Jericho, Vermont I am 100% against any legislative changes making it easier to build on or near our wetlands in Vermont. I think we need to protect these areas for our birds and wildlife. As a matter of fact, I would like to see it become more restrictive to build near wetlands.

Sincerely, Patricia McClellan

From: Andrea Poulos <andrea.poulos@bowman.com>
Sent: Tuesday, January 13, 2026 5:51 PM
To: ANR - Wetlands Rulemaking Comment
Subject: VWR Comments on Proposed Changes
Attachments: Bowman Comments.pdf

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Hello,

Please see comments on the proposed changes to the Vermont Wetland Rules attached.

Thank you,

ANDREA POULOS, PE

Env Engineer & Project Manager | **BOWMAN**

478 Blair Park Rd. Williston, VT 05495

P: (802) 879-6331 x5989

andrea.poulos@bowman.com | Bowman.com



TO: Vermont Wetlands Program
WetlandsRulemakingComment@vermont.gov

FROM: Bowman Consulting
andrea.poulos@bowman.com

RE: Comments Regarding Wetland Rule Modifications for Residential Housing

DATE: January 13, 2026

Bowman Engineers and Environmental Scientists offer the following comments on the proposed changes to the Vermont Wetland Rules (VWR) that would allow housing projects in unmapped wetlands located within specified growth areas and Act 250 exempt areas.

Listed below are our comments in no particular order:

1. Please consider a Clean Slate exemption. Legal battles over violations that occurred under previous wetland rules are difficult to track and can be costly to all involved, often yielding little dividends. As 2010 marked the last major change to wetland classifications, we propose that the amended wetland rules include a clean slate exemption for projects which occurred prior to 2010.
2. We do not support Section 6.26(c), projects should need to be 25' from a delineated Class II wetland. The proposed allowed use should not rely on "mapped wetlands". If Section 6.26 relies on VSWI "mapped wetlands", this will introduce liability for consultants and contractors working to properly advise their clients. If a project design is started at a time when there are no mapped wetlands and is constructed several years later when mapped wetlands exist, the project would be subject to a violation. We cannot properly consult our clients if unknown map changes may occur at any time.
3. We additionally do not support Section 6.26(c) relying on "mapped wetlands" as the VSWI mapping has watersheds that have been updated by recent computer models and areas that have not been updated. It is inequitable to regulate across the state based on mapping with very different origins and levels of accuracy.

4. If the state proceeds with Section 6.26 relying on “mapped wetlands”, there should be a registration, that allows the project to proceed for some number of years, we suggest a 5-year period, despite changes to mapped wetlands within that period.
5. If the state proceeds with Section 6.26 relying on “mapped wetlands”, language should be added to Section 6.26(c) to allow for projects within mapped Class II wetlands that have been determined to be upland areas. There needs to be a process for the state to allow for delineations to override VSWI mapping as VSWI mapped wetlands frequently extend into upland areas. As written, developable upland areas may not be applicable to the allowed use due to incorrect mapping.

From: Owen <owen.r.donohoe@gmail.com>
Sent: Tuesday, January 13, 2026 5:57 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Rule Change: Public Comment

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Hello and thank you for taking the time to accept and read public comment on the proposed Wetland Rule Change following EO 06-25.

I have concerns related to the rule change and I am not in favor of the proposed changes to the Vermont Wetland Rules (VWR). I am a trained wetland scientist and work professionally in the environmental consulting field. I think the intention of EO 06-25 is good and I do believe we need to relax and reform regulation in some areas in order to promote housing affordability and timeliness to construct housing projects.

My concerns with the proposed wetland rule change specifically relate to the wetland mapping. I delineate many wetlands each growing season mostly for the purpose of development. We overlay VSWI mapping onto our wetland delineations and use the VSWI as a tool for reviewing the likelihood of wetland presence before visiting a site. The VSWI is extremely inaccurate in almost all cases that I have field verified. The inaccuracy varies in magnitude and wetlands are in some cases both larger and smaller than what is mapped in the VSWI. They are more often larger in the field than the VSWI but not in all cases.

I support the 25ft buffers in growth areas but we need to first map these wetlands if we are going to forego field delineation. Whether this is done through a large effort of rough wetland delineation in growth areas or by continuing to require current delineations that have been reviewed by a state ecologist. Using the current mapping will result in a significant loss of wetlands in the state of Vermont that possess essential functions. Flood control being the most important function to the livelihood of Vermonters. If we use the current mapping not only will we lose wetlands that are essential but we will also not know the amount of loss that is occurring.

I think the 25ft buffer is a good compromise and will help provide more housing but we cannot rely on the existing VSWI mapping.

Thank you for your consideration and please do not pass the proposed rule change.

Owen Donohoe

From: teprile@sover.net
Sent: Tuesday, January 13, 2026 6:59 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Changing Rules for housing

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To Whom It May Concern:

While I am very much in favor of building more new housing to accommodate low-income families in our state, I feel strongly that creating exemptions to wetlands protection for housing developments is the wrong approach. If wetlands are built on, we lose climate resiliency and the ability to prevent flooding and also for land to successfully handle drought. With climate change, both events are much more common in our state. It has been shown over and over again that low-income families are disproportionately affected by climate change and by related events—particularly flooding. Reducing the state's (and our land's) ability to prevent such events in the name of helping the poor makes little sense.

Some better responses would be:

- 1) Using contemporary techniques to build more climate-resilient, energy-efficient housing.
- 2) Build awareness that "affordability" refers as much to energy usage as it does to initial housing costs.
- 3) The natural environment around housing developments should be aesthetic and engage in minimal use of fertilizers and weed-killers. Low-income families deserve safe, attractive natural environments to raise children in. Communal vegetable gardens and native plant gardens offer an inexpensive boon to community housing projects.

#3 above brings up that the impact of building on a wetland is not just about the placement of a building, it's also about damage from fertilizer runoff, compaction of the soil due to building roads and access points, and heat-islands created by poor building design.

We can achieve our goals of increasing affordable housing without sacrificing our natural environment. We just need to have the will and knowledge to do so.

Tony Eprile

Tony Eprile
955 Mt. Anthony Rd.
Bennington, VT 05201
802-379-2323

From: Barbara Felitti <bfvermont@gmail.com>
Sent: Tuesday, January 13, 2026 7:17 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rulemaking

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Dear DEC Representative,

I recognize the need to make housing construction in Vermont less bureaucratic, but I am against doing this by eliminating protections for wetlands.

The past several years in Vermont have had destructive floods. Wetlands are one way to store and slow the flow of water during flood events. Given the value of wetlands, they should be protected, not further diminished.

Increasing housing construction in wetland areas or closer to wetlands is counterintuitive. These are areas more prone to flooding and increase the likelihood of houses being built in areas where they may be damaged by flooding, which then requires state and federal support to homeowners, i.e., my tax dollars.

Setbacks for construction near wetlands should remain at 50 feet and require delineation by a wetland professional.

Protections for Class II wetlands should not be removed.

Housing built in these areas should be required to have sufficient private insurance and not be eligible for taxpayer funded programs if flooding damage occurs.

An overarching question - how has DEC considered the impact of flood events over the past several years against the removal of wetland protections? Have you done an overlay of areas that will be opened up to housing construction as a result of changes to wetlands regulations against those areas which have been flooded in past storms? Are you in effect allowing housing construction in areas known to be subject to storm flooding?

Sincerely,
Barbara Felitti
Huntington

From: tim Johnston <tjproduct@yahoo.com>
Sent: Tuesday, January 13, 2026 7:34 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Lindsey Schreier; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Subject: Wetland proposed rule change public comment submittal
Attachments: Wetland Rule change public comment.docx

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Please find my public comments attached.

Sincerely,
Tim Johnston

[Sent from Yahoo Mail for iPad](#)

January 14, 2026

State of Vermont, ANR, DEC

Via Email: WetlandsRulemakingComment@vermont.gov

Re: Proposed Changes to Wetlands Rules

Please see my public comments below.

- The proposal raises significant concerns regarding its stated objective of promoting housing. Although framed as a housing initiative, the proposed changes would permit mixed-use development without requiring any meaningful level of residential use. A project would be eligible for the exemption merely by including a “residential housing component”. As a result, a primarily commercial development could be constructed in an unmapped Class II wetland with only a token residential unit to be considered eligible. Such development would make no meaningful contribution to Vermont’s housing needs, don’t justify the environmental impacts, and would not meet the state goal of the EO.
- Additionally, while Vermont does need more affordable housing, the proposal includes no requirement that any new residential units be affordable to VT permanent residents. Development in wetlands is likely to increase construction costs, further encouraging high-end or seasonal housing rather than homes accessible to working Vermonters. The creation of housing without affordability and permanent residential requirements does not serve the public interest or advance the proposal’s stated goals.
- Explain how building in a wetland, because it is unmapped, is a good idea? Explain how construction will not be more expensive and how there won’t be any long-term issues with the house, a wet lawn, or failed septic system? Have we not learned anything from building our trailer parks in these marginal areas of wetlands and floodplains. The EO and proposed rule change is trying to circumvent existing statutes and rules and would put people in unsafe and unhealthy areas.
- Why will there be two sets of rules applied for the same type of project (housing), just based on where you live? So, a housing project can go anywhere in Springfield, St. Johnsbury, Lyndon, or Johnson if there are unmapped wetlands, but the same project proposed within Mount Holly would need a delineation and comply with all permitting standards and requirements? How is this equitable? Are unmapped wetlands within Designated areas less important, less valuable than mapped wetlands or unmapped wetlands located outside of Designated Areas?
- Won’t a project in Designated Areas still need to be approved at the Local level and possibly need an Army Corps wetland permit, since the Corps may have jurisdiction over fill in all wetlands? In which case, this proposed rule change doesn’t remove the need for a wetland delineation during the growing season and seemingly doesn’t expedite the process for housing projects, can it be demonstrated otherwise? All this does is confuse the public about which wetlands are or are not protected and for which project types in some locations but not in others. This does not provide clarity or certainty.

For the reasons above, the proposed changes to the Vermont Wetlands Rules should be rejected. Thank you for your consideration,

Tim Johnston
Ripton, VT

From: Hinesburg Conservation Commission <hinesburgcc@gmail.com>
Sent: Tuesday, January 13, 2026 9:32 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: awatson@leg.state.vt.us; ppouech@leg.state.vt.us; cevans@leg.state.vt.us;
tchittenden@leg.state.vt.us; asheldon@leg.state.vt.us; vlyons@leg.state.vt.us;
kramhinsdale@leg.state.vt.us
Subject: Wetland comment Hinesburg Conservation Commission
Attachments: Wetland Comment Hinesburg Conservation Commission.pdf

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Hello,

Attached please find our comments regarding the proposed wetland rule change.

Thank you,
Hinesburg Conservation Commission

To: Wetlands Rulemaking, WetlandsRulemakingComment@vermont.gov
Misty Sinsigalli, misty.sinsigalli@vermont.gov

CC: Representatives and Senators (Hinesburg):
Rep. Phil Pouech, ppouech@leg.state.vt.us
Rep. Chea Waters Evans, cevans@leg.state.vt.us
Sen. Kesha Ram Hinsdale, kramhinsdale@leg.state.vt.us
Sen. Ginny Lyons, vlyons@leg.state.vt.us
Sen. Thomas Chittenden, tchittenden@leg.state.vt.us
Rep. Amy Sheldon, asheldon@leg.state.vt.us, Chair of House Committee on
Environment
Sen. Anne Watson, awatson@leg.state.vt.us, Chair of Senate Committee on
Natural Resources & Energy

From: Hinesburg Conservation Commission

Date: Jan. 13, 2026

Re: EO 06-25 and Proposed Wetlands Rule Changes

The Hinesburg Conservation Commission opposes EO 06-25 and the proposed wetland rule changes. We believe it undermines community safety and resilience, environmental justice, and Vermont's natural communities and the services they provide. Developing in wetland communities decreases public safety, increases housing hazards, and leads to a loss of significant ecological functions of wetlands.

The proposed changes will be less scientifically informed than the current Wetland Rule utilized by the Agency. It will decrease protections for sensitive wetland habitats in wetland modification areas that are either designated as Class II wetlands or have not yet been mapped by ANR, and these areas extend well beyond village growth areas; in some cases, they include entire towns.

We recognize that Vermont needs more housing; but it needs to be safe, reliable and long-term housing. Developing in wetland areas leads to structural issues, flooded basements, decaying lumber, continuous mold, failure of septic systems and foundational issues. This will require constant and costly maintenance. This EO is not connected to any incentives to provide resources for this damage repair. It will lead to an increase in vulnerable housing with no connection to an increase in affordable and safe housing. Housing options for our communities need to be safe, dry and equitable. While the EO and proposed rule changes seem to encourage housing, it undermines

itself by encouraging unreliable, hazardous development which will not support its own goal.

Additionally, building in wetlands decreases the ability of those ecosystems to provide services for our communities. Wetlands provide flood attenuation for water and storm runoff, increasing safety for downstream communities and reducing public safety risks. They also provide surface and groundwater protection, keeping our water sources full and reducing the level of contaminants found in these sources. They help protect water levels during times of drought. Additionally, wetlands provide habitat for a myriad of species; developing in and near wetlands will impact intricate food webs and the ability of Vermonters to enjoy and coexist in the State's natural landscape. Fish, waterfowl, deer, moose, muskrats, beavers, mink, frogs and toads, Wood Turtles (a Species of Greatest Conservation Need), and snakes are a few of the many species that utilize and need these natural wetlands to survive. Taking away the ecological services, and intrinsic value in these habitats will affect the satisfaction of Vermonters, as well as sectors that rely on these natural places to survive, like tourism, outdoor recreation, and hunting, fishing and trapping.

In Hinesburg, we've observed a number of areas that would have or will be impacted by the proposed change in wetland management around town centers and development.

There are multiple instances of unmapped Class II Wetlands along Patrick Brook. This area already has a myriad of complications including a beaver complex (which actively slows the flow of water rushing downstream), undersized culvert, and multiple historic instances of flooding. Allowing housing in this area, which would be encouraged under the new EO, threatens Route 116 and downstream houses (both those currently in place, and those being built now west of Route 116). Increased flows and speed, decreased attenuation of sediments, and decreased connection to groundwater by allowing housing to be built on or near unmapped wetlands that are currently occupied by beavers will impact people downstream, and will damage critical wildlife habitat.

There is current clear evidence that allowing development in these areas would be hazardous for development and increase danger and disasters in the Town. There is an unmapped wetland along the LaPlatte River upstream of Hinesburg village which is currently primarily conserved, and a parcel that has recently been bought out (due to multiple floods in recent years) to restore floodplain function and protect downstream Hinesburg areas from flooding. Had the proposed wetland rule been in place prior to this buy out, surrounding parcels would have been open to development, leading to more flooding in Hinesburg and an increased cost to taxpayers in emergency disaster, restoration, and continued dangerous living in this area. Avoiding development in these

areas could mitigate millions of dollars in Hinesburg, and even more for the state of Vermont.

This proposed rule change does not comply with Act 181, which in section 918 (Net gain of wetlands; state goal; rulemaking) requires that “on or before July 1, 2025, the Secretary of Natural Resources shall amend the Vermont Wetlands rules pursuant to 3V.S.A. chapter 25 to clarify that the goal of wetlands regulation and management in the state is the net gain of wetlands to be achieved through protection of existing wetlands and restoration of wetlands that were previously adversely affected.”

We also feel that it should be clarified that local town jurisdiction over wetlands supercedes these proposed state reductions.

With the risk of future federal disaster funding decreasing, now is the time to put more money and thought into disaster mitigation, restoration projects, and wetland and floodplain protections, not less. According to a new economic study by Allstate, the U.S. Chamber of Commerce, and the U.S. Chamber of Commerce Foundation, every \$1 spent on climate resilience and preparedness saves communities \$13 in damages, cleanup costs, and economic impact. With the increase in intense climate events and flooding and drought extremes in Vermont, now is the time to be focusing on **more** natural disaster preparedness and mitigation, not less. Protecting areas that can provide flood attenuation and build resilience for the state will protect vulnerable Vermonters and lead to a safer, less hazardous housing environment for all.

Hinesburg Conservation Commission
hinesburgcc@gmail.com

From: karlyando@gmail.com on behalf of Karl Yando <karl.yando@gmail.com>
Sent: Tuesday, January 13, 2026 9:54 PM
To: ANR - Wetlands Rulemaking Comment
Cc: egraning@leg.state.vt.us; TSquirrel@leg.state.vt.us; asheldon@leg.state.vt.us;
awatson@leg.state.vt.us
Subject: Opposing Executive Order No. 6-25

You don't often get email from karl.yando@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good evening,

I am writing to oppose Executive Order 6-25 and the proposed changes to wetland rules and permitting. My land includes a substantial fraction that is “wetland” by any common sense definition of the word (e.g., it grows cattails, is seasonally home to standing water, and requires rubber boots year round). It is “unmapped” in the current VSWI, and you’d be crazy to build there, but that is precisely what the proposed changes would allow.

This is bad policy and remarkably short-sighted. I live in a village center full of old wells and old septic systems, many of which are nearing end-of-life. Class II wetlands provide an invaluable buffering capacity to help manage routine, seasonal (i.e., snowmelt) and exceptional (e.g., July 10 2023/2024/2025) runoff and groundwater volumes that might otherwise stress and/or overwhelm our septic systems (contaminating potable water supplies and endangering community health).

Given the VSWI database is known to substantially underestimate wetland resources and boundaries, it seems capricious and irresponsible to knowingly adopt it as the sole arbiter of where wetlands exist.

Sincerely,

Karl Yando
Jericho Center

From: Nathanael Johns <njohns3928@gmail.com>
Sent: Tuesday, January 13, 2026 10:01 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment

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Relaxing Vermont's wetland protections poses a danger not only to ecosystems, but also to human health and safety. Wetlands provide a variety of critical ecosystem functions and services, including wildlife habitat, flood storage, carbon sequestration, and improved water quality. Vermont is currently facing multiple environmental challenges, including elevated phosphorus levels in water bodies, climate change, flooding, and habitat loss. These challenges cost Vermonters hundreds of millions of dollars each year and lead to the loss of property and even life. Wetland protection is one of the easiest and most cost-effective ways to help address all of these issues. Once a wetland is gone, it is very difficult and expensive to restore it. Decreased wetland protections will mean greater risk to homes, businesses, and farmland from flooding. This is the last thing that we need as a state. While housing supply is certainly an issue, it cannot be addressed through cutting environmental protections and putting Vermonters at risk, both physically and financially. We rely on our natural environment for our survival. Anything that compromises our environment inevitably compromises our own safety and well-being.

Thank you.

-Nathanael Johns

From: Lexi Colantuno <abcolantuno@gmail.com>
Sent: Tuesday, January 13, 2026 10:02 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Rule Modification for Residential Housing

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Hello there,

I am reaching out on behalf of all young families and concerned parties that this change will do nothing but hurt both the ecology of the state but also susceptible families while lining the pockets of developers with money. Wetland delineation in Vermont is something I have studied and have a relatively useful knowledge base of and know for certain that, while folks may complain, it truly is better to be overly cautious when dealing with wetland ecologies. As demonstrated by your graphics and the floods of the last several years-we do not need to impede on our natural water catchment systems. As a hopeful first time homebuyer I understand the need for more inventory, but much of what would be built would need to be moved out of that sensitive area-flooded basements, rotting foundations, seeping driveways, and not to mention the loss delicate species. The truth of the matter is that Vermont it not suitable for this kind of development- we are an incredibly wet state and simply going off of arial photos is not enough to find places safe and smart to build housing on. This is a crumby way of moving the needle for housing by trapping people in dangerous new builds, degradation to the ecology, and only benefiting developers. I have the privilege of having a history of soils, botany, and field work to look at prospective homes to see signs that the water table will eventually create a black mold, soft wood foundation, and severe erosion of a home-but no one should need to have specialized knowledge to trust that their state and town have their interests in mind with policy-do not give in to developer greed and stand with your fellow Vermonters. Make sure that we protect those who need it-whether that is a young family or patch of lady slipper orchids.

Please be smart and find a better solution that does not jeopardize the delicate wetland species and do not allow careless projects to go forward with these amendments.

Signed a concerned ecologist and saddened hopeful home buyer,

Lexi Colantuno

From: Meg Handler <meg@meghandler.com>
Sent: Tuesday, January 13, 2026 10:20 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment -- EO 06-25

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I am writing to express my opposition to the proposed changes to Vermont's wetland rules (EO 06-25).

These changes have been introduced as a solution to the problem of affordable housing here in Vermont. Unfortunately, affordable housing is a complicated issue requiring thoughtful, long-term planning. Dismantling our system of wetland protection cannot solve the problem. The proposed changes will expose future occupants to greater risk of water damage, will create flooding and stormwater issues for local communities, and will perpetuate inequity in housing opportunities. The proposed changes will not benefit those seeking affordable housing. Instead, lax environmental rules will benefit developers who construct housing in inappropriate places and then bear no continuing responsibility for water damage arising after the development has been sold. Whether it's inundation on the site or flooding on neighboring properties, it will be local communities who bear the brunt of these poor decisions. Stories about flooding in Houston, Texas provide ample evidence of the risks associated with lax wetland protection. Closer to home, here in Vermont, wetlands provide natural flood resilience and stormwater infrastructure. They have been recognized and protected for a reason. Suddenly reversing course on decades of protection is short-sighted and damaging to our long-term goals for Vermont. Mitigation after the fact will be far more costly than protection up front.

There are better ways to create affordable housing. Environmental degradation should not be the cost communities must bear to provide housing for their citizens.

Thank you for your consideration,

Meg Handler

Meg Handler
366 Pine Shore Drive
Hinesburg, VT 05461
(802) 238-1901
Meg@MegHandler.com

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From: Charlie Hohn <naturalist.charlie@gmail.com>
Sent: Tuesday, January 13, 2026 10:32 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on proposal to change Vermont Wetland Rules

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Hello. My name is Charlie Hohn. I am a wetland ecologist but today i am writing as a resident of Montpelier.

In 2023 we were affected by a devastating flood. Wetlands can help reduce flooding. I oppose changing the rules to allow for building homes in unmapped wetlands or within the 50 foot buffer. Doing so would potentially put my community at higher risk for flooding, as there are several areas upstream from Montpelier affected by the proposed policy. In addition, the homes built in the wetlands would also potentially have safety issues and create a risk to their residents.

I agree with the governor that we should build more affordable housing in village centers, but do not agree that we should do this in wetlands. Vermont is the second least populated state, and the vast majority of our land area is not wetland. We can easily meet our housing needs without building in wetlands, which may put people at increased risk for floods. There would also be many ecosystem, wildlife, and water quality effects beyond the floods, but given the intensity of recent flooding and the likelihood of more floods due to climate change i think the flood risk is the most compelling reason to reject this proposal.

Thank you!

--

=====

Charlie Hohn
Montpelier, Vermont

From: Katie Mann <katiebmann13@gmail.com>
Sent: Tuesday, January 13, 2026 10:36 PM
To: ANR - Wetlands Rulemaking Comment
Cc: AClarkson@leg.state.vt.us; jmajor@leg.state.vt.us; rwhite@leg.state.vt.us; asheldon@leg.state.vt.us; awatson@leg.state.vt.us; kchristie@leg.state.vt.us; ecole@leg.state.vt.us; Michael.Hoyt@vtleg.gov
Subject: Wetland Rule Changes : Comments from Hartford Conservation Commission

You don't often get email from katiebmann13@gmail.com. [Learn why this is important](#)

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To whom it may concern,

The Hartford Conservation Commission writes in support of maintaining the 50 ft. buffers of Class II Wetlands and protecting these wetlands now and perpetually from housing and other developments. The Commission recognizes the importance and need for affordable housing in Vermont and the advantages of developing areas served by municipal sewer systems yet also recognizes the importance of wetlands in our ecosystems for biodiversity and flood protection.

Wetland habitats act as critical seasonal and/or permanent habitats for species such as; moose, brook trout, many waterfowl species, spotted salamanders, beavers, otters, mink, wood frogs, spring peepers, Jefferson salamanders, and more. Without our wetlands, these species would not have the habitat to spawn and reproduce. Relying on the existing map of significant wetlands, rather than requiring developers to complete a wetland delineation, critical acres of wetlands could be impaired or lost. Arbitrarily reducing the buffer width in half of existing mapped wetland areas would also further degrade existing mapped significant wetlands. These rulings will diminish the species Vermont is most known and visited for.

As documented in the Vermont Wetland Rules and Vermont Statute, wetlands are recognized for their benefits ranging from habitat, scenic beauty, to water quality, but first among those benefits is "water storage for flood water and storm runoff." We agree that the best place to grow housing is within existing developed core areas and along municipal sewer systems, we are concerned that building housing units at the expense of wetlands would only exacerbate future flood events in the State. During heavy rainstorms, our Class II wetlands and their buffers slow and absorb flood and stormwater. This is particularly important where impervious services are abundant, such as residential areas. Decreasing wetlands decreases the amount of water storage available in our densely populated areas thereby increasing flood risk. We advocate for existing housing development Rules that protect these natural flood mitigation features in our existing landscape.

Additionally, our Commission has three questions:

1. Has the State studied and quantified the potential for increased contamination of wetlands and downstream ecosystems including contamination from fertilizers, herbicides, and insecticides that could result from decreasing the buffer size?
2. Has the State studied and evaluated potential reduction of flood control and water treatment functions, and economic benefits thereof, provided by wetlands that could result from reducing the development buffer?
3. Has the State evaluated the potential for change in plants in buffer zones and resulting soil structure changes and the impact this might have on the health of wetlands that could result from reducing the development buffer?

The Town of Hartford Conservation Commission urges the Vermont Department of Environmental Conservation (DEC) to reconsider the amendments to Vermont Wetland Rules per Executive Order 06-25 "Promoting Housing Construction and Rehabilitation". We ask that the Vermont DEC maintains a 50 ft. buffer on all Class II Wetlands and maintains the requirement that developers conduct a wetland inventory to determine the locations of significant wetlands and their buffers. We believe our communities can provide additional housing while protecting existing wetlands.

Thank you for listening,

The Hartford Conservation Commission: Katie Mann Co-Chair, Mike Harris Co-Chair, Skylar Claud, Holly Henderson, Mary Hutchins, James Donahey, Ted Levin

From: Sam Pratt <sam.pratt.vt@gmail.com>
Sent: Tuesday, January 13, 2026 10:43 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Subject: Wetlands Rulemaking Regarding Executive Order 06-25
Attachments: RCC Wetlands Rulemaking Comments.pdf

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To whom it may concern:

The Richmond Conservation (RCC) goes on record opposing the proposed relaxation of current wetland rules (<https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>). The RCC applauds efforts to improve the State's difficult housing situation. However, it feels the proposed sacrifice of the wetlands has a limited impact on housing while, at the same time, seriously compromising them. Our wetlands do so much for our natural and wildlife communities, in addition to their contribution to surface water ecology, climate resilience, and other functions.

Our concerns include the following:

- 1.
- 2.
3. Reducing the buffer around known wetlands.
4. Recent scientific literature indicates that the current 50-foot buffer is insufficient to protect our wetlands and should be increased. At least one hundred feet – some advocate 100 meters – would be better suited. Consideration of top-of-bank distances to
5. protect their functional integrity from a wildlife and water resource perspective is also warranted.
- 6.
- 2.
- 3.
4. Negative impact of Development on wetlands.
5. Development brings with it the likelihood of water quality jeopardy from runoff, pollution, introduction of invasive species, and similar effects, magnified the closer it is to this critical water resource. Recent scientific literature, in addition, demonstrates
6. the importance of significant buffers to protect wildlife from human intrusion. Finally, construction in or near wetlands is likely to be more expensive due to site conditions. It is irresponsible to broadly reduce protections when the environmental impact
7. and the effect on housing are unknown.
- 8.
- 3.
- 4.
5. Elimination of protection of wetlands that have yet to
6. be identified by the State. Many jurisdictional wetlands are not registered with
7. ANR, thus eliminating their potential protection. To take just Richmond as an example, scientific studies by professional groups such as Arrowood Environmental, LLC, of Huntington, VT, have identified a large

number of wetlands that are uncounted by the State.

8. Loss of their protection would have an effect far greater than the State currently recognizes.

9.

4.

5.

6. Wildlife biodiversity, habitat, and mobility.

7. State agencies, including ANR, recognize wetlands not only as discrete wildlife habitats but also as contributing to transient wildlife and as natural communities sustaining independent species. For example, bears emerging from hibernation turn to wetland

8. areas as among the first to offer feeding opportunities. Failure to protect them will compromise those functions. Vernal pools not mapped are vulnerable to rule changes, and annual amphibian spring migrations would be jeopardized.

9.

5.

6.

7. Wetlands play a critical role in maintaining surface water

8. quality. Wetlands offer buffering capacity against the effects of climate change,

9. from frequent major flooding to prolonged drought. Wetlands also contribute to groundwater recharge, improved water quality, and flood resilience. Removing protection from those yet to be identified by the State compromises those functions.

10.

6.

7.

8. Statewide Impact.

9. The proposed rule changes lack local or statewide analysis of impacts. Without data on potential use and outcomes, the future environmental and housing impacts are unknown.

10.

11.

12.

For the above reasons, the Richmond Conservation Commission goes on record in opposition to the proposed rule changes.

For the RCC,

Sam Pratt, Chair

203 Bridge St.

P.O. Box 285

Richmond, VT 05477

To whom it may concern:

The Richmond Conservation (RCC) goes on record opposing the proposed relaxation of current wetland rules

(<https://dec.vermont.gov/watershed/wetlands/wetlands-rulemaking>). The RCC applauds efforts to improve the State's difficult housing situation. However, it feels the proposed sacrifice of the wetlands has a limited impact on housing while, at the same time, seriously compromising them. Our wetlands do so much for our natural and wildlife communities, in addition to their contribution to surface water ecology, climate resilience, and other functions.

Our concerns include the following:

1. Reducing the buffer around known wetlands. Recent scientific literature indicates that the current 50-foot buffer is insufficient to protect our wetlands and should be increased. At least one hundred feet – some advocate 100 meters – would be better suited. Consideration of top-of-bank distances to protect their functional integrity from a wildlife and water resource perspective is also warranted.
2. Negative impact of Development on wetlands. Development brings with it the likelihood of water quality jeopardy from runoff, pollution, introduction of invasive species, and similar effects, magnified the closer it is to this critical water resource. Recent scientific literature, in addition, demonstrates the importance of significant buffers to protect wildlife from human intrusion. Finally, construction in or near wetlands is likely to be more expensive due to site conditions. It is irresponsible to broadly reduce protections when the environmental impact and the effect on housing are unknown.
3. Elimination of protection of wetlands that have yet to be identified by the State. Many jurisdictional wetlands are not registered with ANR, thus eliminating their potential protection. To take just Richmond as an example, scientific studies by professional groups such as Arrowood Environmental, LLC, of Huntington, VT, have identified a large number of wetlands that are uncounted by the State. Loss of their protection would have an effect far greater than the State currently recognizes.
4. Wildlife biodiversity, habitat, and mobility. State agencies, including ANR, recognize wetlands not only as discrete wildlife habitats but also as contributing to transient wildlife and as natural communities sustaining independent species. For example, bears emerging from hibernation turn to wetland areas as among the first to offer feeding opportunities. Failure to protect them will compromise those functions. Vernal pools not mapped are vulnerable to rule changes, and annual amphibian spring migrations would be jeopardized.

5. Wetlands play a critical role in maintaining surface water quality. Wetlands offer buffering capacity against the effects of climate change, from frequent major flooding to prolonged drought. Wetlands also contribute to groundwater recharge, improved water quality, and flood resilience. Removing protection from those yet to be identified by the State compromises those functions.
6. Statewide Impact. The proposed rule changes lack local or statewide analysis of impacts. Without data on potential use and outcomes, the future environmental and housing impacts are unknown.

For the above reasons, the Richmond Conservation Commission goes on record in opposition to the proposed rule changes.

For the RCC,

Sam Pratt, Chair

203 Bridge St.
P.O. Box 285
Richmond, VT 05477

From: Chelsye Brooks <chelsyebrooks@gmail.com>
Sent: Tuesday, January 13, 2026 11:00 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Comments

You don't often get email from chelsyebrooks@gmail.com. [Learn why this is important](#)

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I submit these comments in opposition to the proposed amendments to the Vermont Wetlands Rules that would remove or weaken protections for wetlands in designated growth areas.

While Vermont's housing shortage is real and urgent, using wetlands as a pressure-release valve for growth is short-sighted, risky, and ultimately counterproductive. Wetlands are not vacant land waiting to be developed; they are functioning systems that provide flood protection, water storage, water quality improvement, and climate resilience. Weakening their protections will shift long-term costs onto homeowners, municipalities, and the State.

Homes built on wetlands are not resilient or sustainable homes. Constructing safely in wet soils requires extensive engineering: soil stabilization, drainage systems, specialized foundations, and ongoing mitigation of hydrostatic pressure. Even when built "correctly," these homes are more prone to wet basements, mold, rot, shifting soils, and long-term structural issues that affect both public health and property values. These added construction and maintenance costs undermine the stated goal of affordability and place future homeowners at risk.

I am particularly concerned about the reliance on mapped wetlands under the proposed rules. Through direct communication with the Department, I was informed that delineated wetlands do not appear on the Vermont Significant Wetlands Inventory (VSWI) unless a wetlands permit has been applied for, with limited exceptions such as municipally requested features. This creates a serious loophole. Developers can advance municipal approvals without disclosing wetlands, and unmapped wetlands—despite meeting Class I or Class II criteria—may effectively disappear from regulatory consideration.

Municipalities can only protect what they know exists. In Richmond, for example, zoning bylaws designate wetlands as non-developable based on characteristics rather than classification. In theory, this should protect all wetlands. In practice, enforcement is extremely difficult when wetlands are unmapped and undisclosed. Towns often rely on tools such as the ANR Atlas, which does not capture all wetlands. When something is not mapped, review can come to a dead end.

This problem will only worsen if unmapped wetlands lose protection altogether in growth areas. It incentivizes non-disclosure and places municipalities in an impossible position. Unless towns undertake town-wide wetland mapping—which is costly and difficult, particularly on private land—they are left without the information needed to enforce their own bylaws.

Over the past 18 months, I have personally observed natural resources that should be protected by the state but are not, and violations that should be enforced by the state but are not. I believe this reflects a combination of inadequate staffing, limited resources, and hesitancy to pursue enforcement actions. Weakening the rules further does not solve these systemic issues—it compounds them.

There are better paths forward. If the State is serious about balancing housing and environmental protection, it should strengthen—not abandon—wetland identification and review. Municipalities could be supported or required to:

- Require applicants to complete wetland screening tools and questionnaires;
- Allow site visits by conservation commissions or qualified reviewers;
- Require ecological determinations where wetlands are suspected; and

- Require delineations when wetland characteristics are present.

At the legislative level, Vermont has previously committed to improved mapping of wetlands and streams. Those efforts should continue and be accelerated, not undermined by executive action.

Wetlands are already diminished statewide, and an estimated 40% remain unmapped. In an era of increased flooding and climate instability, reducing wetland buffers and protections—especially in areas targeted for growth—runs directly counter to Vermont law, climate planning, and basic common sense. Building housing in wetlands increases flood risk to surrounding communities while creating long-term liabilities for the very people we are trying to help.

For these reasons, I strongly oppose the proposed amendments to the Vermont Wetlands Rules and urge ANR to withdraw them.

Chelsye Brooks

From: Jayson Benoit <jbpicea@gmail.com>
Sent: Wednesday, January 14, 2026 6:29 AM
To: ANR - Wetlands Rulemaking Comment
Subject: comment on changes to VT wetland protections

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1/14/26

To Whom it May Concern,

While I have not heard about the proposed reduction in Vermont wetland protections in the news, it was brought to my attention by a friend and I would like to submit this brief note to weigh in the subject.

I am a consulting forester in Vermont, and live and work on a family farm that contains several wetlands. In my work in both capacities, I interact daily with wetlands and riparian areas and understand clearly the challenges of accomplishing tasks at hand while also being mindful of these sensitive habitats and the water quality that they help to protect. From a single-minded viewpoint focused only on work productivity, it can be inconvenient to be impeded by wetlands or streams, but that viewpoint would be short-sighted, selfish, and wrong.

As a lifelong Vermonter, I've always been interested in wildlife, plants, and other elements of nature and these things are often found at their highest abundance and diversity in wetlands. Wetlands don't always announce themselves loudly, however, and the existing wetland maps are frequently wrong. On our own farm, it wasn't until we'd lived here for seven years that began to notice unfamiliar plants in our wetlands, took the time to learn them, invited out the Vermont state botanist Grace Glynn, and discovered the presence of an extremely rare Rich Fen natural community, with a variety of rare and uncommon species present.

Many years ago, while laying out a woods road for logging and recreation, I flagged a potential route through a low-lying but dry area that was free of vegetation. Returning there in the spring, before the trail was cut, I found a large vernal pool, filled with egg masses of spotted salamanders and with wood frogs in full courtship chorus. My plans had to change.

In my opinion, our current understanding/mapping of the extent and distribution of wetlands across Vermont is inadequate. The protections we give wetlands are better than they have been in the past, but are also, in my opinion, insufficient. As I understand them, the proposed reductions in wetland protections add to this insufficiency, rather than beginning to address it. Many areas that are clearly wetland are not mapped and a protective buffer of 25 feet alongside a mapped wetland would hardly be protective. It doesn't require much effort to imagine the variety of solvents, waste, trash, and other impactful substances associated with nearly all human developments, and the ease with which they would cross a downhill span of 25 feet.

Wetlands are among the most sensitive natural features we have in Vermont, and (ironically, given the reason for this letter) are arguably one of the most beneficial to us as humans, including helping to lessen impacts from the extreme weather events that are becoming much more frequent with climate change. Since Euro-American settlement in the late 18th century, we have already greatly impacted the state's wetlands, reducing their overall extent by an estimated 35-50% and compromising the health of remaining ones via a host of land-use practices, including the roads that we all travel every day.

A quote that I read many years ago, in the context of wilderness preservation, is apropos (paraphrased here): "We are not so poor that we can't afford [to protect our wetlands], nor so rich that we can afford not to".

Thank you for your consideration of these comments.

Sincerely,
Jayson Benoit
Tunbridge, VT

From: Sinsigalli, Misty (she/her)
Sent: Wednesday, January 14, 2026 6:36 AM
To: Meg Handler; ANR - Wetlands Rulemaking Comment
Cc: ppouech@leg.state.vt.us; cevans@leg.state.vt.us; kramhinsdale@leg.state.vt.us; vlyons@leg.state.vt.us; tchittenden@leg.state.vt.us; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Subject: RE: Opposition to Proposed Changes to the Vermont Wetland Rules (EO 06-25)

Thank you for taking the time to provide your comments. I have forwarded them to our ANR Wetlands Rulemaking email address.

Have a wonderful day.

Best,
Misty

Misty Sinsigalli (she/her) | Commissioner
Department of Environmental Conservation
1 National Life Drive, Davis 3, Montpelier, VT 05620
802-522-0011 (mobile) | 802-828-1556 (office)
misty.sinsigalli@vermont.gov
[Welcome to DEC | Department of Environmental Conservation](#)



Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the [Recovery, Rebuilding, Resilience interactive story map](#). Find ways to support the many individuals, businesses and communities who still need help at the [State's Disaster Recovery webpage](#).

From: Meg Handler <meg@meghandler.com>
Sent: Tuesday, January 13, 2026 10:33 PM
To: Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>
Cc: ppouech@leg.state.vt.us; cevans@leg.state.vt.us; kramhinsdale@leg.state.vt.us; vlyons@leg.state.vt.us; tchittenden@leg.state.vt.us; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Subject: Opposition to Proposed Changes to the Vermont Wetland Rules (EO 06-25)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to express my opposition to the proposed changes to Vermont's wetland rules (EO 06-25).

These changes have been introduced as a solution to the problem of affordable housing here in Vermont. Unfortunately, affordable housing is a complicated issue requiring thoughtful, long-term planning. Dismantling our system of wetland protection cannot solve the problem. The proposed changes will expose future occupants to greater risk of water damage, will create flooding and stormwater issues for local communities, and will perpetuate inequity in housing opportunities. The proposed changes will not benefit those seeking affordable housing. Instead, lax environmental rules will benefit developers who construct housing in inappropriate places and then bear no continuing responsibility for water damage arising after the development has been sold. Whether it's inundation on the site or flooding on neighboring properties, it will be local communities who bear the brunt of these poor decisions. Stories about flooding in

Houston, Texas provide ample evidence of the risks associated with lax wetland protection. Closer to home, here in Vermont, wetlands provide natural flood resilience and stormwater infrastructure. They have been recognized and protected for a reason. Suddenly reversing course on decades of protection is short-sighted and damaging to our long-term goals for Vermont. Mitigation after the fact will be far more costly than protection up front.

There are better ways to create affordable housing. Environmental degradation should not be the cost communities must bear to provide housing for their citizens.

Please join in opposition to these proposed changes.

Thank you for your consideration,

Meg Handler
366 Pine Shore Drive
Hinesburg, VT 05461
(802) 238-1901
Meg@MegHandler.com

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are sending emails with fake wiring instructions that can be very convincing and appear to come from a party involved in a transaction. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number - do not use the phone number in an email.

From: Alan Baribault <alan.baribault@gmail.com>
Sent: Wednesday, January 14, 2026 6:54 AM
To: ANR - Wetlands Rulemaking Comment
Cc: egraning@leg.state.vt.us; tsquirrel@leg.state.vt.us
Subject: Wetlands Rules in Executive Order 06-25

You don't often get email from alan.baribault@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

I am a resident of Jericho, and am concerned about the detrimental effects of the proposed changes to wetland delineation that will allow development closer to mapped wetlands. Of particular concern are:

- **Reliance on mapping instead of on-site delineation.** This may be inaccurate due to tree cover or changes since the maps have been created. Delineation of a wetland area should be based, in my opinion, on an actual field visit that will allow

- **Reduction of the buffer zone.** The buffer zone is critical to separate areas of wetland from disturbance. Reducing this from 50 to 25 feet will reduce habitat and increase sediment, runoff, and other pollutants entering wetland areas.

- **Potential increase in flood risk.** Not to conflate wetland with flood plains, but wetlands act similar to a sponge - rain and runoff are slowed by wetlands and effectively buffer the peak flows in our rivers and streams. If we reduce wetland buffers (or fill wetlands in Village centers), it follows that we will increase flood risk. Have we forgotten recent damage from disastrous floods so quickly?

There are other locations that we can choose to build more housing that do not impact wetlands and wetland buffers in the ways that are proposed in this executive order. For example, zoning to allow multi-family or taller buildings, infill, accessory dwelling units, tiny homes, and even alternative septic systems should be on the table before we look at reductions in buffer areas and building in wetlands (in village centers).

I believe that the proposed changes are short-sighted and will be detrimental to our natural resources, veiled by a promise to alleviate the housing shortage.

I would like to urge the DEC and LCAR not to adopt these proposed changes. Thank you for your consideration.

Alan

—

Alan Baribault, P.E.
(802) 760-7350

From: Ben Maddox <benjamintmaddox@gmail.com>
Sent: Wednesday, January 14, 2026 7:33 AM
To: ANR - Wetlands Rulemaking Comment
Subject: In support of the rule change

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I am a property and business owner and vice chair of the Enosburgh Conservation Commission. I am writing to support the rule change of 50 to 25 feet for class B wetlands. One member of our commission sent a letter against the rule change as if it was from the entire ECC. Many of the comments you will hear from other conservation commissions have automatically leaped to the idea that this rule change threatens all the given good things that wetlands do for us. I do not believe this is the case. Vermont needs housing and I reject the old idea of instant New Jersification if houses are allowed to be built. The unrealistic fear of housing development and "new jersification" have really hurt Vermont. A responsibly built house with proper septic and stormwater is no threat to our flood safety or natural world. Thank you for your time.

Here is my youtube series where I explore the underwater world of Vemront
<https://www.youtube.com/playlist?list=PLD5FC5BA1BE0B317C>

--

Ben Maddox
802 933 5450

From: Lori B <watrberry@gmail.com>
Sent: Wednesday, January 14, 2026 7:56 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Increased flooding from increased impervious adjacent to wetlands

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Rulemaking committee,

Thank you for taking my comments. Do not reduce the wetland buffer for residential housing to 25 feet.

Increasing impervious area adjacent to a wetland will increase runoff into that wetland and make the wetland larger (and the buffer correspondingly smaller).

Wetlands provide millions of dollars of ecosystem and economic services by reducing flooding. Floods keep getting larger; What was not flooded in the past, may be flooded in the future.

What happens when we crowd or drain wetlands by increasing impervious surface adjacent to the wetland is that we get more flooding.

If you want to put more people at risk, then create more impervious areas adjacent to wetlands by reducing buffers; if you want to *protect vital environmental and public health and safety services, make wetland buffers larger or keep them the same*. We have already lost up to 35% of the wetlands in Vermont: (<https://dec.vermont.gov/tags/wetlands?page=7#:~:text=Conserve%20and%20Protect,even%20incentivized%20by%20government%20policies.>) Let's not lose more.

Do not increase impervious surface adjacent to wetlands; when the hydrology is altered by increasing runoff, the wetlands will get larger and you will create more flooding.

Reducing wetland buffers and increasing impervious surface adjacent to

wetlands is an idea that is not backed up by economics, science or common sense.

I have consulted for Vermont Emergency Management; for the Federal Emergency Management Agency and worked with many towns on planning through VEM on how to reduce flood risk. This is the kind of bad idea that will increase flood risk and put more infrastructure and people in danger.

Perhaps consider making wetland buffers larger, and calculating impervious surface in each wetland watershed. We need to promote more infiltration, and less surface water runoff to reduce flooding. Crowding wetlands by reducing the buffer and increasing impervious surface adjacent to a wetland that performs many economic and environmental services is a short-sighted idea.

Thank you so much. Please do not reduce wetland buffers, this is short-sighted both economically and environmentally. For vital economic and environmental reasons, we need to restore wetlands, not ruin them.

Lori Barg

From: Erin De Vries <erinkdevries@gmail.com>
Sent: Wednesday, January 14, 2026 8:36 AM
To: ANR - Wetlands Rulemaking Comment
Cc: Ken Signorello; Bino Cummings; Hans Nedde
Subject: Town of Essex CTC - Comments on EO 06-25_011426
Attachments: EO 06-25 Town of Essex CTC Comments_011326 (1).pdf

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Subject: Public Comments on Executive Order 06-25 - Proposed Wetlands Rule Changes

Submitted
by: Town of Essex Conservation & Trails Committee (Erin De Vries, clerk)
Date:
January 14, 2026

Please see attached pdf. of public comments submitted.

Sincerely,

Erin De Vries on behalf of the Town of Essex Conservation & Trails Committee

erinkdevries@gmail.com | she/her | (802)-999-2348
Abenaki Ancestral Lands | Essex, Vermont

"No Water, No Life. No Blue, No Green" - Sylvia Earle

Subject: Public Comments on Executive Order 06-25 - Proposed Wetlands Rule Changes from the Essex Conservation and Trails Committee

Submitted by: Town of Essex Conservation & Trails Committee (Erin De Vries, clerk)

Date: January 14, 2026

Dear Vermont Agency of Natural Resources and Department of Environmental Conservation,

On behalf of the Town of Essex Conservation & Trails Committee, we submit the following public comment regarding the proposed changes to Vermont's Wetlands Rules currently under rulemaking pursuant to **Executive Order 06-25**.

We write to express our deep concern regarding **Executive Order 06-25**, particularly its proposal to allow development and housing projects in unmapped Class II wetlands and to reduce Class II wetland buffer zones from 50 feet to 25 feet. The Essex Conservation & Trails Committee understands the housing crisis of our great Green Mountain State; however, we also understand the scientific data and reports that recommend compact growth **and** wetland protection for climate change resilience. We believe in smart, compact growth in designated areas, but absolutely not in exchange for development of wetlands, nature's kidneys, that mitigate climate change impacts, store floodwaters, and recharge groundwater during drought.

The Essex Conservation and Trails Committee is charged with advising the Town of Essex on the protection of natural resources, including wetlands, floodplains, surface waters, wildlife habitat, and forests. Based on this role and our knowledge of local natural resources, we are concerned that the proposed rule changes conflict with recent reports (VT Climate Change Resilience Strategy, 2025; VT Climate Action Plan, 2025) as well as both the letter and intent of Act 121 (2024), Vermont Flood Safety Act.

Act 121 establishes a clear legislative direction to strengthen flood resilience and wetland protections statewide. Among its key requirements, Act 121 mandates:

- A statewide goal of net gain of wetlands acreage, achieved through protection, restoration, and enhancement;
- Updated and expanded wetland mapping, including annual updates to the Vermont Significant Wetlands Inventory and completion of High-Quality Wetlands Inventory Plus mapping across all tactical basins; and
- Mitigation and compensation requirements for adverse wetland impacts, including impacts to buffers that affect wetland function.

Proposals to reduce wetland buffer widths and to limit regulatory protections only to wetlands appearing on existing VSWI maps directly undermine these statutory obligations. Many wetlands in Vermont (*particularly headwater wetlands, forested wetlands, vernal pools, and*

wetland complexes associated with small streams) remain unmapped due to outdated inventories, not due to lack of ecological function. Exempting such wetlands from protection is inconsistent with Act 121's requirement to improve, not narrow, the scientific basis for wetland regulation. In addition, Act 171 encourages towns to identify wildlife corridors which often incorporate mapped and unmapped wetlands, an activity that the Town of Essex has undertaken.

Mapped wetlands reflect the limits of available imaging technology and capacity to roll out updated maps rather than verified on-the-ground conditions and functionality of wetlands through delineation. Most wetlands are larger on the ground than what is mapped. As a result, EO 06-25 would make decisions about which areas receive protection based on data availability rather than by ecological reality. This approach therefore seems arbitrary and not grounded in sound science as required in rulemaking. In addition, there was no economic analysis completed as required in the rules filing form which should include the costs and impacts of building in a wetland.

The Essex Conservation & Trails Committee respectfully urges ANR and DEC to:

- Withdraw any proposed reductions to wetland buffer widths;
- Maintain full regulatory protections for unmapped wetlands; and
- Ensure that all wetlands rule revisions are fully aligned with Act 121's net-gain, mitigation, and flood-resilience mandates.

Wetlands and their buffers are nature's kidneys. They attenuate pollutants, store floodwaters, recharge groundwater, protect public infrastructure from hazards, and mitigate climate change impacts. The Essex Conservation & Trails Committee urges ANR and DEC to ensure that the Wetlands Rules advance, rather than undermine, this statutory directive.

Thank you for the opportunity to comment.

Respectfully submitted,
Ken Signorello (chair)
Erin De Vries
Morgan Kirk
Carrie Macfarlane
Paul Davis
Sarah Salatino

From: Patrick Hurley <patrick@windenwater.com>
Sent: Wednesday, January 14, 2026 8:44 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments related to Executive Order 06-25

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Hello,

I am a practicing professional wetland scientist (#3932) and live in the Northeast Kingdom. I am strongly opposed to the proposed rule revisions as they are currently written because they do not do enough to advance critical housing infrastructure while protecting the natural resources and communities that surround them. Revising rules to remove protections around wetlands may have unintended effects such as allowing developing in places that are prone to flooding. Vermont should absolutely NOT be investing in infrastructure that could be damaged or destroyed by flooding as we have experienced so much of that recently.

In general, the proposed revisions are inherently flawed because of the assumption that the VSWI maps are accurate and represent all Class I & II wetlands in Vermont. They absolutely do not. I have performed a half-dozen delineations in the last 3 years where either none or a majority of the jurisdictional wetland was not mapped or indicated as potential wetlands on the VT Atlas or VSWI layer. That GIS layer is only effective and accurate at representing large wetlands when they are “no-brainer” situations such as ponds, marshes, cattail swamps, bogs, and other extremely apparent wetlands. They are terrible at accurately representing forested wetlands such as cedar swamps, silver maple floodplains, and discrete and widely dispersed seeps and springs. Moreover, they DO NOT include most stream channels, which – according to the Army Corps Manual – are, by definition, wetlands and waters of the US. As such, they must either be mapped as wetlands (especially when River Corridors are not mapped) or be provided their own separate buffer setback.

A potential solution to this issue is to remove the reliance on the VSWI maps. Perhaps the 25ft buffer rule change can still be implemented so that develop-able lands can be improved and turned into housing. However, we should not rely on a flimsy GIS layer for that determination. Wetland delineations must still be required for projects in or near wetlands to determine the precise wetland boundary and where the 25ft buffer extends to. A GIS layer cannot do that!

Patrick Hurley, PWS

Water Resource Scientist | Restoration Ecologist

322 Sias Ave

Newport, VT 05855

C: 781.389.4494

www.windenwater.com

WINDENWATER_{LLC}

From: Stephen Hale <stephenshale@gmail.com>
Sent: Wednesday, January 14, 2026 9:11 AM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: kramhinsdale@leg.vt.us; cevans@leg.state.vt.us; vlyons@leg.state.vt.us;
tchittenden@leg.state.vt.us
Subject: Proposes changes to wetlands rules

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing in opposition to amending the Vermont Wetland Rules to conform with Executive Order 06-25 "Promoting Housing Construction and Rehabilitation." While facilitating more affordable housing is a worthy goal, weakening wetland protection is not the way to go about it.

Wetlands provide many benefits, including critical habitat for wildlife, water quality, and flood buffering for housing. Wetlands in the state have already been severely degraded, so we should seek other solutions.

Thank you,
Stephen Hale
Charlotte

From: Westminster Conservation Commission <westminstervtconservation@gmail.com>
Sent: Wednesday, January 14, 2026 10:10 AM
To: ANR - Wetlands Rulemaking Comment
Cc: Rachael Shaw; Amy M; Jim Calchera; Kestrel Craig
Subject: Comments on EO 06-25
Attachments: Wetlands comments.TS.docx

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to express my strong objection to the proposed changes to the VT Wetland Rules.

The current rules were developed to identify and protect significant wetlands and the critical functions they provide, not only as habitat for sensitive species, but also for resiliency in the face of storms and flooding. We in Westminster have significant wetlands throughout our town that are already endangered. For example, as a frequent participant in efforts to support amphibians crossing roads in the spring, I am aware of how challenging it is for these animals to survive as they travel to wetlands for reproduction. This past spring, I encountered two wood frogs dying in the road, with severe bloating. The literature and wetlands experts I consulted identified this as most likely due to road salt from adjacent roads. We also experience frequent flooding, and depend on our wetlands to absorb excess rainfall, increasing due to climate change.

The proposed changes would diminish the functions and values of wetlands in proximity to areas proposed for housing development as specified in Executive Order 06-25. Protecting wetlands is much less expensive than filling them and building stormwater infrastructure. While we understand the need for more affordable housing in our community, this can and must be done in such a way as to continue protecting (and if possible, expand protections) for existing wetlands. The regulatory buffer width of 50 feet for Class II wetlands was originally a compromise from a proposed greater width. Research indicates that 50 feet is not sufficient to fully protect wetlands. Reducing the required buffer to 25 feet will undoubtedly damage them.

I am also concerned that the proposed rules ignore the presence of wetlands that weren't previously identified by the Wetlands Program. If wetlands exist in proposed residential areas, they should be protected because of the flood mitigation services they provide, as well as other values such as surface and groundwater protection, and provision of important habitat. Ignoring unmapped wetlands and allowing development as close as 25 feet to a wetland boundary will not only damage these wetlands and reduce their protective functions, but require expensive mitigation down the road. Like most of Vermont's village centers, ours in Westminster are in and adjacent to the brooks and rivers. The wetlands in these areas perform critical flood mitigation functions by slowing and/or storing floodwaters and stormwater runoff. They serve as ready-made green infrastructure for the community and it would be a travesty to allow them to be degraded.

Tatiana Schreiber,
Chair, Westminster Conservation Commission

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Tatiana Schreiber,

Chair, Westminster Conservation Commission

From: Thomas Willard <thoswillard@gmail.com>
Sent: Wednesday, January 14, 2026 10:34 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed Wetland Rule

[You don't often get email from thoswillard@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I would like to take this opportunity to respond to the proposed rule changes to the Vermont Wetland Rules which I feel would not be in Vermont's best interest. My perspective is from one who as Deputy Director of the Water Quality Division for many years had supervision responsibility of Vermont's Wetland Program, Floodplain Program, and Rivers Program, all of which could be significantly affected by the proposed changes. As a principal involved in the writing of the first wetlands rule we referenced the federal NWI maps as a way of being as predictable as possible knowing that we would also have to protect the contiguous wetland areas since we knew the aerial mapping was far from precise. We also knew that many significant wetlands not mapped nor contiguous with a mapped wetland were not identified in the aerial mapping effort. Ultimately, the State opted to delineate wetland boundaries in all cases involving wetlands.

A Class 1 or 2 wetland with significant functions and values is important whether within or outside of a designated growth center or developed area. I would argue that some wetland functions such as water quality, flood attenuation or education are far more important in these developed areas. Inattention to protecting wetlands with these functions in the past has been the source of many of Vermont's problems such as eutrophication of our lakes and infrastructure damages during floods. We don't need to replace a landform such as a wetland with water quality and flood benefits with a landform that increases water pollution and flooding impacts. Why we would blanket exempt protection of these wetlands just because they have not been mapped is a bit of a mystery to me, especially since we do not know what environmental resources we are sacrificing. Trading a housing problem for an environmental problem makes no sense.

Vermont has a housing problem so let's solve that problem without such a negative trade. The existing Wetland Rules allow the Secretary of ANR to make a determination that the values and functions of a wetland are not significant. We should be using that provision instead of the absurd proposal that development can be constructed within a significant but unmapped wetland. That is a major step backwards. Perhaps the definition of significance can be modified a little for unmapped wetlands in one of the growth centers when combined with mitigation. Perhaps local zoning can be changed to allow more dense development or existing structures used for multiple housing occupancy. But let's show Washington how to manage problems with science rather than politics.

Finally I would like to point out that the proposed rule change is inconsistent with Title 10 Chapter 37 and a waste of time and money, since it could not be implemented. If the General Assembly changes the statute then I would think the rule making process by the Executive Branch would have to begin again consistent with the direction given by the Legislative Branch.

SUMMARY

Is Vermont really ready to build housing in wetlands with no knowledge of the environmental or public safety impacts? With no knowledge of the resource lost or the benefits to the

housing problem? I think not. Let's pause this rulemaking, develop a good strategy to solve the housing problem, consult with the Legislative Branch, and proceed with respect for science and good data.

In support of Vermont's quality of life,

Tom Willard

From: Judith D. Schwartz <judithdvt@gmail.com>
Sent: Wednesday, January 14, 2026 10:45 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment on Wetlands Rulemaking

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As an environmental journalist, I frequently encounter discussions of the importance of wetlands. According to the Ramsar Convention, the intergovernmental treaty focused on the protection and wise use of wetlands, these ecosystems are critical for multiple reasons, among them: they filter toxins to provide freshwater; they serve as buffers for storms and flooding and enhance climate mitigation and adaptation; they are central to the health, economy and culture of communities worldwide; they are cradles of biological diversity, including many threatened species; they are central to local and global water cycling, at a time when water security is more tenuous than ever. And yet, wetlands are degrading and disappearing throughout the world.

Given this scenario, why would the State of Vermont lessen rules for the protection of wetlands? The loss to our ecology, resilience, biodiversity and productivity would be considerable. Certainly, we can come up with better ways to conform to the Executive Order "Promoting Housing Construction and Rehabilitation" without compromising the state of already stressed wetland environments. Like all ecosystems, wetlands are not static—they encompass the ebb and flow of water. Indeed, building closer to wetlands means putting residential housing in areas prone to flooding.

I am in contact with Ramsar leadership and take seriously the mandate to protect wetland ecosystems. I am asking the State to do right by our land, our wildlife and our communities and refrain from chipping away at wetland protections.

Respectfully yours,

Judith D. Schwartz
Bennington, Vermont
(802) 379-5368
www.judithdschwartz.com

From: Amy Ludwin <aludwin@icloud.com>
Sent: Wednesday, January 14, 2026 10:50 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands rules

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Given the many out of control recent flooding, and extreme downpour events I am writing to urge no change to the wetlands rules in Vermont. Wetlands provide an incredible resource for absorption of excess water, that protects human infrastructure, houses, buildings of all kinds and roads. Climate change and extreme weather events are here to stay, let's plan for sustainable construction. Every time a wetland is flooded its footprint expands , just like a rivers floodplain. We've seen what happens when those floodplains are flooded and the impacts on human infrastructure; it's catastrophic, it's expensive, it's complex, it's hard to repair, it shows some lack of foresight about climate disaster preparedness; can we take that as a cautionary warning. Wetlands also provide important core habitat for wildlife that is irreplaceable.

Please vote no changes to the wetlands rules.

Amy Ludwin
Member of the Bolton Conservation Commission

Sent from my iPhone

From: Lisa Sausville <lisa@vtcoverts.org>
Sent: Wednesday, January 14, 2026 12:12 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Re: Wetland Rulemaking and EO 06 25
Attachments: Wetlands Comments_VT Coverts.docx

You don't often get email from lisa@vtcoverts.org. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon,
Attached are the comments from VT Coverts regarding the wetland rulemaking in response to Executive Order 06 25.
Thank you for the opportunity to submit comments.
Sincerely,

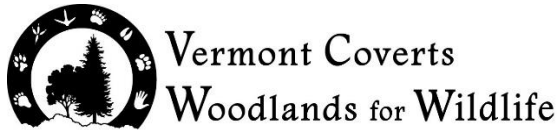
Lisa Sausville
Executive Director
VT Coverts: Woodlands for Wildlife
PO Box 328
Vergennes, VT 05491
802-877-2777

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January 14, 2026

Wetlands Rule Making Committee,

On behalf of Vermont Coverts: Woodlands for Wildlife, we are writing to express our concern regarding the proposed changes to the Vermont Wetland Rules developed in response to Executive Order 06 25.

While the Executive Order has been framed as a mechanism to advance affordable housing, the proposed wetland rule changes do not acknowledge or require that housing developed under these exemptions be designated as affordable. At the same time, the environmental risks associated with weakening wetland protections, particularly for unmapped and Class II wetlands, are clear, significant, and long-lasting.

Wetlands, both mapped and unmapped, function as essential natural infrastructure. They provide flood attenuation, groundwater recharge, water quality protection, erosion control, and biodiversity support. Buffers surrounding wetlands are not arbitrary; they are necessary to maintain these functions and to protect wetlands from the impacts of nearby development. Reducing effective buffer protections from 50 feet to 25 feet, or allowing development within contiguous unmapped wetlands, substantially diminishes these protections and increases the risk of harm.

We are concerned that the proposed rules place unmapped wetlands at an increased risk. Many vernal pools, wetland complexes, and seasonally saturated areas are not included in the Vermont Significant Wetlands Inventory. Allowing development in or adjacent to these areas without adequate review, oversight, or opportunities for reconsideration removes essential safeguards and limits public and expert input into decisions with permanent consequences.

The proposed changes also reduce transparency and oversight by narrowing who participates in decision-making and how those decisions are made. Consolidating or bypassing environmental review processes may expedite permitting, but it also increases the likelihood of unintended consequences, particularly in sensitive landscapes already vulnerable to climate-driven impacts.

If affordable housing is the stated impetus for these changes, we respectfully ask: What percentage of housing developed under these exemptions will be required to be affordable? Without clear standards or accountability, the public is being asked to accept permanent environmental tradeoffs without assurance that the intended social benefit will be realized.

Vermont's quality of life, economy, and sense of place are deeply tied to the protection of its natural resources. People choose to live, work, recreate and invest here because of our landscape, our waters, and our longstanding commitment to stewardship. Weakening wetland protections, even within designated growth areas, runs counter to these values and risks increasing flood damage, water pollution, and habitat loss in the very communities these policies aim to support.

We urge the Agency to reconsider these proposed changes and ensure that any efforts to address housing needs do not come at the expense of Vermont's wetlands, public safety and long-term resilience.

Thank you for the opportunity to submit these comments and for your consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Sausville". The signature is fluid and cursive, with the first name "Lisa" and last name "Sausville" clearly distinguishable.

Lisa Sausville
Executive Director
Vermont Coverts

From: Kaitlynn Campbell <kaitlynn.campbell16@gmail.com>
Sent: Wednesday, January 14, 2026 1:13 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public comment in opposition to the Wetlands Rulemaking amendments per Executive Order 06-25
Attachments: Public comment in opposition to the Wetlands Rulemaking amendments per Executive Order 06-25.pdf

You don't often get email from kaitlynn.campbell16@gmail.com. [Learn why this is important](#)

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Please accept the following public comment regarding the Wetlands Rulemaking amendments per E.O. 06-25. I have also included this letter in PDF format, if you prefer. Thank you for your time.

Dear Vermont Agency of Natural Resources and Department of Environmental Conservation,

I am writing to urge the Agency of Natural Resources and the Vermont Department of Environmental Conservation to reject the wetlands provisions contained in Executive Order No. 06-25, specifically Section III.1, which proposes to limit regulatory protections to mapped Class II wetlands and to reduce protective buffer widths to 25 feet in designated growth areas.

I recognize and share the Administration's concern regarding Vermont's severe housing shortage. Streamlined permitting, coordinated review, and responsible infill development are important objectives. However, the wetlands provisions of this Executive Order undermine Vermont law, conflict with recent legislative direction, disregard established wetland science, and ultimately compromise both housing equity and climate resilience. For these reasons, which I explain in greater detail below, the wetlands rules amendment should be rejected.

1. Wetlands Are Not "Counterproductive" Infrastructure

The Executive Order characterizes existing land use regulations as "well-intentioned, but now counterproductive." Wetlands protections do not fit that description. Wetlands are among Vermont's most valuable natural systems, providing flood storage, water filtration, groundwater regulation, shoreline stabilization, carbon storage, and essential wildlife habitat. These functions are not abstract environmental benefits; they are protective infrastructure that directly safeguard communities, property, and public finances.

The destruction or impairment of wetlands does not remove hydric soils, high water tables, or flood dynamics. It merely transfers those risks to buildings and to the people who will occupy them. Structures placed in wetland soils face chronic foundation issues, septic failures, moisture intrusion, and accelerated maintenance costs. From a housing policy perspective, this is not efficiency; it is deferred failure.

If housing equity is a stated objective of this Executive Order, it cannot be equitable to site homes in locations that are inherently predisposed to long-term water damage, higher insurance costs, and repeated repair burdens. This replaces a housing shortage with a housing durability and safety problem, shifting the consequences onto future residents.

2. Reliance on Mapped Wetlands Is Scientifically Arbitrary

Section III.1 limits Class II wetlands to those identified on the most current Vermont Significant Wetlands Inventory maps and removes permitting oversight for impacts to unmapped Class II wetlands in designated growth areas. This approach substitutes administrative convenience for ecological reality.

VSWI maps reflect the limits of available data, funding, and mapping capacity — not the true extent or function of wetlands on the ground. Many ecologically significant wetlands in Vermont, including headwater wetlands, forested wetlands, vernal pools, and wetland complexes associated with small streams, remain unmapped due to outdated inventories. Current wetland rules appropriately protect wetlands based on function and characteristics, not map appearance.

By tying regulatory protection solely to mapped status, the Executive Order establishes a protection regime driven by data availability rather than science. This is an arbitrary distinction and one that is incompatible with the statutory requirement that wetland regulation be grounded in scientific analysis and ecological function.

3. Buffer Reduction Undermines Wetland Function

The reduction of buffer zones from 50 feet to 25 feet further compromises wetland integrity. Buffer zones are not cosmetic setbacks; they are essential to protecting wetlands from runoff, sedimentation, pollutants, hydrologic alteration, invasive species, and habitat fragmentation. Reduced buffers diminish flood storage capacity, impair filtration functions, and weaken the very systems that protect downstream communities. A 25-foot buffer is not consistent with the scientific understanding of wetland protection or with Vermont's long-standing regulatory approach.

4. Wetlands are a Key Part of Flood Resilience

The Department of Environmental Conservation has clearly documented that wetlands reduce flood severity and erosion by storing and slowly releasing floodwaters, and that flood peaks may increase where wetlands have been lost. Wetlands within and upstream of urban areas are particularly valuable for flood protection. By weakening wetland protections in these locations, the Order increases flood vulnerability while claiming to support climate resilience.

5. The Executive Order Lacks Scientific and Evidentiary Support

The Executive Order asserts that wetland regulatory reform will maintain environmental protections while improving efficiency. Yet it provides no scientific analysis, data, or peer-reviewed justification demonstrating that the proposed reductions will preserve wetland function or flood resilience. Regulatory certainty cannot replace scientific validity. Rulemaking that alters core environmental protections must be supported by evidence and reasoned analysis. Without such support, the proposed changes meet the definition of arbitrary.

6. The Executive Order Conflicts With Act 121 and Vermont Statute

The wetlands provisions of the Executive Order directly conflict with the letter and intent of Act 121 (2024). Act 121 establishes a statewide goal of net gain of wetlands acreage through protection, restoration, and enhancement. It mandates improved wetland mapping, expanded inventories, and prioritization of intact wetlands for protection. The statute does not distinguish between mapped and unmapped wetlands, nor does it authorize the abandonment of protections for wetlands that have not yet been inventoried.

Section III.1 moves in the opposite direction. It narrows protections, reduces buffers, and eliminates regulatory oversight for an entire category of wetlands based solely on mapping status. This approach undermines the statutory objective of strengthening, not weakening, Vermont's wetland protection framework.

The Executive Order states that it is not intended to contravene legislative intent. Yet that is exactly what it does.

7. Downstream Negative Economic and Fiscal Consequences

Wetlands provide ongoing economic value by reducing flood damage, protecting infrastructure, improving water quality, and lowering long-term public and private costs. Weakening wetland protections increases future expenditures on disaster recovery, infrastructure repair, insurance claims, and public assistance. From a fiscal perspective, wetland protection is not a regulatory burden; it is a cost-avoidance strategy.

For these reasons, I respectfully urge the Department of Environmental Conservation and the Agency of Natural Resources to reject the wetlands provisions of Executive Order No. 06-25 in their entirety. Vermont can and must pursue housing solutions that are safe, durable, equitable, and climate-resilient. Weakening wetland protections undermines all four of those objectives. Wetlands are not obstacles to Vermont's future; they are part of the foundation that makes that future possible.

Thank you for your consideration of these comments and for your continued stewardship of Vermont's natural resources and communities.

Respectfully,

Kaitlynn Campbell

Brookfield, VT

Subject: Public comment in opposition to the Wetlands Rulemaking amendments per Executive Order 06-25

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headwater wetlands, forested wetlands, vernal pools, and wetland complexes associated with small streams, remain unmapped due to outdated inventories. Current wetland rules appropriately protect wetlands based on function and characteristics, not map appearance.

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The Department of Environmental Conservation has clearly documented that wetlands reduce flood severity and erosion by storing and slowly releasing floodwaters, and that flood peaks may increase where wetlands have been lost. Wetlands within and upstream of urban areas are particularly valuable for flood protection. By weakening wetland protections in these locations, the Order increases flood vulnerability while claiming to support climate resilience.

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The Executive Order asserts that wetland regulatory reform will maintain environmental protections while improving efficiency. Yet it provides no scientific analysis, data, or peer-reviewed justification demonstrating that the proposed reductions will preserve wetland function or flood resilience. Regulatory certainty cannot replace scientific validity. Rulemaking that alters core environmental protections must be supported by evidence and reasoned analysis. Without such support, the proposed changes meet the definition of arbitrary.

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Thank you for your consideration of these comments and for your continued stewardship of Vermont's natural resources and communities.

Respectfully,

Kaitlynn Campbell

Brookfield, VT

From: Andrea Morgante <andreahinesburg@gmail.com>
Sent: Wednesday, January 14, 2026 1:36 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Letter in opposition to proposed wetland rules.
Attachments: Eo 06-25 oppositon.pdf

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Hi

Please see the attached letter and confirm receipt

thank you

Andrea Morgante

Andrea Morgante
56 Mechanicsville Rd
Hinesburg VT 05461

January 14, 2026

To: Wetlands Rulemaking WetlandsRulemakingComments@vermont.org
Misty Sinsigalli, misty.sinsigalli@vermont.gov

CC: Representative Phil Pouch, ppouech@leg.state.vt.us

I am writing to oppose the proposed changes to VT Wetland rules pursuant to Governor Scott's Executive Order 06-25.

Having served the Hlnesburg community since 1987 first on the Planning Commission and then the Select Board for 27 years I have worked to accomplish many of the goals stated in EO 06-25—including increasing housing supply and directing development to designated growth areas however the proposed changes to Vermont's Wetland Rules undermine statutory protections, conflicts with sound science, and risk significant on-the-ground environmental degradation. These changes ultimately weaken public trust in the role of science and law in protecting Vermont's communities and natural resources.

Conflict with Statutory Intent and Authority

Vermont statute clearly recognizes wetlands as resources of statewide significance due to their roles in flood attenuation, water quality protection, habitat provision, and climate resilience. The proposed rule making—which reduces or removes protections for certain wetlands based primarily on location within designated growth areas—creates an artificial distinction that is not supported by statute. Wetland functions do not change because of zoning or planning designations, and statutory protections were not intended to be contingent on development priorities.

On-the-Ground Environmental Degradation

In practice, the proposed changes would allow incremental loss and degradation of wetlands that collectively provide essential ecosystem services. In the Hlnesburg growth center area the reduction of the buffer and delineation requirements will dramatically increase the flood risk to the 40 homes built in 2005 and the recently permitted 82 new homes. Since the early 1990s Hlnesburg has demonstrated that both creating a compact settlement with increased housing and commercial opportunities and protecting wetlands and other ecological functions can be achieved within this growth area. The proposed reduction in permitting, buffers, and mitigation requirements shifts long-term environmental and economic costs to communities while offering only short-term regulatory convenience.

Andrea Morgante
56 Mechanicsville Rd
Hinesburg VT 05461

January 14, 2026

Erosion of Science-Based Decision Making and Public Trust

The proposed rule making raises serious concerns about the role of science in environmental policymaking. As an advocate for the major changes in VT wetland policies beginning in 1990 and witnessing the advances in wetland science and the tremendous educational outreach by ANR and conservation organizations the general public now understands the importance of mapped wetlands and recognizes that small, seasonal, and unmapped wetlands are often disproportionately important to watershed health and flood resilience. The growing public awareness of the importance of wetlands became even stronger following Tropical Storm Irene in 2011 and appreciation of the functions and values of wetlands has been reinforced with the flooding experienced in 2023, 2024 and 2025. Ignoring this body of science and the growing public appreciation for wetlands in favor of expedited development risks eroding public confidence that Vermont's environmental laws are grounded in evidence, expertise, and long-term public interest rather than short-term policy goals.

Vermonters expect environmental regulations to be based on credible science and statutory intent, not weakened through administrative rule making that sidesteps established protections. When science is discounted, public trust in both government institutions and the rule making process is diminished.

Housing and Environmental Protection Are Not Mutually Exclusive

Vermont can and must address its housing needs without sacrificing wetlands and the protections that safeguard public safety and environmental quality. Smart growth, thoughtful site design, and investment in both built and green infrastructure offer pathways to housing development that do not rely on weakening core environmental safeguards.

For these reasons, I urge you to reject the proposed changes to wetland rules and instead pursue solutions that uphold Vermont statute, reflect sound science, and protect the natural systems that underpin the state's environmental and economic resilience.

Thank you for the opportunity to comment and for your consideration of these concerns.

Sincerely,

Andrea Morgante

From: Thomas Weiss <kbdclass@together.net>
Sent: Wednesday, January 14, 2026 1:38 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments on the proposed rule
Attachments: EO 06-25 comments 260114.pdf

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Dear individuals working on the proposed rule:

A letter with my comments on the proposed wetland rule is attached.

Sincerely,
Thomas Weiss

Thomas Weiss, P. E.
P. O. Box 512
Montpelier, Vermont 05601
January 14, 2026

Department of Environmental Conservation
1 National Life Drive, Davis 2
Montpelier, Vermont 05260-3522

Subject: Proposed Wetland Rules

Gentlepeople:

These comments are in response to the request for comments on this proposed rule. The comments are based on an analysis of the proposed rule and the accompanying filing information.

Background. I am a civil engineer who is also ANR Soil Compliant. These comments draw on my experience, which includes permitting and environmental evaluations.

Summary

I find that the proposed rule is arbitrary for the reasons explained in this letter.

I make the following six comments. The reason for each comment is analyzed in a section on each comment.

Comment 1. The public was not properly informed of where to find information.

Comment 2. The proposed schedule needs to be added to the filing information.

Comment 3. A scientific information summary is needed.

Comment 4. The environmental impact analysis is incomplete and needs to be revised.

Comment 5. The economic analysis is incomplete and needs to be revised.

Comment 6. The proposed rule is arbitrary.

Executive Order 06-25 goes beyond the governor's authority because it orders the proposed rule to avoid compliance with several statutes as explained above.

The topics covered in this letter are arranged in an order that makes it easier to lay out the reasoning that concludes with determining that the proposed wetland rule is arbitrary.

Comment 1. The public was not properly informed of where to find information.

Coversheet at 3 and 7. Public Input Maximization Plan at 3

Conclusion

The public was not properly informed of where to find information on the proposed rule.

Analysis leading to the conclusion

"The agency shall post the [filing] information on a separate page that is readily accessible from a prominent link on its main web page and that lists proposed rules by title and topic" according to 3 V.S.A. 836 (b)(1).

It is not clear which "agency" is required to have the prominent link to the separate page. Statute (10 V.S.A. §905b (18)) requires the Department of Environmental Conservation to adopt the wetland rule. ANR is the adopting agency according to 3 V.S.A. § 801 (b)(11). The Secretary of Natural Resources has no authority to adopt the wetlands rules in 10 V.S.A. chapter 37 despite claims in the coversheet to the contrary. The cited

section 905b gives the authority for wetlands rules to DEC. The cited section 930 applies only to subchapter 5. The requirement for wetland rules is in subchapter 4. ("Agency" is in quotes above because the definition of ""agency" in 3 V.S.A. chapter 25 includes both ANR and DEC.)

It turns out it does not matter which agency is required to have the link. On January 11, neither main page (anr.vermont.gov or dec.vermont.gov) had a link to the separate page for the rule.

The coversheet gives the URL for the separate page as "Web URL (*WHERE THE RULE WILL BE POSTED*): "<https://dec.vermont.gov/watershed/wetlands/rulemaking>"

A check on that link on January 14 returned a "Page Not Found" for the address provided by the coversheet.

The actual URL is <https://dec.vermont.gov/watershed/wetlands-rulemaking>. The actual URL uses a hyphen instead of a forward slash.

I acknowledge that there was large attendance at the public hearings, so information got out somehow. That does not make it OK for the filing documents to have incorrect information and for the home page not to have a prominent link to the Department's separate rulemaking page.

Comment 2. The proposed schedule needs to be added to the filing information.

Proposed schedule

Conclusion

The proposed schedule needs to be added to the filing information.

Analysis leading to the conclusion

The filing information for the proposed rule is required to include "A proposed schedule for completing the requirements of this chapter". (3 V.S.A. §838(a)(14) which is in chapter 25)

The schedule in the filing information ends with the date for submitting comments, January 14, 2026. There is no proposed schedule for the rest of the process.

Comment 3. A scientific information summary is needed.

Scientific Information Summary

Conclusion

A scientific information summary is needed. The needed information is listed below in this comment.

Analysis leading to the conclusion

It is the policy of Vermont that "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." (10 V.S.A. §901 (3)).

Filing information is required to include "A brief summary of the scientific information upon which the proposed rule is based, to the extent the proposed rule depends on scientific information for its validity. The summary shall refer to the scientific studies on which the proposed rule is based and shall explain the procedure for obtaining such studies from the agency." (3 V.S.A. §838(a)(8))

The proposed rule adds section 6.26 which will remove certain wetlands from jurisdiction. The removal requires an evaluation of the functions and values of those wetlands in order to show that they no longer warrant jurisdiction.

The filing documents do not contain a scientific information summary. The filing documents provide information on the housing shortage. They do not provide any information on how removing jurisdiction over unmapped class 2 wetlands will help alleviate the housing shortage. Nor do the filing documents indicate the amount of wetland that will be lost to help alleviate the housing shortage. I fail to see how a proposal to reduce the wetlands requiring permits can be valid without the scientific information obtained by an evaluation of functions and values.

The regional planning commissions are determining housing targets for each town and city as part of the changes of Act 181 (2023). There is no analysis that the housing assigned to the section 6.26 areas in each city or town cannot be met without the proposed rule.

The economic impact analysis and the environmental impact analysis contain links and references to a number of studies. None of those studies or documents is an adequate substitute for the needed scientific information.

The scientific information needed to determine whether the specified unmapped class 2 wetlands (and wetland crossings) should no longer be regulated is:

- an evaluation of the functions and values of the wetlands that would be excluded by section 6.26.
- an estimate of the total area of the section 6.26 areas.
- an estimate of the areas of mapped wetland in the section 6.26 areas.
- an estimate of the areas of unmapped wetland included in the section 6.26 areas.
- an estimate of the increased area made available by reducing the buffer distance to 25' from the standard 50'.
- an estimate of the number of additional housing units that could be built in the section 6.26 areas because of the proposed rule.
- whether the units assigned to the section 6.26 areas in each city and town can be met without the proposed rule.
- an estimate of the reduction in vehicle miles travelled due to the increased housing in the section 6.26 areas and the resulting reduction in greenhouse gas emissions.
- an estimate of the green house gas emission by the destruction of unmapped wetlands in the section 6.26 areas.

The information listed immediately above is needed for use in the economic impact analysis and in the environmental impact analysis.

Comment 4. The environmental impact analysis is incomplete and needs to be revised.

Environmental Impact Analysis

Conclusion

The environmental impact analysis is incomplete and needs to be revised. The revision needs to be based on the scientific information listed in the comment on the scientific information summary.

Analysis leading to the conclusion

The environmental impact analysis needs to discuss the environmental effects of removing the section 6.26 areas from regulation.

The environmental impact analysis analysis needs to be based on scientific information. There is no scientific information summary.

There is nothing in the rule that will reduce the demand for new housing in the areas not covered by section 6.26. Thus the result of this rule will be an increase in housing above what would be built without the rule.

Environmental Impact Analysis at 3 - greenhouse gas emissions. The additional housing will increase GHG emissions because Vermont lacks a requirement that new housing will have no GHG emissions. To the contrary, Executive Order 06-25 requires a companion rule to roll back the energy standards for housing.

Environmental Impact Analysis at 3 - greenhouse gas emissions. This analysis states that disturbing unmapped wetlands will increase GHG emissions. The analysis fails to estimate the amount of unmapped wetlands and how many of them are likely to be destroyed and what the resulting increase in greenhouse gas emissions is likely to be.

Environmental Impact Analysis at 3 - greenhouse gas emissions. This analysis does not quantify the reductions in GHG emissions due to reduction of vehicle miles travelled caused by the additional section 6.26 housing against the increases in GHG emissions due to filling wetlands and housing emissions in the section 6.26 areas.

Environmental Impact Analysis at 4 - water. The analysis fails to mention that ANR is now at least one year tardy in creating the net gain rule for wetlands. Section 918 of 10 V.S.A. requires the rule to have been amended by July 1, 2025. That same section also requires the net gain rule to be incorporated into permits after September 1, 2025, 4 months ago.

Environmental Impact Analysis at 4 - water. The VSWI updates were made on the basis that all wetlands would be delineated in the field. The amount of mapped wetland likely would have been different if it had been known that unmapped wetlands in certain areas would no longer be regulated by the wetland rules.

Environmental Impact Analysis at 4 - water. The analysis does not state how much mapped wetland is in the section 6.26 areas. Nor does it provide an estimate of the amount of unmapped wetland in the section 6.26 areas. Nor does it provide an estimate of how much buildable area will be gained by reducing the buffer width of mapped wetlands to 25' from 50'.

Environmental Impact Analysis at 6 - Recreation. Green space is an essential component of densely developed areas. Section 6.26 is intended to move toward, or even create, densely developed areas. Thus, not identifying significant unmapped wetlands reduces the opportunities for recreation and green space in the section 6.26 areas.

Environmental Impact Analysis at 8 - other. Present permitting requires a process of avoid, minimize, compensate (mitigate). Thus, the "less than one acre" cited as lost is so low because of first avoiding and minimizing. Without avoiding and minimizing, the losses would have been greater, potentially much greater. The analysis has not stated how much wetland was retained through avoidance and minimization. The analysis has not stated how much mapped wetland is in the areas where delineations and permits will not be required. Thus the present rule provided more preservation of wetlands than claimed in the environmental impact analysis.

Comment 5. The economic analysis is incomplete and needs to be revised.

Economic Impact Analysis

Conclusion

The economic analysis is incomplete and needs to be revised to comply with the requirements of 3 V.S.A. §838(b). The brief summary of economic impact will also need to be revised to include the changes to the economic impact analysis.

Analysis leading to the conclusion

The economic impact analysis needs to "analyze the anticipated costs and benefits to be expected from adoption of the rule" This requires an estimate of the anticipated costs and benefits for each requirement of the rule. Within each requirement of the rule, the analysis is then required to estimate the anticipated costs and benefits for each category of potentially affected party. (3 V.S.A. §838(b))

The proposed rule has three requirements:

- Making residential housing projects an allowed use in mapped and unmapped class 2 wetlands, section 6.26
- Removing the reconsideration process, sections 8.4 and 9.6
- Amending the process for making mapping corrections and revisions, section 8.5.

The economic impact analysis covers only requirement in section 6.26.

The economic impact analysis at 3 This section begins with a list of seven categories of those potentially affected by the amendments to section 6.26 of the proposed rule. Section 3 does not provide a list of those potentially affected by the other two requirements: reconsideration and mapping corrections.

I expect that costs and benefits for section 6.26 would be based on how much additional housing is expected to be built. Costs of those units. How much the proposed rule is expected to lower the cost of the additional housing. How the proposed rule will make the housing affordable at some level of income. The cost difference between the allowed linear utility crossings in class 2 wetlands (on a per foot basis, perhaps), compared to projects where there is no wetland crossing. Changes in property values. Loss of business by those who will no longer be hired to delineate wetlands and prepare permit applications.

The potentially affected categories for removing reconsiderations (sections 8.4 and 9.6) include applicants, any person entitled to notice under Section 8.3(a), and any person who filed written comments regarding the permit application. I expect that costs and benefits for removing the reconsideration process would include the number of reconsiderations each year. The cost and time savings from not doing the reconsideration. Whether the faster wetlands permit actually will shorten the overall permit process; that is, how often is the wetlands permit on the critical path for permits?

The potentially affected categories for amending section 8.5 include the Secretary, those requesting map corrections, Town Clerks, those on the list of interested parties, the regional planning commissions, and adjoining property owners. I expect that the costs and benefits would mostly be non-monetary costs to those not receiving notices and being unable to respond to the potential corrections and changes.

Coversheet at 12, economic impacts. This brief summary does not mention the effect of being allowed to build on wetlands the cost of owning or operating homes. The summary lists some reasons why it believes the cost of housing is high.

Comment 6. The proposed rule is arbitrary.

Coversheet at 10 (Explanation of How the Rule Is Not Arbitrary as Defined in 3 V.S.A. § 801(b)(13)(A))
Conclusion

The proposed rule is arbitrary. The proposed rule meets all three conditions for being arbitrary, even though only one condition is needed to be found arbitrary.

- (i) The claimed factual basis for section 6.26 of the rule is faulty because it fails to include the evaluations (facts) required by statutes and filing information. One of the missing documents is the scientific information study. Thus the basis used for the proposed rule does not rise to the level of a factual basis.

- (ii) The faulty basis for the proposed rule means that the proposed rule is not rationally connected to the required factual basis.
- (iii) I am a civil engineer whose experience includes permitting and wetlands. My background is one of many that would qualify an individual as a reasonable person. The decision made in the proposed rule does not make sense to me.

Analysis leading to the conclusions

The first part of this analysis is to consider the definition of arbitrary contained in 3 V.S.A. §801 (13).

“Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply:

- (i) There is no factual basis for the decision made by the agency.
- (ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.
- (iii) The decision made by the agency would not make sense to a reasonable person.

The decisions in question are both in section 6.26 of the proposed rule.

- allowing construction of residential housing projects in unmapped class 2 wetlands in the defined areas. These unmapped wetlands are those that are contiguous (meaning the entire wetland is larger than shown on the map) or non-contiguous (meaning the map fails to identify the wetland)
- allowing crossings of access roads and driveways serving the above residential housing projects to convert a portion of a mapped wetland into upland.

The basis that has been made public is contained in the 26 "whereas" paragraphs in Executive Order 06-25. Only the 24th and 25th mention wetlands.

The 24th "whereas" refers to 10 V.S.A. §914. The "whereas" does not mention that section 914 requires that the determinations be based on an evaluation of the 11 functions and values listed in §905b(18)(A). The proposed filing documents contain no information that functions and values have been evaluated during the preparation of the proposed rule. Section 914 requires that all wetland and buffer "determinations shall be based on an evaluation of the functions and values" in section 905b(18)(A).

The 25th "whereas" is based on using the authority of section 914 as described in the 24th "whereas". This 25th "whereas" ignores that the authority of section 914 requires an evaluation of the functions and values of the wetlands, mapped or unmapped., before removing them from jurisdiction. Nowhere in the filing information is there evidence that such an evaluation has been conducted.

The State's water resources management policy (10 V.S.A. §901(2)) requires that Vermont achieve a net gain of wetlands acreage. The explanation does not explain how a net gain can be achieved when allowing the loss of wetlands that will occur if this proposed rule is adopted. Excluding the wetlands described in this proposed rule places a greater burden to achieve net gain on those still needing wetland permits outside the section 6.26 areas.

The DEC's report on Wetland Permitted Losses and Gains (April 25, 2025) shows a net loss of wetlands even when the unmapped wetlands were being delineated and covered by permits. Removing unmapped wetlands from the protections of the wetlands rule will lead to even more wetland losses, unless something else happens to offset those losses. Wetland losses are reduced because the current rules require avoiding and minimizing before allowing losses. Removing unmapped wetlands from jurisdiction will cause more wetland loss than leaving them in jurisdiction.

The State's water resources management policy (10 V.S.A. §901(3)) provides that the regulation and management of wetlands be guided by science. It requires that authorized activities should have a net environmental benefit. The explanation in the coversheet makes no claim for a net environmental benefit.

Portions of the proposed rule will reduce wetlands buffers and the protections to wetlands provided by those buffers. Section 914 (b) requires that if a buffer is delineated, that it be done with the same determination and evaluation as is needed for the wetland itself.

Portions of the proposed rule will remove the need for wetlands permits from wetlands that now require permits. The documents provided with the proposed rule do not provide a scientific basis for removing some unmapped wetlands from jurisdiction and leaving other unmapped wetlands under jurisdiction.

The VSWI maps have been updated with the knowledge that all class 2 wetlands, mapped or unmapped will be regulated by the State. The Department updated the Vermont State Wetlands Inventory maps for the Otter Creek and the Winooski and Pike Rivers, effective September 7. The updates for these basins are the most recent and I commented on them. My comments did result in changes between the proposed VSWI amendments and the final VSWI amendments. The VSWI updates in those three basins became effective September 7, 2025. These VSWI updates were done on the premise that the VSWI maps were not a complete mapping of class 2 wetlands. That is because the current rule requires all class 2 wetlands to be delineated and their significance determined as part of the permitting process. Then the governor upended the basis on which the maps were to be used in his executive order of September 17, a mere 10 days after the most recent set of updates became effective. If the intent of updating the maps had been to require permits only on mapped wetlands, I, and likely other commenters would have pointed out more wetlands that needed to be enlarged and more wetlands that needed to be added to the maps. Thus it is improper for these rules to change the applicability of the updated maps in the section 9.26 areas.

Conclusion

I find that the proposed rule is arbitrary for reasons explained below.

I made the following six comments. The reason for each comment was analyzed in a section on each comment.

Comment 1. The public was not properly informed of where to find information.

Comment 2. The proposed schedule needs to be added to the filing information.

Comment 3. A scientific information summary is needed.

Comment 4. The environmental impact analysis is incomplete and needs to be revised.

Comment 5. The economic analysis is incomplete and needs to be revised.

Comment 6. The proposed rule is arbitrary.

Executive Order 06-25 goes beyond the governor's authority because it orders the proposed rule to avoid compliance with several statutes as explained above.

I believe that these comments are significant enough to warrant issuing a revised proposed rule and going back to the step of filing a proposed rule.

Sincerely,
Thomas Weiss, P. E.

Enclosure: Bases of comments

Bases of Comments

The analyses leading to the conclusions in the letter are based on statutory requirements and Executive Order 06-25.

The bases are provided here so that readers will have readily available the relevant portions of the documents used in the analysis.

Statutory Requirements Relating to Making Rules

Statutory requirements for making rules is contained in subchapter 3 of 3 V.S.A. chapter 25, Administrative Procedure. Applicable definitions are contained in subchapter 1.

Relevant definitions

Relevant definitions are at 3 V.S.A. §801.

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(13)(A) “Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply:

- (i) There is no factual basis for the decision made by the agency.
- (ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.
- (iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court’s application of “arbitrary” in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

Procedure for adoption of rules

§ 836. Procedure for adoption of rules

(a) . . . rules shall be adopted by taking the following steps:

- (1) prefiling, when required;
- (2) filing the proposed rule;
- (3) publishing the proposed rule;
- (4) holding a public hearing and receiving comments;
- (5) filing the final proposal;
- (6) responding to the Legislative Committee on Administrative Rules when required; and
- (7) filing the adopted rule.

(b) During the rulemaking process, the agency proposing the rule shall post on its website information concerning the proposal.

(1) The agency shall post the information on a separate page that is readily accessible from a prominent link on its main web page and that lists proposed rules by title and topic.

(2) For each rulemaking, the posted information shall include:

* * *

(C) The date and location of any public hearing.

(D) Each comment submitted to the agency on the proposed rule. The agency shall redact sensitive personal information from the posted comments. As used in this subdivision (D), “sensitive personal information” means each of the items listed in 9 V.S.A. § 2430(10)(A) and does not include the name, affiliation, and contact information of the commenter.

Filing of proposed rules**§ 838. Filing of proposed rules**

(a) Filing; information. Proposed rules shall be filed with the Secretary of State in a format determined by the Secretary that includes the following information:

* * *

(8) A brief summary of the scientific information upon which the proposed rule is based, to the extent the proposed rule depends on scientific information for its validity. The summary shall refer to the scientific studies on which the proposed rule is based and shall explain the procedure for obtaining such studies from the agency.

* * *

(11) An explanation of why the rule is necessary.

* * *

(14) A proposed schedule for completing the requirements of this chapter, including, if there is a hearing scheduled, the date, time, and place of that hearing and a deadline for receiving comments.

* * *

(b) Economic impact analysis; rules affecting small businesses and school districts.

(1) General requirements. The economic impact analysis shall analyze the anticipated costs and benefits to be expected from adoption of the rule. Specifically, each economic impact analysis shall, for each requirement in the rule:

(A) list each category of people, enterprises, and government entities potentially affected and estimate for each the costs and benefits anticipated; and

(B) compare the economic impact of the rule with the economic impact of other alternatives to the rule, including having no rule on the subject or a rule having separate requirements for small businesses.

* * *

(c) Environmental impact analysis. The environmental impact analysis shall:

(1) Analyze the anticipated environmental impacts, whether positive or negative, from adoption of the rule. Examples of environmental impacts include the emission of greenhouse gases; the discharge of pollutants to water; and effects on the ability of the environment to provide benefits such as food and fresh water, regulation of climate and water flow, and recreation.

(2) Compare the environmental impact of the rule with the environmental impact of other alternatives to the rule, including having no rule on the subject.

(d) Incorporation by reference.

Statutory Requirements Relating to Wetlands from chapter 37**Water resources management policy****§ 901. Water resources management policy**

It is hereby declared to be the policy of the State that:

(1) the water resources of the State shall be protected; regulated; and, where necessary, controlled under authority of the State in the public interest and to promote the general welfare;

(2) the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage; and

(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.

Relevant definitions

Relevant definitions are at 10 V.S.A. §902.

(5) “Wetlands” means those areas of the State that are inundated by surface or groundwater with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

(6) “Class I wetland” means:

(A) a wetland identified on the Vermont significant wetlands inventory maps as a Class I wetland;

(B) a wetland that the former Water Resources Board identified in rules of the Board as a Class I wetland; or

(C) a wetland that the Secretary, based upon an evaluation of the extent to which the wetland serves the functions and values set forth in subdivision 905b(18)(A) of this title, determines is exceptional or irreplaceable in its contribution to Vermont’s natural heritage and, therefore, merits the highest level of protection.

(7) “Class II wetland” means a wetland other than a Class I or Class III wetland that:

(A) is a wetland identified on the Vermont significant wetlands inventory maps; or

(B) the Secretary determines to merit protection, pursuant to section 914 of this title, based upon an evaluation of the extent to which it serves the functions and values set forth in subdivision 905b(18)(A) of this title and the rules of the Department.

(8) “Class III wetland” means a wetland that is neither a Class I wetland nor a Class II wetland.

(9) “Buffer zone” means an area contiguous to a significant wetland that protects the wetland’s functions and values. The buffer zone for a Class I wetland shall extend at least 100 feet from the border of the wetland, unless the Department determines otherwise under section 915 of this title. The buffer zone for a Class II wetland shall extend at least 50 feet from the border of the wetland unless the Secretary determines otherwise under section 914 of this title.

(10) “Panel” means the Water Resources Panel of the Agency of Natural Resources.

(11) “Significant wetland” means any Class I or Class II wetland.

Duties; powers**§ 905b. Duties; powers**

The Department shall protect and manage the water resources of the State in accordance with the provisions of this subchapter and shall:

* * *

(18) Study and investigate the wetlands of the State and cooperate with municipalities, the general public, other agencies, and the Board in collecting and compiling data relating to wetlands; propose to the Board specific wetlands to be designated as Class I wetlands; issue or deny permits pursuant to section 913 of this title and the rules authorized by this subdivision; issue wetland determinations pursuant to section 914 of this title; issue orders pursuant to section 1272 of this title; and in accordance with 3 V.S.A. chapter 25, adopt rules to address the following:

(A) The identification of wetlands that are so significant they merit protection. 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:

- (i) provides temporary water storage for flood water and storm runoff;
- (ii) contributes to the quality of surface and groundwater through chemical action;
- (iii) naturally controls the effects of erosion and runoff, filtering silt, and organic matter;
- (iv) contributes to the viability of fisheries by providing spawning, feeding, and general habitat for freshwater fish;
- (v) provides habitat for breeding, feeding, resting, and shelter to both game and nongame species of wildlife;
- (vi) provides stopover habitat for migratory birds;
- (vii) contributes to an exemplary wetland natural community, in accordance with the rules of the Secretary;
- (viii) provides for threatened and endangered species habitat;
- (ix) provides valuable resources for education and research in natural sciences;
- (x) provides direct and indirect recreational value and substantial economic benefits; and
- (xi) contributes to the open-space character and overall beauty of the landscape.

(B) The ability to reclassify wetlands, in general, or on a case-by-case basis.

(C) The protection of wetlands that have been determined under subdivision (A) or (B) of this subdivision (18) to be significant, including rules that provide for the issuance or denial of permits and the issuance of wetland determinations by the Department under this chapter; provided, however, that the rules may only protect the values and functions sought to be preserved by the designation. The Department shall not adopt rules that restrain agricultural activities without the consent of the Secretary of Agriculture, Food and Markets and shall not adopt rules that restrain silvicultural activities without the consent of the Commissioner of Forests, Parks and Recreation.

Wetlands determinations

§ 914. Wetlands determinations

- (a) The Secretary may, upon a petition or on his or her own motion, determine whether any wetland is a Class II or Class III wetland. Such determinations shall be based on an evaluation of the functions and values set forth in subdivision 905b(18)(A) of this title and the rules of the Department.
- (b) The Secretary may establish the necessary width of the buffer zone of any Class II wetland as part of any wetland determination pursuant to the rules of the Department.
- (c) The provisions of chapter 170 of this title shall apply to issuance of determinations under this section.

Relevant Text of EO 06-25, [Promoting Housing Construction and Rehabilitation]

Executive Order 06-25 was issued September 17, 2025.

"Whereas" paragraphs

The executive order begins with 26 "Whereas" paragraphs.(3 1/4 pages).

Two of those "Whereas" paragraphs (the 24th and 25th) mention wetlands.

WHEREAS, under 10 V.S.A. § 914, the Secretary of Natural Resources has discretionary authority to make wetland determinations and designate unmapped Class II wetlands (“The Secretary may, upon a petition or on his or her own motion, determine whether any wetland is a Class II ...”) and similarly has the ability to modify the required width of buffers surrounding Class II wetlands in appropriate instances; and

WHEREAS, I have determined that using this authority to limit wetlands permitting oversight to consider only mapped Class II wetlands as they currently appear in the most-current Vermont Significant Wetlands Inventory (VSWI) when issuing wetland permitting decisions for housing, as well as mixed use projects in designated growth areas, will provide greater regulatory certainty, and expedite review timelines, consistent with recent legislative efforts, such as Act 47 of the Laws of 2023, the Vermont Home Act, intended to reduce the regulatory burden for infill development and responsible growth;

"Therefore" clause

The "Therefore" clause follows, divided into 9 sections. Only the third section mentions wetlands.

Section III: Environmental Review Streamlining

3.1 Wetlands Modification For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development areas, and Opportunity Zone areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

Projects must comply with federal wetland requirements. Additionally, no later than February 1, 2026, the Agency of Natural Resources shall commence rulemaking to ensure that these wetland provisions are established in rule prior to the expiration of this Executive Order

3.3 Streamlined Permitting Processes It is essential all gubernatorial Appointees ensure greater collaboration and coordination across programs, departments and agencies to implement a Vermonter-focused land use permitting system explicitly intended to improve and expedite the experience to revitalize or build housing units.

* * *

- The Secretary of Natural Resources shall review and update guidance for high volume permitting programs associated with housing, including wetlands, stormwater, drinking water and wastewater, focusing on plain language and accessibility to the public. The Secretary shall publish a timeline for this review by November 1, 2025, and shall complete updates by July 1, 2026.

Section IX: Effectiveness And Duration

The executive order does not contain a specific end date. The executive order has no mechanism for terminating it.

This Executive Order takes effect immediately and shall remain in effect unless modified or extended by subsequent executive action.

Any agency unable to implement specific provisions due to legal constraints shall notify the Governor's office immediately with recommendations for alternative approaches.

The relevant text of the EO is the minimum requirement. There is nothing to prevent the proposed rule from containing more. Thus, even though the citation for tier 1A is wrong, the rule can still apply to areas with tier 1A status.

From: Jon Groveman <jgroveman@vnrc.org>
Sent: Wednesday, January 14, 2026 2:07 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Lapierre, Laura; dazaria; Julie Silverman; Elena Mihaly; Lauren Hierl; Dan Fingas; kdailey; Lauren Oates; jamey.fidel; Kathy Urffer; rjaredcarpenter; Jenny P-EXT; Mark Naud; Crea Lintilhac; Louise Lintilhac; Kamman, Neil; Gjessing, Catherine; Gonda, Jordan
Subject: Comments on Proposed Amendments to Vermont Wetlands Rules
Attachments: Wetland Rule Comments .pdf

You don't often get email from jgroveman@vnrc.org. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To Whom It May Concern:

Attached are comments on the Vermont Agency of Natural Resources proposed amendments to the Vermont Wetland Rules filed by the Vermont Natural Resources Council, Conservation Law Foundation, The Nature Conservancy, Audubon Vermont, Lake Champlain Committee, Connecticut River Conservancy and Vermont Conservation Voters. Please confirm receipt of these comments.

--

Jon Groveman
VNRC Policy and Water Program Director
802-249-7736 (Mobile)

January 14, 2026

Vermont Agency of Natural Resources
1 National Life Drive
Montpelier, Vermont 05620

Re: Comments on Proposed Changes to the Vermont Wetland Rules (VWRs)

Via email to: WetlandsRulemakingComment@vermont.gov

To Whom It May Concern:

I. Introduction

The undersigned organizations submit the following comments regarding the Vermont Agency of Natural Resources (ANR) proposed amendments to the Vermont Wetland Rules (VWRs). We oppose the proposed rule changes that would increase Vermont's vulnerability to floods, drought, water pollution and biodiversity decline by weakening protections for wetlands. While we support efforts to facilitate the development of housing in growth areas designated by the Land Use Review Board (LURB) through the planning process set forth in Act 181 of 2024 (Act 181), we oppose the proposed changes to the VWRs because they will result in the destruction of wetlands that provide important protections for Vermonters and exceed ANR's authority to amend the VWRs under Vermont law.

Our comments as set forth below detail our concerns that the proposal to allow unmapped wetlands to be developed and to reduce the protective wetland buffer from 50 feet to 25 feet for wetlands in certain growth areas violates Vermont's wetland statutes and will result in harm to people, housing, infrastructure and the environment. In addition, we offer alternative ideas for wetland permitting in growth areas designated by the LURB that are consistent with the law and would not have the adverse effects of the proposed amendments to the VWRs.

II. The Proposed Rule Increases Vermont's Vulnerability to Flood, Drought, Water Pollution, and Biodiversity Decline

Wetlands are pivotal in creating a flood and drought resilient landscape through water absorption and retention, a natural filter of pollutants, and play an outsized role in providing habitat for species biodiversity. By weakening protections for wetlands, the proposed amendments to the VWRs place already vulnerable Vermonters at increased risk of harm from flooding and water pollution, while reducing our overall climate and biodiversity resilience.

Wetlands in areas like downtowns, village centers and other settlement areas play a crucial role in retaining and slowing flood waters, thereby protecting important infrastructure. We saw this play out in numerous downtown areas in the recent flooding in Vermont including in Barre City, Plainfield Village, Johnson, Hardwick, Lyndonville and many more communities. If not for the presence of wetlands, Vermonters would have seen far worse flooding and water pollution during these floods.

A UVM study of the buffering effect that wetlands had during Tropical Storm Irene found that the wetlands reduced the maximum height of floodwaters in Middlebury Vermont by 6-10 feet, saving 20-50 structures from flooding, estimated at \$500,000 to \$1,800,000 in damages averted.¹ The researchers estimated that the annual savings to Middlebury (from less catastrophic flooding events) was \$125,000 to \$450,000 per year. A study by The Trust For Public Land found that Vermont's wetlands provide an estimated \$590 per acre annually in flood protection and wildlife habitat, more than three times as much as the next land cover type, deciduous forests.² These benefits will only grow in importance with the escalating impacts of climate change.

On the other end of hydrological extremes, wetlands serve a critical role in retaining water on the landscape during periods of prolonged, severe drought, as experienced by Vermonters last year. As climate change models predict more severe flooding followed by more frequent periods of drought, protection and restoration of our wetlands will prove essential in regulating water flows in Vermont.

Wetlands also improve water quality by trapping sediments and removing nutrients and other pollutants. Small wetlands adjacent to rivers and streams are especially effective at removing pollutants and sediment. Restoring wetlands in the Vermont portion of the Lake Champlain Basin could achieve 15% of the pollution reduction goals required for the lake by the federal government.³

Furthermore, wetlands play an important role in supporting the survival of wildlife and maintaining biodiversity. Wetlands are critical for bird health and population stability. Approximately one-third of North American bird species use wetlands for food, shelter, or breeding. In addition, according to the Department of Environmental Conservation's website, wetlands provide essential habitat and food for numerous wildlife species, including rare species,

¹ Quantifying flood mitigation services: The economic value of Otter Creek wetlands and floodplains to Middlebury, VT, K. Watson, T. Ricketts, et al., *Ecological Economics*, October 2016.

² Vermont's return on investment in land conservation (Trust for Public Land, 2018), p. 48.

³ N. Singh, J. Gourevitch et al., *Optimizing wetland restoration to improve water quality at a regional scale*, *Environmental Research Letters* (2019); *Restore Wetlands to Cut Flood Costs, Phosphorus Pollution: TNC-Gund Study* (2019).

and about “43% of the nation's endangered and threatened species rely directly or indirectly on wetlands for survival.”⁴

Wetlands also play an important role in sequestering carbon. See <https://bwsr.state.mn.us/carbon-sequestration-wetlands> and <https://oceanservice.noaa.gov/ecosystems/coastal-blue-carbon/>. Given the threats from climate change we should not be allowing wetlands to be filled that would mitigate these impacts.

III. The Proposed Rule Violates Vermont Law

The proposed amendments to the VWRs would allow housing projects in specified growth areas to be built in unmapped Class II wetlands or within 25 feet of a mapped Class II wetland without review and protection by ANR. 10 V.S.A. § 902(7) defines a Class II wetland as:

“[a] wetland other than a Class I or Class III wetland that:
(A) is a wetland identified on the Vermont significant wetlands inventory maps; or
(B) the Secretary determines to merit protection, pursuant to section 914 of this title, based upon an evaluation of the extent to which it serves the functions and values set forth in subdivision 905b(18)(A) of this title and the rules of the Department.”

Vermont statute also provides that there shall be a 50 foot buffer around a Class II wetland. Specifically, 10 V.S.A. § 902(6) provides that a buffer zone is:

“[a]n area contiguous to a significant wetland that protects the wetland’s functions and values. The buffer zone for a Class I wetland shall extend at least 100 feet from the border of the wetland, unless the Department determines otherwise under section 915 of this title. The buffer zone for a Class II wetland shall extend at least 50 feet from the border of the wetland unless the Secretary determines otherwise under section 914 of this title.”

Moreover, 10 V.S.A. § 913 prohibits any activity in a Class II wetland without a permit.

Taken together, these statutes require that ANR protect through a permit program both mapped and unmapped wetlands, including a 50 foot buffer around a Class II wetland, unless ANR determines through a scientific analysis that a wetland is not significant or that a 50 foot buffer is not needed to protect the functions and values of a wetland. The functions and values that ANR must consider when making such a determination are listed in 10 V.S.A. § 905b(18)(A), which

⁴Agency of Natural Resources, Department of Environmental Conservation, Wetland Functions and Values: Rare, Threatened and Endangered Species Habitat, available at <https://dec.vermont.gov/watershed/wetlands/functions/wetland-functions-and-values-rare-threatened-and-endangered-species>

are comprehensive, based on science and include storing waters during floods, protecting surface and groundwater quality from water pollution, and protecting fish and wildlife habitat.

ANR does not have the authority to declare that activities in unmapped wetlands that qualify as Class II wetlands can be undertaken without a permit without analyzing the important functions and protections provided by a wetland set forth in Vermont law. 10 V.S.A. § 902(7), 10 V.S.A. § 913 and 10 V.S.A. § 905b(18)(A) are clear - the significant functions provided by Class II wetlands must be protected by ANR unless ANR conducts a scientific review of the wetlands functions and values that allow for a wetland and its 50 foot buffer to be filled.

ANR attempts to circumvent the statutory requirement to protect Class II wetlands - mapped and unmapped - that provide significant functions and protections for Vermonters, and the 50 foot buffer around these wetlands, by creating an exemption for certain housing projects in certain areas of Vermont. ANR does not have the authority to create a broad exemption from wetland protection in the VWRs that directly conflicts with its obligation to protect Class II wetlands and their 50 foot buffer as set forth in 10 V.S.A. § 902(7), 10 V.S.A. § 913 and 10 V.S.A. § 905b(18)(A). Only the Vermont Legislature through an amendment to Vermont's wetland protection statutes can authorize such an exemption.

It appears that ANR is relying on one line in 10 V.S.A. § 913(a) to justify creating a new extremely broad exemption in its proposed rule. 10 V.S.A. § 913(a) provides:

“Except for allowed uses adopted by the Department by rule, no person shall conduct or allow to be conducted an activity in a significant wetland or buffer zone of a significant wetland except in compliance with a permit, conditional use determination, or order issued by the Secretary.”

ANR has taken the one line in statute that references allowed uses being adopted by rule as carte blanche to create a new broad exemption that could have significant adverse impacts on wetlands. By doing so, ANR ignores several other provisions of Vermont statute that place limits on ANR's authority to create exemptions to the VWRs. For example, 10 V.S.A. § 901(2) and (3) provides that:

“(2) the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage; and

(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.”

Creating a broad exemption for housing projects in areas that ANR has determined are designated for growth directly violates the requirement in Vermont statute that wetlands should be “protected, regulated and restored” to achieve “a net gain of wetlands acreage.” 10 V.S.A. § 901(2). How can allowing Class II wetlands and buffer areas to be filled be consistent with managing wetlands to achieve a net gain of wetlands?

We note that the net gain requirement was enacted in just 2024 as part of the Flood Safety Act (Act 121) in response to the extreme flooding Vermont has experienced and to help ensure that Vermonters will be protected in future floods by preserving wetlands. We further note that Act 121 requires ANR to amend the VWRs to implement the net gain policy. Rather than fulfill its obligation under Act 121, ANR is instead proposing to weaken wetland protections and increase the loss of wetlands via its proposed rule.

The proposed rule is also contrary to the Governor’s Resilience Implementation Strategy (RIS) and the Vermont Climate Action Plan, both of which call for increased wetland protection and restoration. See <https://climatechange.vermont.gov/resilience-strategy/overview>. This core component of the RIS is because wetlands serve as ready-made green infrastructure for the community by slowing floodwaters, filtering stormwater, these critical mature-based public service functions are not something we want to destroy but carefully protect.

Similarly, creating this broad new exemption violates 10 V.S.A. § 901(3) that requires that ANR’s management of wetlands should be “guided by science.” ANR’s decision to allow a certain type of project in areas it has designated for growth is clearly not guided by wetland science and puts wetlands that provide vital functions and values at risk. To the contrary, the decision to allow Class II wetlands to be filled is based on allowing development of certain types of projects in areas that ANR has deemed growth areas where natural resources protection should be diminished.⁵

The Vermont Supreme Court has held that when interpreting a statute, the goal is to effectuate the intent of the Legislature and, to do so, the entire context of the statute in question must be analyzed. *State v. Berard*, 211 Vt. 39 (2019). In *State v. Berard*, the Vermont Supreme Court held that:

*In construing a statute, our paramount goal is to discern and implement the intent of the Legislature.” [Miller v. Miller](#), 2005 VT 89, 14, 178 Vt. 273, 882 A.2d 1196. “To determine that intent, we must examine and consider fairly, not just isolated sentences or phrases, but the whole and every part of the statute, together with other statutes standing in pari materia with it, as parts of a unified **statutory** system.”*

⁵ ANR’s charge under Vermont law is to protect water resources and to “protect and enhance” the quality of surface waters “to assure public health, not to facilitate the degradation of water resources. 10 V.S.A. § 905b & 1250.

When looking at “the whole and every part of the statute,” rather than the isolated sentence that references “allowed uses,” the purpose of the wetland statute in its entirety is to protect wetlands that provide significant functions and values (including Class II wetlands), manage wetlands based on science and the specific functions and values they provide, and achieve a net gain of wetlands. *Id.* In accordance with Vermont Supreme Court precedent, ANR’s authority to create allowed uses must be read within the context of all these provisions of the wetland statute and, doing so, it is clear that the allowed use proposed in the rule violates the intent of the statute.

Until this proposed rule, ANR has demonstrated an understanding that its authority to create allowed uses is limited by and may not conflict with its obligation to protect significant wetlands based on science. To this end, the allowed uses that are listed in the current VWRs either have minor impacts, like recreation activities and lawn maintenance and placing barbeque pits on properties, or are necessary to address emergencies. There are allowed uses related to managing utility lines, but these activities are limited by the linear nature of utility lines and that the projects must still comply with management practices adopted by ANR to address wetland impacts.

The most significant allowed uses in the VWRs are for certain agricultural and silvicultural activities. However, Vermont’s wetland statute specifically requires ANR to treat agricultural and silvicultural differently under the VWRs and both agricultural and silvicultural activities are subject to separate regulations that address wetlands. 10 V.S.A. § 905b(18)(C).

In contrast to the allowed uses in the VWRs, the new exemption created in ANR’s proposed rule is extremely broad and can have significant impacts on wetlands. The footprint of a house can be many acres depending upon the size of the project and related infrastructure - such as driveways and utilities, for example - but there is no limit on the size of a project that is exempt from the VWRs. Accordingly, entire wetlands could be filled given that the new exception relies solely on maps that may not reflect true field conditions.⁶

⁶ Only protecting mapped wetland represents a shift from a reliance on wetland functions based on science to protect wetlands under Vermont law. This shift represents a poor public policy choice that will result in a loss of significant wetlands. Maps are a planning tool and not meant to substitute in-field delineation of hydrology, soils, and hydrophytic vegetation to protect wetland functions and values. The wetland maps have known inaccuracies, which make them a good planning tool but the wrong tool to protect significant wetlands. This is why Vermont law and federal law do not rely on maps for wetland protection. The proposed rule will be at odds with federal wetland permitting, which requires wetland delineation. This will create an inconsistency between state and federal wetland protection and create more uncertainty in wetland regulation in Vermont.

Moreover, unlike the other allowed uses, there are no practices in place that will limit wetland impacts associated with development in the growth areas established by ANR. Rather, the new allowed use would allow wetlands to be destroyed without any limitations or mitigation.⁷

The allowed use that ANR is proposing to create in its proposed rule is inconsistent with and not authorized by Vermont law. If ANR were to be allowed to create such a broad exemption in the VWRs, it would open the door for ANR to allow major impacts to wetlands without limit and contradict its obligation to protect significant wetlands and achieve a net gain of wetlands. Accordingly, in order to create the new, broad exemption ANR is proposing, the Vermont Legislature would have to amend Vermont's wetland statute.

IV. Alternative Approaches

We urge ANR to withdraw its proposed rule and work with our groups and other stakeholders on alternative approaches. As a first step in such an effort, we reiterate the request we have made of ANR previously to identify any systemic problems that wetland protection is causing with regard to housing development. It is very difficult to craft solutions to problems that have not been clearly identified.

That being said, we are open to the idea of addressing wetland protection in planned growth areas in a manner that recognizes Vermont's need for housing. We support Act 181 and the planning process to map growth areas for housing and critical resource protection areas. Accordingly, we would support policies that address wetlands permitting in the Tier 1B housing growth areas being mapped under Act 181 by the LURB.⁸

However, such policies must ensure that crucial wetland functions that protect Vermonters from floods and water pollution remain protected. We are not helping people or the housing crisis by allowing people to build in areas where flooding and pollution will be exacerbated by eliminating wetlands or building in wet areas that will generally harm development and create long-term, negative economic and environmental impacts. Potential policies ANR could pursue include:

- Allowing housing projects that have a smaller footprint to comply with a set of practices to protect wetlands in certain growth areas rather than requiring an individual permit is one potential way of approaching wetlands protection in these areas. This could be

⁷ Again, allowing wetlands to be filled without any limits or mitigation is directly contrary to the requirement that ANR increase mitigation for wetland impacts in order to meet the policy of achieving a net gain of wetlands in the FSA.

⁸ The growth areas identified in the proposed rule are overly broad including sewer service areas and opportunity zones. Any proposals to address permitting for housing should be limited to Act 181 Tier 1B housing growth areas that are subject to a comprehensive planning process.

accomplished with a General Permit approach, for example, which could include consideration of issues including the extent of wetlands impact, the size/density of the proposed housing, and the functions and value of the impacted wetland. A General Permit approach could also allow for mitigation that complies with the Net Gain requirement of the Flood Safety Act.

- Prioritizing the review of projects in Tier 1B areas and employing additional staff or permit specialists to assist permit applicants for housing projects in growth areas through the process.
- Adopting policies that more specifically define the types of wetland impacts that must be avoided and mitigated for housing projects in growth areas.
- Focusing wetlands mapping efforts in growth areas to reduce the number of unmapped wetlands in these areas and ensuring that wetlands mapping stays up to date and reflective of wetland science
- Working with towns to inventory wetlands in growth areas to identify areas that must be avoided to protect wetlands upfront so people know where development can occur on a parcel.
- Adopting a Vermont Wetland Certification Process for Professional Wetland Consultants practicing wetland science to help relieve burden on ANR review and support wetland science.
- Increasing resources and capacity of the Wetland program to timely respond to requests for on-site ecological evaluation, delineation review, and VSWI map updates.

We stand ready to work on these and other proposals with ANR. However, we cannot support a proposed rule that will eliminate wetlands that protect Vermonters and the environment by creating a broad exemption that violates Vermont law.

Vermont Natural Resources Council
Conservation Law Foundation
The Nature Conservancy
Audubon Vermont
Connecticut River Conservancy
Lake Champlain Committee
Vermont Conservation Voters

From: William Scott <wscott8@gmail.com>
Sent: Wednesday, January 14, 2026 2:14 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comments by William Scott on Proposed Wetland Rules Pursuant to EO-06-25
Attachments: Comments from William Scott on Wetlands Rulemaking per EO.pdf

You don't often get email from wscott8@gmail.com. [Learn why this is important](#)

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My comments on the proposed changes of Wetland Rules are attached.

Thanks for the opportunity to comment.

Bill Scott

--

William Scott
Tel: (917) 750-6616

E-mail: wscott8@gmail.com

To: WetlandsRulemakingComment@vermont.gov

From: William Scott, wscott8@gmail.com

Subject: Comments from William Scott on Wetlands Rulemaking per EO-06-25

Date: January 14, 2026

I am a resident of Hinesburg and a member of the Hinesburg Conservation Commission. I am in full agreement with the comments of the Commission submitted yesterday and am submitting these additional comments as an individual. I oppose the changes to Vermont's Wetlands Rules included in this EO and strongly disagree with their premise. Yes, we have an affordable housing problem in our state, but it is not the result of excessive regulation of wetlands. The proposed rules changes do not address the true causes of the housing shortage and do set a terrible precedent. Comments on more specific issues are as follows:

1. The proposed rules changes weaken flood protection in the most densely developed areas of our state. They maximize the risk of flood damage for little possible gain.

Vermonters know that the extreme damage caused by repeated flooding is the result of historic patterns of development in valleys, along river corridors, and in areas that were previously wetlands. Act 121 of 2024 was signed into law to address this very issue. Hinesburg has suffered repeated flood damage in our downtown village and designated growth areas and in recent years we restored wetlands in the Village Growth area as part of larger efforts of flood control. The proposed rules changes are directly contrary to the best thinking on how to address our flooding problem.

2. The Secretary of Natural Resources has failed to comply with Section 918 of Act 121 and proposed rules changes are contrary to the Act's stated goal of net gain of wetlands.

Section 918 (a) states that *"On or before July 1, 2025, the Secretary of Natural Resources shall amend the Vermont Wetland Rules pursuant to 3 V.S.A. chapter 25 to clarify that the goal of wetlands regulation and management in the State is the net gain of wetlands to be achieved through protection of existing wetlands and restoration of wetlands that were previously adversely protected."* Section 901(2) states that *"the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage: ..."* I believe that there should be no permitted changes in Wetland Rules until the Secretary complies with the statutory requirement. I also believe that changes proposed in this EO are inconsistent with the statutory net gain goal.

3. The EO ignores protection of drinking water quality.

Much of Hinesburg's Village Growth Area lies within the Source Protection Areas of our public water supply. Wetlands and wetland buffers perform an important function in maintaining water quality. There should be no rollback of wetland protections in water Source Protection Areas.

4. Section 3.1 of the EO defines Class II wetlands as only those identified on the most current VSWI maps and requires no permits for impacts for unmapped wetlands. It also reduces protective buffer zones for mapped Class II wetlands to 25 feet. This would result in approval of many projects based on knowingly incomplete and inaccurate wetland delineation information.

While significant improvements have been made in aerial mapping technologies, which are very valuable tools in wetland identification and mapping, it is also indisputable that aerial surveys often fail to identify significant wetland areas and to accurately delineate wetland boundaries. The solution to these problems is, and has been, to supplement aerial maps with field studies done by qualified professionals. The permitting rule changes proposed in the EO will fully prohibit the use of the best available information in making regulatory decisions and will result in unnecessary degradation of wetland functions and increased risk of flood damage to purchasers of new homes and owners of surrounding properties. The reduction of the buffer zone to 25 feet without regard to local conditions is directly contrary to science.

The purpose of the proposed mapping changes appears to be to give developers certainty. Certainty is best achieved by assuring accurate delineation of wetland areas and buffer zones during the due diligence period in which a developer assesses the development potential of a site and its financial value. This is no different from the study of other physical conditions on the site commonly done during a due diligence period. At a minimum, Wetland Rules should allow for the use of wetland delineation studies performed by qualified consultants in town approval and wetland permitting processes and timely updating of VSWI maps. Towns should also be explicitly allowed to retain the 50 buffer in zoning and subdivision regulations.

5. State regulations should not be used to compel towns to reduce regulatory standards below scientifically accepted and supported levels.

Towns such as Hinesburg have spent many years studying our local conditions and planning and approving zoning changes to meet State housing goals, improve flood protections and protect water quality and natural resources. These efforts should not be overridden by arbitrary State mandated reductions in regulatory standards.

Respectfully submitted,
William Scott

From: Lyons, Matthew R. <Matthew.Lyons5@va.gov>
Sent: Wednesday, January 14, 2026 2:47 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Angelica.Lyons@proton.me
Subject: More room to Roam for disabled veterans at home :).

You don't often get email from matthew.lyons5@va.gov. [Learn why this is important](#)

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I cannot express my joy as a first time home buyer of 46 Makalas Way in East Thetford seeing this news. Changes like this will enable me to build (review with federal/state ordinances in compliance) an ADU (using the wonderful VHIP!) that I can move my brother in with us all of which; my brother, wife, and I are disabled veterans. I care deeply about the environment and wish to live in harmony with it; preserving it for the future generations, such as my son and daughter to enjoy: The proposed changes for the Vermont Wetland Rules do just that.

To the team that formulated this idea: May your God(s) smile down upon you.
To the individuals who are positively affected by these changes: Rejoice!

Thank you for the positive impact you have and continue to provide!

With love from the Lyons Family!

Matthew R. Lyons, CBET, S+
Information Systems Biomedical Equipment Support Specialist (BESS)
Department of Veterans Affairs
Healthcare Technology Management
White River Junction VA Health Care System
215 N Main St.
White River Junction, VT 05009
Matthew.Lyons5@va.gov
Phone: 802-296-1249



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From: laura ziegler <zieweed@gmail.com>
Sent: Wednesday, January 14, 2026 3:42 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on proposed rules implementing Executive Order (EO) 06-25
Attachments: CommentonProposedRulesImplementingExecutiveOrder(EO)06-25.rtf

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Attached and below.

Laura Ziegler

Re: Proposed Rules Implementing Executive Order (EO) 06-25, "Promoting Housing Construction and Rehabilitation"

I'm a formerly homeless individual and in that capacity, served on the [since-eliminated] Vermont Council on Homelessness. I'm also a past board member of two Vermont non profits that received state funds to assist people with psychiatric disabilities, many of whom were unhoused. To understate, I'm aware that Vermont has an ongoing housing emergency, and needs to respond by expeditiously creating additional housing.

My own housing is in Plainfield village. A walk around my block offers views of destruction from flooding in 2024, including uninhabitable houses and the vacant remains of a multi-unit building. Tours with local field naturalists to observe the ravages of the 2023 and 2024 floods brought home our collective vulnerability. While it can't be predicted just when catastrophic flooding will reoccur, climate change clearly necessitates planning for more frequent and serious adverse weather events and consequent flooding.

I don't believe promoting housing construction and rehabilitation requires sacrificing the protection of wetlands and their buffer zones. Nor do I believe Vermont's Governor has the authority to upend existing regulations to favor development in disregard of statutory requirements. Blaming legislators for the housing crisis his administration has long failed to effectively respond to (even to the extent of providing adequate emergency shelter) doesn't entitle him to supersede their enactments or evade requirements of the Administrative Procedure Act.

By proposing to halve current buffer zones for Class II wetlands and allow housing construction in Class II wetlands not listed in the [incomplete] Vermont Significant Wetlands Inventory, the Scott administration disregards not only separation of powers but science. It also fails to take into account the potential for these measures to exacerbate flood risks. Designating a growth area or including a wetland on a map does not change hydraulics or environmental functions. Ending required mitigation for filled wetlands may lower costs of development but does not lower its environmental impact.

Still posted — for now — on the U.S. Environmental Protection Agency's website:

"Flood Protection

Wetlands function as natural sponges that traps and slowly releases surface water, rain, snowmelt, groundwater and flood waters. Trees, root mats and other wetland vegetation also slow the speed of flood waters and distribute them more slowly over the floodplain. This combined water storage acts as a braking action lowering flood heights (peaks) and reducing erosion (speed).

Wetlands within and downstream of urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from pavement and buildings. The holding capacity of wetlands helps control floods and prevents water logging of crops. Preserving and restoring wetlands together with other water retention can often provide the level of flood control otherwise provided by expensive dredge operations and levees. The bottomland hardwood-riparian wetlands along the Mississippi River once stored at least 60 days of floodwater. Now they store only 12 days because most have been filled or drained." <https://www.epa.gov/wetlands/why-are-wetlands-important>

Despite their recognized role in flood mitigation, wetlands are under attack at the federal level. In deciding *Sackett v. EPA* in 2023, the US Supreme Court disregarded science and limited Clean Water Act protections to wetlands "indistinguishable" from federally protected waters "due to a continuous surface connection." This past November the EPA revised its "Waters of the United States" regulations, already aligned with *Sackett* by the previous administration, to further narrow the scope of the Clean Water Act (https://www.environmentalprotectionnetwork.org/20251117_wotus_release/). **The evisceration of federal protections for non-tidal wetlands makes effective state protections all the more critical.**

This is not a time to increase the risks of future destruction from catastrophic flooding. Consider the potential for eventual net *loss* of housing as an unintended consequence.

Other reasons to object to the administration's proposals include its undermining of energy efficiency requirements. While my comments are focused on flood mitigation, wetlands also mitigate pollution and drought. And the wild inhabitants of wetlands and their buffer zones should not be forgotten. Apropos Massachusetts regulations:

"A buffer zone is generally thought of as a buffer against human generated disturbance in areas adjacent to the wetland. In terms of the regulations the buffer zone extends horizontally 100 ft. from the wetland edge. The upland adjacent to the wetland is critical to the survival of wetland dependent wildlife, and its importance for wildlife extends well beyond 100 ft. This adjacent upland provides the habitat critical for activities including nesting, feeding, cover, and over-wintering. Without providing protection to the adjacent upland a wetland is unable to support the same biodiversity.

Therefore the adjacent land is really a "life zone" not just a buffer protecting these species from adjacent human activities."

https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/Wetland_buffer_zones_and_Beyond.pdf

While taking exception to the substance and questionable legality of the proposed rule, I appreciate that the administration is at least going through the process of rule making.

Thank you for considering my concerns.

Laura Ziegler
POB 164
Plainfield VT 05667

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Thank you for considering my concerns.

Laura Ziegler
POB 164
Plainfield VT 05667

From: Karina Dailey <kdailey@vnrc.org>
Sent: Wednesday, January 14, 2026 3:46 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Karina Dailey
Subject: Jericho Conservation Commission Wetland Comments
Attachments: 2026_JerichoConservationCommission - Wetland Rule Comments.pdf

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Please see attached comments on behalf of the Jericho Conservation Commission.

--

Karina Dailey
Science and Restoration Director, VNRC
Chair, VT Dam Task Force

Cell (802) 881-3423

To: Vermont Wetlands Rulemaking (wetlandsrulemakingcomment@vermont.gov)

From: Jericho Conservation Commission

Date: January 13, 2026

Re: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

The [proposed changes to the VT Wetland Rules \(VWRs\)](#) does not align with [Jericho Conservation Commissions](#) commitment to managing natural resources in Jericho nor the mission of the Association of [Vermont Conservation Commissions](#) (AVCC) of which Jericho is a member.

As Jericho's dear friend and local ecologist Bernard Paquette so eloquently describes, "Jericho Center is a historic village center situated within a headwater landscape characterized by shallow soils, intermittent and perennial surface waters, and a high density of small wetlands, seeps, and seasonally saturated areas".

Jericho's two other village centers (Jericho Corners and the Riverside District) are characterized by similar natural features – albeit lower in elevation and situated proportionally closer to the Browns River, its floodplain, and connected wetland swales and hydric soils.

As Bernie states in his recent written testimony in opposition to the Executive Order, "These features are integral to the hydrology of the Browns River watershed and contribute disproportionately to local flood attenuation, groundwater recharge, and water quality protection". The Jericho Conservation Commission (JCC) agrees...

The JCC has worked hard to recognize the importance of wetlands in multiple municipal planning documents – The Jericho Town Plan, The Jericho Natural Resources Overlay District, and multiple natural resource Management Plans. Wetlands are a critical natural asset that supports stormwater retention and filtration, flood control, wildlife habitat (including vernal pool-dependent amphibians), and groundwater recharge for private drinking water.

At present, a significant portion of wetlands within Jericho are currently unmapped are therefore not identified on the Vermont Significant Wetlands Inventory (VSWI) mapping tool, but have been identified through: National Wetlands Inventory (NWI) aerial interpretation that has yet to be incorporated into the VSWI; field delineations by wetland professionals associated with prior planning/development projects; and on-the-ground observations of wetland features such as seepage forests, forested basin swamps, and seasonally inundated soils by qualified scientists.

All of these wetland features would be at risk of impact under the proposed rule change as they have yet to be adopted into the VSWI and would not trigger state wetland permitting for residential housing projects.

In fact, the proposed changes would exacerbate degradation to not only Jericho's wetlands, but the health of our rivers, and floodplains, by directly impacting the wetland

functions and values that we need to maintain with the most pressure for housing development. Wetlands and surface waters are all connected and part of Jericho's watersheds - we have two watersheds in Jericho - the Browns River and the Winooski- and ultimately impact the health of one of our biggest and most significant natural assets - Lake Champlain.

Specifically, the Jericho Conservation Commission is concerned that the proposed rule change as directed by the [Executive Order 06-25](#) (EO) will impact our local wetlands in the following ways:

- The proposed changes undermine the established regulatory process, and science-based decision-making.
- Many critical wetlands—seeps, vernal pools, agricultural and headwater wetlands—are unmapped which opens them up to impact from residential development under the proposed rule change.
- **Mapping is not a substitute for science (in-field wetland delineation); many high-functioning forested wetlands are missed by NWI and legacy maps.**
- The proposed rule change and the EO contradicts accepted wetland delineation science and the federal regulatory review process vis a vis the Army Corps of Engineers.
- The proposed rule change and the EO directly conflicts with Vermont's Flood Safety Act mandates for net gain of wetlands, science-guided management, and watershed approach to flood protection and public safety.
- The proposed changes undermine Vermont's Resilience Implementation Strategy (RIS) and nature-based solutions spelled out in Vermont's Climate Action Plan.

The VT Wetland Rules were originally developed and guided by science - to identify and protect significant wetlands and the functions and values that they provide, not only as habitat, but also for community safety, health, resilience, diversity, and clean water in a rapidly changing climate. Both recent history and decades of scientific review has demonstrated that we need our wetlands to protect built infrastructure by acting as a sponge during large storm events, filtering water and providing diverse habitat for critical species - particularly as flood retention, and water filtration as storm events become more frequent, and as species decline accelerates.

Creating a broad exemption for unmapped wetlands that make development of housing projects an allowed impact within specified growth areas including - Act 250 exempt areas, decreases the protective wetland buffer from 50ft to 25ft, and removes the requirement for field delineation by a professional wetland scientist –these proposed changes are not based on science, and are in direct conflict with [federal regulation](#). The Jericho Conservation Commission believes that wetland protection should be guided by sound science and that wetland mapping should inform planning. Smart growth should not come at the expense of permanent wetland loss.

Please accept these comments on behalf of the Jericho Conservation Commission.
Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in dark ink, appearing to be 'KD' or similar initials, written in a cursive style.

Karina Dailey, Jericho Conservation Commission Member

From: Mark N <m.a.nelson@live.com>
Sent: Wednesday, January 14, 2026 4:39 PM
To: ANR - Wetlands Rulemaking Comment; Lindsey Schreier; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Cc: kinglet; jaygharrington; zapcourage; Mark N; Judy Kowalczyk; Pask, Gregory; Courage, Zapata; Marc Boglioli; Brent Coulthard; gregpask@gmail.com
Subject: Ripton Conservation Commission EO 06-25 and Wetland Rule Comment Letter
Attachments: Ripton Conservation Commission EO 06-25 and Wetland Rule Comment Letter.pdf

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To:
DEC Rule Making
LCAR Committee Assistant, Lindsey Schreir
Rep. Amy Sheldon, Chair of House Committee on Environment
Sen. Anne Watson, Chair of Senate Committee on Natural
Resources & Energy

The Ripton Conservation Commission respectfully submits the attached Comment Letter concerning Executive Order 06-25 and the Proposed Wetland Rules.

Please reach out to me if you have any questions.

Thank you,
Mark Nelson
Co-Chair
Ripton Conservation Commission

January 14, 2026

DEC Rule Making WetlandsRulemakingComment@vermont.gov
LCAR Committee Assistant, Lindsey Schreir, Lindsey.Schreier@vtleg.gov
Rep. Amy Sheldon, asheldon@leg.state.vt.us, Chair of House Committee on Environment
Sen. Anne Watson, awatson@leg.state.vt.us, Chair of Senate Committee on Natural
Resources & Energy

RE: Executive Order 06-25; Wetland Rule Making

The Ripton Conservation Commission (RCC) has reviewed the filing documents and the proposed wetland rule changes. The RCC is submitting the following comments, concerns, and questions to be addressed as per the Public Comment period.

Comment: The timing of the Executive Order 06-25 (“EO”) removed the transparency of Law that towns, including Ripton, were using to develop their new mapping and zoning as it relates to expanded Tier 1 and designated areas/opportunity zones to reduce or remove Act 250 review. The RCC reviewed areas in our town to advise and provide recommendations to our Planning Commission and Selectboard. In doing our review it was under the knowledge that while Act 250 oversight might be eliminated in these areas, the other regulatory environmental wetlands, river, and lakes laws were still applicable as they were currently written. The EO came out after this mapping exercise which undermines the understanding and applicability of the Wetland Rules for these areas.

Not all towns have town zoning. Others only reference current state rules. Should the rule change be approved, these towns lose critical wetland protections without time to change their bylaws to fill the gap, or to have the right to refuse the reduction in wetland protection. The towns should have the right to amend their Tier 1 mapping based on this new information. The towns should also have the right to refuse/delay the implementation of the allowed use (if approved) of the Wetland Rules until town zoning can be revised.

Questions:

- How will this discrepancy in timing of the EO be addressed with towns and how will the towns be notified?
- It is unclear as to whether these designated areas can or will be expanded in the future and if so by whom? If expanded, what oversight does the town have?
- Should the rule change occur, will the allowed use be revoked at the time of the EO expiration or when the housing goal is met? Or will the rule change remain in perpetuity?

There has been little to no public outreach to towns about the EO or the proposed changes to the Wetland Rules, and seemingly little to no public input by stakeholders, unlike other past rule changes. The RCC respectfully requests the formation of a stakeholder group to comprehensively evaluate the EO goals and recommend actions to achieve the goals without compromising current Wetland Rules.

Comment: This rule change appears not to provide equity across towns or support environmental justice and fairness of law. It also does not appear to address the EO intent of expediting affordable housing. A mechanism does not seem to exist to reduce potential fragmentation of lands outside of these areas.

Questions:

- Where is there a definition of “affordable” in determining if a project is eligible for the proposed rule change allowed use? Is there a system of verification and requirements such as what Habitat for Humanity or other organizations use? If not, why not?
- If the goal is to expedite housing for permanent VT residents, are there requirements to ensure the proposed project will provide this service? Why is mixed use for both commercial and residential included as part of the allowed use with no minimum units of housing defined to make the project eligible? Commercial development is a contradiction of the stated goals of the EO.
- The proposed rule change indicates that additional infrastructure for housing will also be approved, including within mapped wetlands, without review or permitting. Currently, a project must demonstrate that an activity is necessary, and impacts have been minimized to the extent possible before a wetland permit can be issued; what is considered necessary for a housing project under the EO/proposed rule change (size of structure, size of lawn area, multiple driveways, etc.)? Definitions and clarity are lacking concerning the scope of work associated with these potential projects or how they are designed.
- In review of the designated area mapping, some towns have been entirely designated as an opportunity zone (Springfield/Johnson), while other towns have no designated areas. In fact, many ‘opportunity areas’ extend beyond core developed areas into steep slopes and areas of wetland forest. Has any evaluation been completed to determine suitability of an area for development? How and by whom were these areas determined? It is mentioned that this rule change would minimize fragmentation across the landscape. Are there additional restrictions to slow down sprawl in areas outside of the locations associated with the EO?
- It appears that there are two sets of state regulations for the same types of projects and for the same natural resource type based on where you live (allowed use vs permit required). How is this considered a fair application of state law?
- The RCC respectfully requests an evaluation of the current designated areas to redefine appropriate development areas that are consistent across all towns. The RCC respectfully requests that the EO/wetland rule change incorporate clear definitions for eligibility to ensure the intent of the EO to increase affordable [permanent] housing with the least amount of wetland impacts, eliminating mixed use, and setting standards that houses do not become second homes or Air BNBs.

Comment: The use of wetland mapping as the only jurisdictional tool is not an appropriate use of the mapping and seems to be in direct contradiction to how wetlands are identified in the state. It is well known that the wetland mapping is inaccurate and is only meant to help inform the public where wetlands may be located as a starting point. Section 4.4 of the Wetland Rules makes this clear: “The VSWI maps should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Section 3.2). The VSWI maps are intended to denote the approximate location and configuration of wetlands. It is critical to note that wetland characteristics and boundaries are not static; “wetland boundaries may change as a result of landscape and climatic changes”.

Ripton, as a primarily forested town, is significantly under mapped. To only require wetland mapping as the boundary for jurisdiction is not based on science and contradicts the methodology required for wetland identification within the Wetland Rules as outlined in Section 4.5 and 3.2. In addition, to not accept the area that is contiguous to the mapped wetlands as a jurisdictional area with significant functions and values that would be adversely impacted by a housing project (placement of fill) is a roll back of 1990 State Law, when the first Rules were put into effect. The legislative intent has been clear since

1990 that all mapped wetlands and those areas contiguous are worthy of protection due to the significant functions and values they provide on the landscape. It is also clear that with the 2010, and reaffirmation with the 2023 Wetland Rule change, that all unmapped wetlands that meet certain criteria of size or position on the landscape are Class II. Class II wetlands have significant functions and values and by current state law are to be protected through the regulatory process, including a 50-ft buffer, to ensure no undue adverse impacts to those functions and values while supporting projects, including housing. In addition, a buffer zone for a Class II wetland shall extend at least 50 feet from the border of the (physical) wetland and is typically the immediate upland area to said wetland, not an arbitrary drawing on a map.

Questions:

- Please explain how the proposed allowed use and the use of mapping is not a contradiction of current rules for wetland identification, establishment of the 50-ft buffer, and legislative intent based on the 1990, 2010, and 2023 rule changes.
- What environmental analysis has been completed to determine the amount of acreage of unmapped wetland that could potentially be lost through this rule change, allowing the placement of fill and conversion of wetland into upland within and by town, watershed, and statewide calculations. Where can this information be found?
- What environmental analysis has been completed to determine what types of wetlands and corresponding functions and values (ecosystem services) will be lost within and by town, watershed, and statewide? Numerous studies indicate the important role wetlands (small and large, urban and rural, and wetland type) have for flood and drought mitigation, increased wildlife habitat, support of biodiversity including rare, threatened, and endangered species, and water quality.
- This rule change is indiscriminate for what wetland types and corresponding functions and value may be lost. There are over forty wetland natural community types recognized in Vermont by the Natural Heritage Inventory. The current permitting process requires an assessment of these functions and values and protects them through the permitting process. Where can the environmental assessment be found? What environmental analysis has been completed to determine what the impacts to downstream communities may be as cumulative loss of functions and values such as flood storage, drought resilience, water quality occur upstream? With the loss of wetlands, where will the water go? Has a hydraulic study been completed? Has the state evaluated what the potential increased risk of flooding might be?

Comment: Has there been a robust economic analysis to include the costs and impacts of wetland loss and the corresponding loss of ecosystem services based on this proposed rule change? For example, the well-known 2016 UVM study, "Quantifying flood mitigation services: The economic value of Otter Creek wetlands and floodplains to Middlebury, VT". This study quantified the economic savings by wetlands to Middlebury during Tropical Storm Irene and 10 subsequent flood events, with the conclusion: Middlebury saves an annual average of \$126,000 to \$450,000 in damages due to the Otter Creek floodplain (wetlands), which reduced damages by 54 to 78 percent, on average, across 10 flooding events.

Questions:

- How will the loss of unmapped wetland areas in Ripton potentially impact downstream East Middlebury economically, which is subject to flooding? Has there been an economic assessment completed statewide and by communities in relation to each other to look at this issue based on

the amount of potential wetland loss, increased impervious surface, and expected increase in storm events over time?

- Has there been a robust economic analysis to include the costs and impacts of building in a wetland, the actual implications to new infrastructure and to the people who will live there?
- It is well documented that building in wetlands can have real financial implications in the long term as homeowners have to address water filled basements, foundation subsidence and cracking, rotting infrastructure, failed septic systems, and the growth of unhealthy molds. Has an economic analysis been completed to estimate the potential for these incurred long-term costs which will outpace short-term benefits, while exposing homeowners to unsafe or unhealthy conditions with real financial repercussions?
- State Rules are meant to be for the public good. This proposed rule change appears to be contrary to that intent, so please explain how this rule change will and is for [all] public good.

Comment: Towns have been required over the last few years to respond and address specific state goals such as climate change resilience, which includes implementation of provisions in the VT Climate Change Resilience Strategy; VT Climate Change Action Plans 2025, Act 121-Flood Resiliency, Act 59 (relating to community resilience and biodiversity protection), etc. Towns, organizations, and the state have invested in a variety of actions to support these goals, including wetland protections and restoration, and other water quality projects such as floodplain reconnections, river corridor easements, and installing appropriately size infrastructures to maintain hydrology. This EO and proposed wetland rule change appears to be in direct contradiction to the legislative intent of these policies, statutes, and rules and the economic investments towns have made for wetland protections and enhancements. Please demonstrate how it does not.

Thank you for considering and responding to our public comments.

Sincerely,
The Ripton Conservation Commission
Mark Nelson and Greg Pask, Co-Chairs.

From: Megan McBride <meganssm@gmail.com>
Sent: Wednesday, January 14, 2026 4:52 PM
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Cc: jbrumsted@leg.state.vt.us; klalley@leg.state.vt.us; ssweeney@leg.state.vt.us;
kramhinsdale@leg.state.vt.us; asheldon@leg.state.vt.us; awatson@leg.state.vt.us
Subject: Proposed Wetlands Rule Changes

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Good Afternoon,

I am writing to strongly oppose the wetland rule changes that have been proposed in response to Executive Order 06-25: Promoting Housing Construction and Rehabilitation. Existing statute states that wetlands should be managed to achieve a net gain in wetlands. The proposed rule is in direct conflict with this statutory intent.

While I support the intention behind the EO, to make housing more accessible and affordable across the state, compromising our wetlands is not a solution. Providing a family with access to housing or land that has a high risk of significant flooding in the near future is not a sustainable housing solution. It is instead harmful to residents, ecosystems, and water quality across the state.

Weather events in recent years have shown that flooding poses a serious risk to communities (and economies) across the state. Wetlands play a critical role in slowing down flood waters and protecting downstream communities. If the proposed rules are allowed to go forward, the loss in wetlands, coupled with increased development in flood prone areas, will have real human and economic costs. If enacted, the proposed wetlands rule would allow for destruction and impairment of our wetlands, something that not only goes against existing statute, but also has long term negative consequences for Vermonters and our environment.

I appreciate your time and efforts in this process.

Sincerely,

Megan McBride

245 Marsett Road
Shelburne, VT 05482
meganssm@gmail.com

From: Christine Zachai <christine.zachai@gmail.com>
Sent: Wednesday, January 14, 2026 4:54 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

You don't often get email from christine.zachai@gmail.com. [Learn why this is important](#)

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Hello,

I'm writing with great concern about these proposed changes to the Vermont Wetland Rules. While our state is certainly in dire need of affordable housing, it is illogical to loosen rules in order for development to infringe upon the very wetlands that protect our housing. We need wetlands AND housing, and there is enough land in Vermont that we can prioritize developing land that is not a floodplain or wetland — the primary function of those lands are to protect from flooding and ensure water quality.

Specifically:

- The 50 foot buffer should not be reduced.
- Field delineation by experts should not be skipped.

Thank you,
Christine Zachai

Christine Zachai, she/her
802.279.5633
PO Box 921, Montpelier, VT 05601

Please don't feel obliged to reply to this e-mail outside of your normal working hours.

"The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory." - Howard Zinn

From: Tom Baribault <tom.j.baribault@gmail.com>
Sent: Wednesday, January 14, 2026 5:16 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Remarks from a Jericho citizen

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To Whom It May Concern:

My family has resided in Jericho since 1990 and we run a homestead operation on 65 acres which is predominantly wooded and includes Class III wetlands along with neighboring wetlands to our immediate north. I have served as Chair of the Jericho Conservation Commission for more than 25 years during which time we have advocated for protecting wetland buffers across the entire municipality in every single subdivision proposal that has come before the Jericho DRB, including those surrounding unmapped wetlands.

The Governor's Executive order to help alleviate the shortage of affordable housing in designated growth centers across the state by reducing the protective buffer around unmapped wetlands to a mere 25 feet is an ill-advised overreach of authority.

The prevailing scientific evidence for maintaining the essential ecosystem services that wetlands provide to the citizens of Vermont cannot and should not be refutable either by well intentioned fiat, as in the case of Governor Scott's action, or by bureaucratic double-speak, as in the case of ANR Secretary's statement "Any negative impacts will be balanced by advancing housing construction in compact growth areas." (Rules Filing at p.9). No scientific evidence has been provided to support the allowance for incursions into unmapped wetland buffers. Wetlands are wetlands whether mapped or not, and also whether they provide all or even only one of the recognized functions. I have an extended list of all the subdivision permits that have been approved in our town which also include Findings of Fact that additional acreages of Class II wetlands have become part of the State's wetland inventory. Shrinking the buffer of currently unmapped wetlands to 25 feet would undermine statewide efforts to enhance climate resiliency as well as usurp to some extent the local control over development patterns in towns such as Jericho, where the Town Plan, the Subdivision Regulations, and public sentiment are all aligned regarding wetland protection. All 3 of Jericho's designated growth centers have unmapped wetlands and it is within the Development Review Board's purview to require a wetland delineation whenever it is deemed appropriate in new subdivision applications.

These procedures have served sustainable growth in our town well over the past 25 years. In fact there have been several exceptions in which a delineation was incorrectly designated to the subsequent detriment of infrastructure such as a community leachfield or even private water supplies. On a statewide level this might actually translate into speculative development by which companies or (strictly speaking) profit motivated individuals acquire development rights adjacent to wetlands, proceed to develop newly permitted housing and infrastructure without investing into the types of construction features needed to prevent water damage and pass the entirety of hidden costs of yearly maintenance, unforeseen repairs, health issues, emotional stresses, and skyrocketing insurance premiums onto new homeowners (many of whom may well be the less wealthy or younger community members which the affordable housing initiatives are intended to serve.)

In summary, we as a community need to recognize and respect the fact that wetlands are part of the common good that is to be protected, not exploited for either good intentions or profit by the few. The state's wetland inventory needs to be increased rather than squandered by senseless attrition!

Respectfully Yours,

Tom Baribault

From: Sophia Seman <sophia.seman@gmail.com>
Sent: Wednesday, January 14, 2026 6:00 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Lindsey Schreier; awatson@leg.state.vt.us; tkwilliams@leg.state.vt.us; asheldon@leg.state.vt.us; llabor@leg.state.vt.us; tchittenden@leg.state.vt.us; egraning@leg.state.vt.us; vlyons@leg.state.vt.us; kramhinsdale@leg.state.vt.us; tsquirrel@leg.state.vt.us
Subject: Comments for wetland rule changes

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I would like to share my comments on the proposed changes to the Vermont Wetland Rules. I am a State of Vermont employee but I would like to be clear that I am offering these comments as a Vermont resident and as a trained environmental scientist, not in my capacity as an employee of the state. As a Vermonter, I have felt first hand the effects of the housing crisis referenced in Executive Order No. 06-25 which is the impetus of the rule changes and share the desire outlined in the EO to “attract and retain working families [and] reduce the cost of housing”. However, I am deeply concerned that the proposed changes will result in poor quality housing, leading to increased financial burden on towns and families who are already most vulnerable. I also am deeply concerned that the values of our wetlands, particularly the value of flood mitigation, is being ignored. I believe that the proposed changes, instead of addressing the problem of housing in Vermont, would actually exacerbate it, placing the burden on those who are least able to bear it.

My first concern is that in the proposed Wetland Rules, residential housing projects will fall under an “allowed use” category, however, there is not a comprehensive definition of housing included in the rules. A major issue I see with our current housing situation is the number of residential units that are used as short-term rentals like airbnbs. I suggest that the rules provide a definition for residential housing projects that will fall under the allowed use, excluding short term rentals. I would also suggest that new construction projects must ensure that the units are used for permanent housing (not short term rentals) for a minimum period after construction. I think this is an imperative change to make if the wetland rules are to comply with the intent spelled out in the Executive Order, which is to address the issue of housing in Vermont. For example, if a new housing development utilizes this new “allowed use” but all of the units are bought to be used as short term rental properties, no dent has been made in the housing crisis. The result will be instead, a sacrifice of the protections of wetlands for profit.

Secondly, I would like to take issue with the reliance only on mapping to determine the location of wetlands. There is clear scientific guidance for the identification and delineation of wetlands (for example from the Army Corps of Engineers) which requires site conditions to be considered. There is a consensus in the scientific community that while remote mapping technology has advanced greatly, it is still not perfect and there are many wetlands in Vermont that are not mapped on the VSWI (even the pending layer is not comprehensive). Therefore, the result of this change will be that housing developments will be permitted in wetlands, as long as they are unmapped. I want to stress again, that just because a wetland does not appear on the map, does not mean it does not exist. It does not mean it does not provide values to the surrounding area. And it does not mean that a housing project will not be impacted by the hydric soils and high water table.

This is a major problem, and again, runs in contradiction to the stated intent of the Executive Order, which aims to address the issue of *affordable* housing. Houses built in an unmapped wetland will have increased risk of flooding, water damage during high flow events and chronic wetness problems. This could lead to homeowners having elevated insurance premiums and rising costs of repairs year after year. Following the devastating floods in 2023 and 2024 (and even last year in 2025) there are many areas outlined as “opportunity areas” in which people have had to leave their homes due to exorbitant clean-up fees. This loss of equity is devastating to a family and when assessed at scale, devastating to a whole community. Finally, I am worried about the impact on the larger community in these opportunity zones and in the whole state. Urban wetlands provide essential functions like flood resiliency, made even more important by the strain placed on them by surrounding development. By increasing the impervious surfaces in our downtowns, particularly in the wetlands, this reduces our ability to withstand a flood.

I would like to submit these comments to the committee for consideration. I would also like to offer, that there are many changes to the permitting process (rather than the rulemaking process) that could greatly ease the burden on developers trying to create affordable housing. The rule changes are not only unnecessary, and frankly dangerous, but also contrary to the intentions outlined in the Executive Order these changes were meant to address. It is for this reason that I would like to ask the Committee to reject the proposed change to the wetland rule that would eliminate the need for on-site delineations of wetlands and the sole reliance on mapping.

Thank you,
Sophia Seman
she/her/ella

From: Zapata Courage <zapcourage@yahoo.com>
Sent: Wednesday, January 14, 2026 5:59 PM
To: ANR - Wetlands Rulemaking Comment
Cc: asheldon@leg.state.vt.us; awatson@leg.state.vt.us; rhardy@leg.state.vt.us;
pconlon@leg.state.vt.us; sheffernan@leg.state.vt.us
Subject: Executive Order 06-25 "Promoting Housing Construction and Rehabilitation"; Vermont Wetland
Program proposed Rule Change: Public Comments
Attachments: EO-VWR Public Comments Final.pdf

You don't often get email from zapcourage@yahoo.com. [Learn why this is important](#)

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Please find my attached public comments regarding the Executive Order 06-25 "Promoting Housing Construction and Rehabilitation" and the proposed Rule Change within the Vermont Wetland Rules.

I copied you, my representatives and the Chairs of key committees, to encourage you to review these comments to understand the complexity of the proposed rule change, especially considering that discussion and debate around housing, the Executive Order, and wetlands may come up this legislative session.

Thankyou for your time and your service,
Zapata Courage
Ripton, VT

January 14, 2026

TO: DEC Rule Making WetlandsRulemakingComment@vermont.gov

Rep. Amy Sheldon, asheldon@leg.state.vt.us, Chair of House Committee on Environment

Sen. Anne Watson, awatson@leg.state.vt.us, Chair of Senate Committee on Natural Resources & Energy

RE: Executive Order 06-25 "Promoting Housing Construction and Rehabilitation"; Vermont Wetland Program proposed Rule Change: Public Comments.

While I am currently a District Wetland Ecologist with the State Wetlands Program, the following comments, questions, and concerns are submitted solely in my capacity as a private citizen and Vermont resident. I am not providing these comments from my professional role, nor am I presenting any materials that are not already publicly available.

My UVM education was in Conservation Biology, and I have over 27 years of cumulative field and laboratory experience with consulting firms, federal and state agencies, universities, and non-profit organizations. Specifically, I am an Environmental Educator, Wildlife Biologist, and a Professional Wetland Scientist (PWS #4119). I have 15 years of direct wetland experience in and outside Vermont, including conducting wetland delineations, habitat assessments, surveys for rare, threatened, and endangered species, and wetland function and value assessments and teaching the 40-hour Army Corps of Engineers (ACOE) Wetland Delineation Training at the Vermont State University. I offer these comments based on my personal expertise and experience, in the interest of protecting Vermont's wetlands and supporting informed rulemaking.

References, found at the end of this submittal are in order of sequence as they appear within the document indicated by subscript numbers.

Comment RE: proposed rule is beyond the authority of the [Governor] agency

The proposed changes under this Executive Order (EO) undermine the authority of the Legislature and the separation of powers established in the Vermont Constitution. The Governor and executive branch agencies cannot ignore, amend, or circumvent statutory mandates or duly adopted rules through an EO. As a result, the Wetland Program is pursuing rule changes in order to implement the EO that appear contrary to legislative intent and may exceed the authority delegated by the Legislature through existing Vermont Wetland Rules (VWRs). These changes also risk conflicting with or compromising the intent of other State statutes, acts, rules, and policies.

I request clarification on how significant rule changes of this nature, in the absence of an emergency, can be enacted solely by EO rather than following the legislative and rulemaking processes prescribed by law. If VWRs require modification for legitimate

reasons, the proposal should be introduced, debated, and voted on in the Legislature, as with any statutory change.

Additionally, I ask whether this proposed rule change was reviewed for environmental justice, equity, and fairness, especially since it is industry or locationally specific, and request documentation of any such review and concurrence.

Given these concerns, I believe the Legislative Committee on Administrative Rules (LCAR) should object to this proposed rule change as it appears beyond the authority of the Governor or the agency.

Comment RE: proposed rule is contrary to the intent of the Legislature

The proposed rule change, which would rely solely on wetland mapping as the basis for jurisdiction, contradicts the intent of past and current legislation regarding Vermont wetlands. Vermont law¹ defines “*wetlands*” as areas inundated by surface or groundwater sufficient to support vegetation or aquatic life that depend on saturated soils for growth and reproduction (10 V.S.A. § 902(5)). The methodology for wetland identification, established in the original 1990 Vermont Wetland Rules² (VWRs, § 3.2) and maintained in subsequent rule updates, requires documentation of hydrology, hydric soils, and wetland vegetation. This methodology is recognized by both the State and the ACOE. The proposed EO and rule change, which would limit jurisdiction to mapped wetlands, ignores this scientific methodology and contradicts the established rules for wetland identification.

The 1990 VWRs explicitly include all mapped wetlands and contiguous areas as Class II wetlands, recognizing their significant functions and values (10 V.S.A. § 905b). Subsequent studies, including Morrissey et al. (2006)³, demonstrated that wetland maps are incomplete and inaccurate, particularly for wetlands less than 20 acres in size, emergent wetlands, and forested wetlands, including vernal pools.

The 2010 VWR⁴ update codified this understanding, establishing that unmapped wetlands meeting certain criteria are also Class II and merit full protection, including a minimum 50-foot (ft) buffer (10 V.S.A. § 902(9) and § 914), with the clear intent that jurisdiction would no longer be tied directly to a wetland being mapped. The 2010 and 2023 VWRs⁵ further emphasize the limitation to wetland mapping “The VSWI maps should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Section 3.2). The VSWI maps are intended to denote the approximate location and configuration of wetlands. It is critical to note that wetland characteristics and boundaries are not static; wetland boundaries may change as a result of landscape and climatic changes”.

Since the 1990 VWRs, the buffer zone for a Class II wetland extends at least 50 ft from the physical edge of the wetland and generally encompasses the immediate upland area,

not an arbitrary boundary drawn on a map using potentially inaccurate data. The EO and proposed rule change seeks to reduce these buffer zones from 50 ft to 25 ft. And the 25-ft buffer would be applied from the edge of the mapped polygon without field verification and may actually overlap unmapped wetland, effectively rewriting Vermont statute.

The legislature clearly established a 50-ft minimum buffer from the edge of the Class II wetland. 10 V.S.A. § 902(9) provides that a “buffer zone for a Class II wetland shall extend at least 50 ft from the border of the wetland unless the Secretary determines otherwise under section 914,” and § 914 requires that buffer size be determined through a functions and values assessment specific to each wetland (not just mapped portions). The EO and rule change bypasses this process.

How does limiting jurisdiction and protection to only mapped wetlands align with statutory protections for all Class II wetlands, contiguous wetlands, and unmapped wetlands with significant functions and values?

How can the failure to recognize contiguous or unmapped wetlands as jurisdictional, while allowing fill or wetland forest removal without a permit, be reconciled with statute, the VWRs, and legislative intent, when it allows for significant wetland loss without oversight or mitigation?

This proposed rule change is also in direct contradiction to the state’s climate resilience priorities as outlined within the 2025 Resilience Implementation Strategy⁶ (Vermont Climate Change Resilience Strategy), which prioritizes implementation of state-level actions to reduce the harmful impacts of climate change including: flooding, landslides, heat waves, drought, wildfire smoke, and declining water quality. The proposed wetland rule change ignores how functions and values are assessed and are protected for Class II wetlands to ensure no undue adverse impact to those functions and values that are not just applicable to the proposed project location, but also to surrounding lands and its contribution to the whole of watershed health.

The Climate Change Strategy identifies priority actions for the state to help communities build resilience, support those most affected by disasters, and reduce future harm to Vermont’s infrastructure, economy, and natural environment. This Strategy was a collaborative initiative led by Governor Phil Scott and Treasurer Mike Pieciak, coordinated by ANR and a cross-government Steering Committee. Among the high-priority actions outlined are measures that emphasize nature-based solutions, including leveraging wetlands, floodplains, and upland forests to mitigate flooding and support biodiversity.

The proposed rule change is in direct contradiction to the intent of Act 59, Vermont Conservation Design & Vermont’s Community Resilience and Biodiversity Protection

Law⁷, which sets a goal to conserve 30% of the state's land area by 2030 and 50% by 2050. These targets are guided by the principles of conservation science and the conservation priorities identified within Vermont Conservation Design, supported by multiple studies and reports.

The 2014 Vermont Habitat Blocks and Habitat Connectivity: An Analysis using Geographic Information Systems report⁸ (VTFWD) highlights that maintaining a connected network of unfragmented habitat blocks is a primary strategy for conserving biodiversity amid a rapidly changing climate. It further emphasizes that creating a well-connected landscape is essential for landscape resilience in the face of climate change. Wetlands are often the last undeveloped areas in and around urban centers.

The 2015 *Vermont Wildlife Action Plan*⁹ provides the following conclusion: “In the short-term, riparian areas [the banks of rivers and streams] and adjacent land, including their floodplains [wetlands], may be the best places to invest our conservation efforts because when healthy these areas are more resilient to flooding, reduce downstream flood impacts, keep waters cool and provide important habitat and connectivity to many wildlife species. Habitat restoration [conservation] is also an effective way to support rare, threatened, or endangered species”.

Within the Wetland Section of Vermont Conservation Design: Natural Communities and Habitats Technical Report (pg 28; 2018)¹⁰ the Highest Priority wetlands are defined as: Any wetland that meets one or more of the following conditions:

- Is designated as a Class 1 wetland, or likely to meet Class 1 standards
- Is an exemplary (state-significant) wetland natural community occurrence, or is immediately adjacent to one
- Is wholly or partially within any of the highest priority landscape scale elements of Vermont Conservation Design
- Is wholly or partially within a small watershed with >50% of the land area developed
- Is wholly or partially within an important watershed for Lake Champlain water quality: Missisquoi River watershed and South Lake A & B watersheds

The report further emphasizes that wetlands in watersheds with more than half of the land developed are high priority for conservation, as development increases stress and fragmentation of these systems. Notably, these areas overlap with the Designated Areas referenced in the EO and proposed rule change.

The report also underscores limitations in mapping: “The map layer is an incomplete representation of priority and highest priority targets. Mapping reflects the best current knowledge of target locations. Approximate locations of wetland targets are shown using

VSWI, NWI, and Natural Heritage data sources. All polygons are approximate. Additional wetlands exist that are not represented in the map data. Field verification may be needed to confirm that any wetland meets the target criteria and provides appropriate ecological functions” (pg. 29).

Finally, the March 2025 VTFWD Report for Implementing the Vermont Conservation Design¹¹ indicates that all surface waters and riparian areas as highest priority for ecological function, and includes nested priorities for Riparian Connectivity, Wetlands, Vernal Pools & Aquatic Features. Conservation and restoration of aquatic systems is essential to meeting the vision of Act 59 and sustaining an ecologically functional landscape. This also supports the guidance for Act 171 from 2016¹² focused on land use and forest protection, requiring towns to plan for "forest blocks" and "habitat connectors".

Vermont’s wetlands support the highest levels of plant, animal, and rare, threatened, or endangered (RTE) species diversity, while also providing critical water quality protection and natural storage functions. Over half of Vermont’s plant species are found in wetlands, and all of the state’s toads and frogs rely on wetlands for at least part of their life cycle. Many important wetlands such as hillside seeps, vernal pools, forested and headwater wetlands, and agricultural wetlands remain unmapped, leaving them vulnerable to degradation. In urban areas, wetlands, even those not mapped, serve as wildlife corridors, connective habitats, and refuges, while also providing some of the last remaining green spaces within developed landscapes.

What environmental analysis has been conducted to assess the acreage, type, and location of unmapped wetlands that could potentially be lost under this rule change, including the impacts of allowing fill placement or wetland conversion to upland, evaluated by town, watershed, and statewide? Have the proposed Designated Areas been cross-referenced with priority conservation areas identified in state plans?

Please explain how the implementation of this rule change will not conflict with the methodologies, priorities, and protections outlined in the relevant Acts and Strategies, including Acts 59 and 171, and the Vermont Conservation Design and Climate Resilience strategies. Demonstrate whether and how the rule change can be reconciled with the protection of contiguous wetlands, urban wetlands, and specific wetland types, particularly when these wetlands may be unmapped but fall within Designated Areas.

Act 171 and Act 59 directs municipalities and state agencies to identify and protect forest blocks, habitat connectors, and significant natural areas, including wetlands, as part of statewide land use and conservation planning. Explain how the proposed rule change does not undermine or contradict these statutory directives.

In addition to Vermont's goals of maintaining biodiversity and conserving 50% of the state's land by 2050, the legislature passed Act 121, the Flood Safety Act¹³, in response to the catastrophic floods of 2023 and 2024. This law specifically includes mandates addressing wetlands due to their critical role in adapting to changing climate conditions.

The 2021 Vermont Climate Assessment (UVM), led in part by State Climatologist Lesley-Ann Dupigny-Giroux, provides a comprehensive analysis of Vermont's climate trends. Since 1900, annual precipitation has increased by approximately 10–15%, with heavier winter and spring rainfall. Future projections indicate more intense storms, increased flood and erosion risks, and more variable summer rainfall, raising the likelihood of droughts. Urban areas and rivers are particularly vulnerable to these increasing flood risks, threatening infrastructure and communities.

The 2021 Assessment underscores that wetlands and adjacent riparian zones are essential natural buffers. They reduce flood impacts, maintain cool water temperatures for aquatic species, and support biodiversity under shifting climate conditions. Loss or degradation of wetlands diminishes these protective and ecological functions, highlighting the need for strategic conservation, restoration, and integration of wetlands into land-use planning as a nature-based solution for climate resilience. In short, wetlands must be protected, not removed because they are not mapped.

Wetlands provide essential natural infrastructure, buffering floods, sustaining water during droughts, and supporting biodiversity, as documented by UVM, The Nature Conservancy, the Vermont Climate Assessment, and NOAA. The proposed rule change threatens these critical functions, yet there appears to be no comprehensive analysis of the environmental or economic consequences of wetland loss. What are the costs to communities, ecosystems, and Vermont's economy if these wetlands and the vital services they provide are degraded or destroyed? Protecting wetlands is not just an ecological priority; it is a cost-effective strategy for climate resilience and public safety.

Within the VWRs, one of the key functions of wetlands is providing temporary storage of floodwater and stormwater runoff. The VWRs specifically evaluate whether a wetland reduces the magnitude or frequency of risks due to floodwater and stormwater runoff, including in watersheds with impervious surfaces, stating:

“Wetlands that provide for the temporary storage of floodwater or stormwater runoff to the extent that they make an important contribution to reducing risks to public safety, reducing damage to public or private property, reducing downstream erosion...”

Wetlands providing this function are classified as Class II significant wetlands, regardless of whether they are mapped or unmapped.

For example, the well-known 2016 UVM study, “Quantifying flood mitigation services: The economic value of Otter Creek wetlands and floodplains to Middlebury, VT”¹⁵ quantified the economic savings by Middlebury during Tropical Storm Irene and 10 subsequent flood events because of wetlands. The research concluded that Middlebury saves an annual average of \$126,000 to \$450,000 in damages annually due to the Otter Creek floodplain (wetlands), a reduction of 54 to 78 percent, on average, as calculated across the 10 flooding events.

While this 2016 study focuses on flood mitigation, the same hydrologic processes of storing water and slowly releasing it also support drought mitigation by maintaining baseflows, delaying drought onset, and sustaining water in the landscape during dry periods, an important connection between flood and drought moderation services that wetlands provide.

In contrast to the 2023 and 2024 flooding events, VT experienced extreme drought conditions over much of the state in 2025 with wells going dry, municipal water conservation practices implemented, and rivers and streams going dry or documenting record lows, even Lake Champlain, reaching levels not seen since the 1934 drought.

The 2021 Vermont Climate Assessment Water Resources chapter¹⁶ emphasizes how climate change is increasing drought risk in Vermont. It explicitly notes that natural infrastructure, such as wetlands, may be used to increase resilience as they attenuate flows to mitigate effects of drought.

The NOAA Wetlands Ecosystem Services Framework¹⁷ identifies key hydrologic services provided by wetlands which can mitigate potential drought conditions:

- Wetlands act as natural water storage systems
- Wetlands contribute to groundwater recharge
- Wetland provide slow release to streams and maintain baseflow levels

NOAA further explains how wetlands provide drought moderation through hydrologic resilience meaning ‘the combined water storage, infiltration, and connectivity functions of wetlands help delay drought onset or lessen the peak severity of drought by maintaining water in the watershed longer’, or in short, wetlands act to dampen extremes in the water cycle. Similarly, the US EPA (2025)¹⁸ summarizes, “wetlands store water within soils and surface pools, facilitate infiltration to aquifers, and then slowly release water to recharge groundwater and maintain stream flows”, a natural form of hydrologic buffering that can

delay drought onset, lessen drought severity, and sustain water availability for ecological and human systems over dry periods”.

In recognition of these ecosystem services, Act 121¹⁹ expressly establishes that the State’s policy is to protect, regulate, and restore wetlands so that the State achieves a *net gain* of wetland acreage. This includes protecting existing wetlands and actively restoring those that have been degraded or lost. The Act specifically directed ANR to amend the VWRs to incorporate this goal that regulation results in a net gain through protection and restoration. Act 121 also mandates compensatory mitigation for permitted wetland impacts exceeding 5,000 square feet, requiring a 2:1 restoration ratio. The Legislature clearly intends that wetlands not only be preserved but actively increased through restoration when unavoidable losses occur.

Act 121 further recognizes that wetland mapping is incomplete. ANR is required to update the VSWI maps by January 1, 2026, and annually thereafter, and to complete High-Quality Wetlands Inventory Plus mapping for all tactical basins by 2030. These updates are meant to improve planning, permitting, and conservation, but mapping is not meant to provide 100% identification of wetlands nor to define jurisdictional boundaries.

Given this, it is unclear how the proposed rule change aligns with Act 121’s intent to protect existing wetlands and achieve a net gain, especially when there has been no assessment of potential acreage loss in unmapped wetlands. Allowing housing projects to proceed under the proposed rule without quantifying impacts, evaluating lost wetland functions, or requiring avoidance, minimization, mitigation, or compensation could result in the complete loss of entire unmapped wetland areas, effectively bypassing regulatory oversight.

In general, the Legislative intent of Act 121 is to reduce the risk of loss of life, property damage, and infrastructure failure. It recognizes wetlands as critical infrastructure with a goal to maintain and restore these areas as a cost effective and multi-benefit approach to flood resiliency with a broader intent to protect VT’s ecological, climatic, and community resilience while accommodating responsible land use. In addition, the Statutory Policy Expressing Legislative Intent for Wetlands looks at 10 V.S.A. § 901; Water resources management policy (as amended by Act 121)²¹:

“The water resources of the State shall be protected, regulated, and, where necessary, controlled under authority of the State in the public interest and to promote the general welfare; (2) the wetlands of the State shall be protected, regulated, and restored so that Vermont achieves a net gain of wetlands acreage; and (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.”

The proposed rule appears to contradict this legislative intent. Please explain how it does not conflict with Act 121, particularly in the absence of assessment for unmapped wetlands, the potential loss of flood and drought mitigation services, and the statutory goal of achieving a net gain in wetland acreage.

I believe LCAR should object to the proposed rule as it directly contradicts legislative as expressed in:

- 1990, 2010, and 2023 VWRs;
- Act 59 (Vermont Conservation Design & Community Resilience);
- Act 171 (Forest and Habitat Protection);
- Act 121 (Flood Safety Act, 2023), which mandates net gain of wetlands and regulatory protections based on functions and values assessments; and
- Vermont’s 2025 Climate Resilience Strategy.

Comment RE: the economic impact analysis fails to recognize a substantial economic impact of the proposed rule

The Trust for Public Land Vermont’s Return On Investment in Land Conservation 2018 study²² found that every \$1.00 invested in land conservation in Vermont returns \$9.00 in economic value in natural goods and services, such as water quality protection, flood mitigation, and food production. When reviewed for how wetlands contribute to the economic value of goods and services compared against other land cover types, the study found that wetlands are estimated to provide about \$590 per acre per year in natural goods and services, almost three times higher than the next most valuable land cover type at ~\$180/acre/yr (deciduous and mixed forests). These goods and services are primarily attributed to water quality protection, flood resiliency, and providing highly productive habitat. The study determined that “managing and restoring wetlands can lead to cost savings when compared to man-made infrastructure solutions”.

There are over forty (40) wetland natural community types documented in Wetland, Woodland, Wildland: A Guide to the Natural Communities of Vermont²³ recognized by the VT Natural Heritage Inventory and referenced in the VWRs under Section 5.5 Exemplary Wetland Natural Community. This proposed rule change is indiscriminate with respect to wetland types that may be unmapped, allowing potential loss of diverse wetland communities and their distinct functions and values within Designated Areas.

Under the current permitting framework, wetland functions and values are evaluated and protected through project-specific review. By contrast, the proposed rule change would

allow development to proceed without this assessment. What environmental assessment has been conducted to estimate the types and acreage of wetland natural communities that may be lost under this proposal? What environmental analysis has been completed to evaluate the associated loss of wetland functions and ecosystem services, including impacts assessed by community, small and larger watersheds, and statewide?

Given the well-documented role of wetlands in flood storage, flow attenuation, and downstream protection, the proposed loss of unmapped wetlands within Designated Areas raises serious concerns for downstream communities already facing increasing flood risk. Has the State conducted any statewide or community-level economic assessment to evaluate how incremental wetland loss combined with increased impervious surface coverage and more frequent, intense storm events will affect flooding damages over time? What cumulative environmental and economic impact analysis has been completed to assess how the upstream loss of wetland functions such as floodwater storage, drought resilience, and water quality protection will translate into downstream costs and risks? In the absence of these unmapped wetlands as they are developed, where will floodwaters be stored, and have hydrologic or hydraulic models been used to quantify the increased flooding risk as these unmapped wetlands are lost and development expands? Lacking this analysis, the proposal places downstream communities at increased long-term flood and economic risk without the benefit of a thorough, science-based evaluation.

Has a robust economic analysis been conducted to evaluate the true costs and impacts of building in wetlands, including implications for new infrastructure and for the people who will ultimately live in these developments? While construction in wetland areas may be technically feasible, it is inherently complex and frequently results in structural failures, property damage, environmental degradation, and long-term financial liability. Homeowners may face chronic issues such as flooded basements, foundation instability, deteriorating infrastructure, failing septic systems, mold growth, and elevated flood risk, along with ongoing and costly water management requirements.

Has a comprehensive, long-term economic assessment been completed to quantify these risks and cost? These costs may substantially outweigh any short-term development benefits while exposing residents to unsafe or unhealthy living conditions and potential financial or legal consequences. State rules are intended to protect the public interest, and this proposed rule change appears inconsistent with that obligation. Please explain how the proposal serves the broader public good, including public safety, public health, and equitable outcomes for all affected stakeholders.

Under the Vermont Planning and Development Act (Title 24 V.S.A. § 4302)²⁴, the Legislature directs that development be carried out in accordance with smart growth principles. Vermont law defines these principles to include protecting important

environmental and natural features, such as water quality and natural areas, as outlined in 24 V.S.A. § 2791²⁵. Weakening wetland protections directly undermines these statutory directives to preserve natural resources as part of smart growth.

The EO and proposed rule change contradict smart growth principles, which emphasize sustainable, well-planned development that balances community needs with environmental protection. Wetlands provide essential services, flood protection, water filtration, wildlife habitat, and climate resilience, that, once lost, cannot be replaced. Reducing wetland protections prioritizes short-term development over long-term community resilience and environmental stewardship, undermining the foundation of truly smart, sustainable growth.

The proposed rule change raises significant concerns related to equity, environmental justice, fairness under the law, and consistency with the EO as it intends to expedite affordable housing. As written, the proposal does not appear to ensure equitable access to housing opportunities across municipalities, nor does it prevent fragmentation of undeveloped lands outside the designated areas, potentially shifting impacts disproportionately onto certain communities.

Key terms and safeguards remain undefined. How is “affordable housing” defined for project eligibility under this rule, and what mechanisms will be used to verify affordability? Is there a verification system comparable to those used by organizations such as Habitat for Humanity, Healthy Homes, or other affordable housing providers? If not, why has no such framework been included? Additionally, how will the rule ensure that housing developed under this allowed use serves permanent Vermont residents, rather than being converted into second homes or short-term rentals? Clear standards and enforceable restrictions are necessary to prevent misuse and to ensure that the EO’s affordable housing objectives are met, and arguably can be met without impacts to unmapped wetlands. This should include explicit eligibility criteria and limitations on mixed-use development where it conflicts with affordable housing goals.

The stated purpose of the proposed amendments is to promote housing; however, the amendments would allow mixed-use development within Class II wetlands without establishing any minimum residential-use threshold or proportionality requirement. Under the proposal, a project would qualify as “mixed-use” and be eligible for the exemption simply by including a “residential housing component,” irrespective of its scale or relationship to the overall project. As a result, a predominantly commercial development could be constructed within an unmapped Class II wetland through the inclusion of a de minimis residential element, such as a single dwelling unit. This outcome is inconsistent with the intent of 10 V.S.A. Chapter 37 and the VWRs, which prioritize the protection of wetland functions and values, and it fails to demonstrate that the limited housing benefit

would outweigh or justify the resulting adverse impacts to regulated wetland resources nor provide an economic benefit. Why does the proposed rule allow mixed-use projects which seem contrary to even the EO's intent?

For these reasons, the Legislative Committee on Administrative Rules (LCAR) should object to the proposed rule change. The absence of a comprehensive environmental and economic analyses obscures potentially substantial negative environmental and economic impacts, including long-term infrastructure costs, flood risk, and loss of ecosystem services.

Comment RE: the proposed rule is arbitrary

Under the current regulatory framework, all projects impacting wetlands are required to demonstrate a legitimate and necessary project purpose and to avoid and minimize impacts. The proposed rule change would allow additional housing infrastructure within unmapped wetlands located in Designated Areas without review or permitting. As a result, two different regulatory standards would be applied to the same type of housing project, solely based on location. This raises serious concerns regarding the fair and consistent application of state law and undermines regulatory clarity.

The proposed rule does not define what constitutes "necessary" for an allowed housing use, especially within unmapped wetland areas. Critical questions remain unanswered: What limits apply to building size, accessory structures, lawn area, driveways, utilities, or grading? What are the scope and design constraints intended to minimize wetland impacts and prevent landscape fragmentation? Without clear standards, the rule invites arbitrary application and inconsistent outcomes. Explicit scope, design, and impact limitations are necessary to protect wetlands and ensure predictable enforcement.

Equity and consistency issues are further compounded by the uneven distribution of Designated Areas. Some municipalities are entirely designated as Opportunity Zones, while others have none. How does this approach ensure equal treatment across and between towns? In addition, many Designated Areas extend into steep slopes and forested wetlands, raising questions about development suitability. Has suitability been evaluated, by whom, and using what criteria? Are there enforceable measures to prevent sprawl outside Designated Areas? A comprehensive review and potential redefinition of Designated Areas and wetland jurisdiction is needed to ensure consistent standards statewide.

The proposed rule also fails to clarify whether the allowed use is temporary or permanent. If adopted, would the exemption expire upon termination of the EO or once housing goals are met, or would it remain in effect indefinitely without continued justification? The

absence of a defined sunset provision further underscores the arbitrary nature of the proposal.

Equally concerning is the impact on public participation and due process. Under existing wetland regulations, when a permit is required for impacts to mapped or unmapped Class II wetlands, abutting landowners are notified and given the opportunity to comment on potential impacts to wetland functions and values. The proposed rule would eliminate this notice and review process for unmapped Class II wetlands, thereby undermining the public's statutory right to participate.

Moreover, while both the EO and the proposed rule acknowledge that contiguous unmapped wetlands are considered Class II, these areas would be subject to different permitting criteria, standards, and processes solely based on the arbitrary boundaries of wetland mapping. The proposed changes could therefore jeopardize a person's statutory right to petition ANR for the protection of an unmapped wetland. If no permit is required for impacts to unmapped wetlands, it is unclear how an individual could meaningfully petition for protection prior to construction.

Clarify how the EO will/will not affect individuals' ability to petition for wetland protection before impact occurs. It must be emphasized that neither ANR nor the Governor has the authority to remove this right for individuals, which is established in statute and in the VWRs, without formally amending the law or rules. Any interpretation of the EO that effectively removes this right would exceed executive authority and circumvent established legal protections for wetlands.

Under LCAR review,²⁶ saying that "a proposed rule is arbitrary" means the rule lacks a rational, evidence-based justification and is not reasonably connected to its stated purpose or to the authority granted by the Legislature. The proposed changes to VWRs under the EO are arbitrary and unsupported. The rule includes no data, studies, or analysis showing why these changes are necessary. It treats similar wetlands differently without justification, fails to advance the statutory purpose, relies on assumptions over evidence, and represents an unexplained departure from existing protections, such as removing permit requirements that previously safeguarded critical wetland functions.

The incorporation of the rule change into the Allowed Use Section of the VWRs allows significant environmental impacts. Housing projects within Designated Areas would be exempt from wetland review without any assessment of impacts as requires no analysis of acreage loss, loss of functions and values, or cumulative effects will be required. This does not advance statutory goals like protection, net gain, or public benefit. I believe LCAR should object on the grounds that the proposed rule is arbitrary, because the EO and consequently the agency has not shown a rational connection between the problem identified, the statutory intent, and the solution adopted in the rule."

In summary, the proposed rule ignores established scientific methods, statutory mandates, and legislative intent. It would reduce protections for significant wetlands and their buffers, limit regulatory oversight, and compromise Vermont's environmental, climatic, and community resilience goals.

For these reasons, I respectfully urge the Legislative Committee on Administrative Rules to object to the proposed rule change, as it is inconsistent with legislative intent, arbitrary in its application, and unsupported by adequate environmental or economic analysis.

Thank you,



Zapata Courage

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From: Katie Nolan <katie@idausa.org>
Sent: Wednesday, January 14, 2026 6:14 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment on Executive Order 06-25 – Vermont Wetlands
Attachments: Public Comment on Executive Order 06-25 – Vermont Wetlands KN.pdf

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Hello,

I am writing to submit comments regarding Executive Order 06-25. Thank you for the opportunity to express my thoughts and concerns.

Sincerely,

Katie Nolan
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January 14, 2026

Public Comment on Executive Order 06-25 – Vermont Wetlands

Submitted by:

Kathryn Nolan as a Vermont resident and on behalf of In Defense of Animals

To the Department of Environmental Conservation,

I am writing as a Vermont resident and as the Wild Animals Campaigner with In Defense of Animals to express my concern regarding Executive Order 06-25. I am particularly troubled by the proposal to reduce Class II wetland buffer zones from 50 feet to 25 feet and to consolidate environmental review processes. I do not support this executive order, as it moves Vermont away from science-based wetland protections at a time when stronger safeguards are urgently needed.

My concerns are rooted in the impacts these changes would have on Vermont's wild animals, especially amphibians, which are a personal focus area of my advocacy work. Amphibians are one of the most rapidly declining groups of animals globally, with populations estimated to be declining by nearly four percent annually.¹ They face compounding threats from habitat loss and fragmentation, disease, namely the spread of chytrid fungus, climate change, and pollution. Because amphibians have highly permeable skin and often rely on both aquatic and terrestrial habitats, they are especially sensitive to contaminants and changes in water quality. For this reason, amphibians are widely recognized as important bioindicator species, signaling the overall health of ecosystems.

Reducing wetland buffers allows more runoff, sediment, and pollutants from nearby development to reach wetland waters and the surrounding land amphibians depend on. It also fragments the connected aquatic and terrestrial habitat they need to breed, feed, and migrate, intensifying existing threats.

Wetlands and their surrounding buffers are essential to maintaining clean water and ecological integrity. Adequate buffer zones help filter runoff, limit exposure to toxins, and preserve habitat supporting a wide range of species and stabilizing wetland

¹ U.S. Geological Survey, *Why Are Amphibian Populations Declining?*, U.S. Department of the Interior, 18 Jan. 2025, <https://www.usgs.gov/faqs/why-are-amphibian-populations-declining?qt-&page=1&utm>

ecosystems. Weakening these protections undermines the very systems that support biodiversity and ecosystem health, and it does so without sufficient scientific justification.

I also want to acknowledge Vermont's real and pressing housing challenges. As someone who has rented in Vermont for several years and is currently searching to purchase a home in the state, I have experienced the housing shortage firsthand. Even so, reducing wetland protections is not an appropriate or effective solution. Vermont's housing challenges are increasingly exacerbated by flooding and climate-related damage, which drives up costs, limits available housing, and strains municipal resources.

Wetlands play a critical role in flood mitigation by absorbing and slowly releasing stormwater, functioning as natural sponges on the landscape. Recent flooding events in Vermont have made clear that weakening wetland protections will only increase long-term risk to communities, infrastructure, and housing stability. Protecting and restoring wetlands is a cost-effective strategy for building climate resilience and reducing future flood damage, not a barrier to sustainable development.

For these reasons, I find Executive Order 06-25 deeply concerning. Rather than reducing protections, Vermont should be strengthening them based on the best available science. I urge the administration to reject any reduction of Class II wetland buffers under Executive Order 06-25 and to maintain or expand the current standard of at least 50 feet. Protecting wetlands is essential for biodiversity, flood resilience, and the long-term wellbeing of Vermont's communities and ecosystems.

Thank you for the opportunity to comment and for considering these concerns.

Respectfully submitted,

Katie Nolan
Vermont Resident
Wild Animals Campaigner
In Defense of Animals

From: Brad Ketterling <BKetterling@VHB.com>
Sent: Wednesday, January 14, 2026 7:05 PM
To: ANR - Wetlands Rulemaking Comment
Subject: FW: VHB Comments on Proposed Wetland Rule Updates
Attachments: VHB Comment Letter_VWR 2026 proposed updates.pdf

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From: Lydia Lee <LLee@vhb.com>
Sent: Wednesday, January 14, 2026 6:54 PM
To: Lapierre, Laura <laura.lapierre@vermont.gov>
Cc: Carla Fenner <cfenner@vhb.com>; Adam Crary <ACrary@VHB.com>; Brad Ketterling <BKetterling@VHB.com>; Dan Heil <dheil@vhb.com>; Tim Upton <tupton@vhb.com>
Subject: VHB Comments on Proposed Wetland Rule Updates

Hi Laura,
Please see attached comment letter from VHB. Please feel free to reach out to anyone of us for questions or clarity.

Thanks,



Lydia Lee, PG (She, Her, Hers)
Director of Environmental Services - VT
Licensed in NH, NC

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January 14, 2026

Laura Lapierre
Vermont DEC – Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3522
[Via email]

Re: VHB Comments on proposed revisions to the Vermont Wetland Rules dated November 7, 2025, via Public Notice Comment posted by the Office of the Secretary of State, dated November 12, 2025.

Dear Laura:

Thank you for the opportunity to comment on the above-referenced proposed revisions to the Vermont Wetland Rules (“VWR”). Our staff at VHB consists of wetland and natural resource scientists, engineers, regulatory specialists, and planners and our clients and projects span a wide range of land use and across Vermont’s geography. A rule change will affect how VHB does its work, how we support and advise our clients, and how our projects fit into the regulatory framework of the VWR and so we recognize the importance of the opportunity to offer comments in response to the subject Public Notice.

Draft VWR language is contained below as italicized text excerpted from the Department of Environmental Conservation (“DEC”) November 7 *Vermont Wetland Rules Proposal – Annotated – 2025*¹, followed by VHB’s responses.:

6.26 a.

“For the purposes of this subsection, “residential housing project” means a single-family, multi-unit, or multifamily housing project, a shelter project, or a mixed-use project that includes a residential housing component. This term does not include ancillary improvements to existing housing that are not necessary to the primary residential function.”

The ancillary improvements associated with a new residential housing project as defined here should be considered part of the residential housing project (or a mixed-use project that includes a residential housing component). The proposed rule change as currently stated would disallow only ancillary improvements that are not necessary to the primary residential function of existing housing. The inclusion of housing development components such as lawns, common areas, recreational amenities, and similar should be included within the definition of a residential housing project under Allowed Use 6.26 (AU). This would be consistent with wording of the Executive Order 06-25 (EO) Section 3.1 Wetlands Modification.

¹ <https://dec.vermont.gov/document/vermont-wetland-rules-proposal-annotated-2025>



6.26 b. 3)

"Outside of an area described in (b)(1) or (b)(2) of this section, and located along the extension or terminus of a public sewer or water line available for connection that serves the designated area"

This clause appears to exclude connection to potential future public sewer or water systems, extensions, or termini. The need for increased housing comes with the likely need for new or expanded public sewer and water systems. The clause should clarify the intent to include connections to future systems: *"Outside of an area described in (b)(1) or (b)(2) of this section, and located along the extension or terminus of a public sewer or water line available for connection that serves **or will serve** the designated area"*

6.26 d. 2)

"Located on soils adequate for wastewater disposal and capable of supporting one or more wastewater systems to serve all proposed units."

The adequacy of a soil or soils for wastewater disposal are not defined in the Executive Order, and the DEC proposed rule change also does not establish a working definition of soils that qualify. This ambiguity may lead to inefficiency in DEC's regulatory project review, applicability of the AU, and subjectivity in interpretation of what constitutes soil adequacy by either/both DEC and/or a project proponent or designer.

VHB suggests that DEC considers inclusion of a definition that uses the wastewater suitability classes defined by the Natural Resources Conservation Service for soil map unit.² In recognition that Soil Survey mapping is not always precise or accurate at the scale of an individual housing project, VHB further suggests that a project can elect to conduct its own independent soil wastewater suitability analysis that could be used to support a determination of wastewater disposal adequacy for the proposed housing development and eligibility under the AU.

Further, VHB suggests that the location requirement pertaining to soils adequate for wastewater disposal should apply only to the wastewater system itself: that other portions or components of a residential housing development would not be subject to that location requirement.

6.26 e. (i)

"Limited to linear utilities (defined for the purposes of this section as electricity, gas, water, sewer lateral, access road, driveway, or septic force main) that are necessary for the construction or use of the primary residential function of the project, for which crossing the wetland is practicably unavoidable, and that are proposed to be located at the narrowest portion of the wetland practicable"

VHB suggests that the list of linear utilities also include stormwater and/or clarify what is included in "water" (i.e., water supply and stormwater).

As currently worded in the proposed rule change, VHB notes that the outcome may not result in a minimized impact to Class II wetlands, specifically the requirement that linear utilities be located in the narrowest portion of

² <https://anrmaps.vermont.gov/websites/SOILS/2008%20Soil%20Suitability%20Groups%20for%20Soil-based%20Residential%20Wastewater%20Disposal-January2008.pdf>



the wetland as is practicable. The least area of impact and/or an impact taken in the narrowest portion of a wetland or complex is not necessarily equivalent to the least impact; either in impact size or in ecological function and value. For example, linear utility development that is located in the narrowest portion of a wetland could require vegetation clearing, alteration in wetland vegetation cover type, impedance or interruption of wildlife habitat connectivity, effect to hydrological connection, or otherwise, resulting in disturbance that is actually greater (more impactful) than if those utilities were located in another (e.g., wider) portion of the wetland. A larger square footage of impact in a lower functioning or already-disturbed portion of a wetland or complex could potentially achieve a higher degree of impact minimization to the function/value of a wetland or complex, depending on the existing site conditions. VHB suggests consideration of eliminating this required provision for utility location, which will allow for a housing development project design to meet the greatest practicable avoidance and minimization of wetland impacts including the area of impacts. Although not mentioned in the proposed rule change language, VHB suggests that the same rationale could apply to impacts within wetland buffer zones.

6.26 e. (ii)

"If a utility for a residential housing project that otherwise meets the criteria established by this section is proposed to cross a mapped Class II wetland or the area within 25 feet of a mapped Class II wetland, the utilities shall be...Designed, constructed, and maintained in compliance with Best Management Practices developed by the Secretary to prevent and minimize wetland loss."

VHB finds that this section of the proposed rule change language is objectionable, based on the common-knowledge observation that utilities are in many cases considered as part of the housing development itself. Creating a separate evaluation of impacts from utilities does not seem to be consistent with the stated objective and purpose of the EO, which does not discern between the portion of a housing development that is the actual residential structure and the supporting utilities.

VHB notes that the proposed rule change language does not include reason, justification, or indication that utilities would or should be considered differently than the housing units themselves, and that if the proposed rule change as currently drafted were to become law, that it could hinder the efficiency and effectiveness of implementing the EO while hindering project planning and design and creating unnecessary cost burdens to project developers.

Would DEC consider rewording the rule to stipulate "to the extent that supporting utilities are included in the design of a qualified housing project, those utilities will follow BMPs" or similar?

6.26 e. (iii)

VHB notes that it is unclear which specific Best Management practices are being referenced or implied here.

Other comments not directly associated with a section of the proposed rule change:

- The VWR Section 2.5 definition of "Wetland Buffer" currently states a width of 50 feet unless the Secretary determined otherwise under Section 914 of Title 10. This definition appears to be conflicting with the new buffer width on VSWI-mapped wetlands subject to the new Allowed Use 6.26.
- Related to the comment above, in VWR Section 4.2, VHB suggests to DEC to consider making reference to AU 6.26 for the adjusted buffer width of 25 feet for qualifying projects.



- VHB suggests that DEC establish in the rule change an expedited or priority review of Wetland Petitions associated with residential housing projects that are applicable under the EO and new AU. For example, when a VWSI-mapped wetland is falsely mapped and does not actually exist in the location it is mapped, then under current circumstances a project in that location would not need a wetland permit. Terminology of the EO does not exclude locations where VSWI mapping occurs but where a wetland is actually absent. The VWR rule change could address this deficiency by including language providing an expedited petition process, thereby avoiding the need for DEC to permit impacts in VSWI-mapped locations that are not actually wetlands and also meet the intention of the EO.
- The intent of this EO is to streamline or make it easier to develop housing in certain areas; VHB suggests that DEC make the AU language more generalized. For example, if DEC were to change the AU to refer to a list of specific BMPs or guidance (rather than the very prescriptive new AUs drafted in the proposed rule change currently), it would be more consistent with how the other AUs are currently written and applied.
- Relying on VSWI mapping as the current proposed rule change is written currently, there is obvious conflict with the federal wetland jurisdiction by the U.S. Army Corps of Engineers (USACE), there will be no efficiency gained as the projects will still require wetland delineations, and there will be an increased risk for violations under federal law.
- If the VWR adopts language to provide for consultant delineation of mapped (or unmapped) Class II wetlands in support of housing projects subject to the EO, the DEC Wetland Program should also adopt policy to forgo mandatory site confirmation by DEC wetland staff, if the delineation is completed and certified by a qualified wetland scientist (to be defined in the rules or separate guidance). A housing (or other type of project) can get held up months and have an unpredictable timeline due to changes in staffing availability and seasonal variations. DEC should also consider applying this proposed system to all projects, not just those subject to the EO.
- Application of the AU as written will be difficult to apply to wetlands that are contiguous with mapped VSWI areas if there is not a delineation complete. It will also certainly result in projects being built within actual wetlands that will conflict with the state's new net wetland gain objectives, reduce wetland function and value on the landscape, and lead to structures being built in wet, unsuitable environments. If an intent of the EO is to streamline a housing project's ability to be built without having a wetland delineation, it only creates more problem and confusion. A good project can be designed and built within a reduced buffer such as the 25-foot buffer as the EO includes, which will expand area available to build, but it is important to delineate and include wetlands adjacent to VSWI. Perhaps the VWR can allow for delineations and contiguous wetlands, and the state can consider project or homeowner tax incentives to offset the cost of wetland delineations where within qualifying zones.
- Having a mapping tool seems very helpful to define the geographic extent of the AU coverage. In reviewing the mapping that DEC has developed for use, it appears that waterline location dataset is missing. This is a data gap that could cause confusion in interpretation of locations that do or do not qualify for the AU. The rule updates should include a mechanism for boundaries to be modified or updated if incomplete or incorrect.



Sincerely,

VHB

A handwritten signature in black ink, appearing to read "Lydia Lee". The signature is fluid and cursive, with the first name "Lydia" and last name "Lee" clearly distinguishable.

Lydia Lee, PG
Director of Environmental Services -VT

VHB Contributing Authors:

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From: The Watershed Center <info@thewatershedcentervt.org>
Sent: Wednesday, January 14, 2026 7:20 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Sinsigalli, Misty (she/her); asheldon@leg.state.vt.us; awatson@leg.state.vt.us; rhardy@leg.state.vt.us; sheffernan@leg.state.vt.us; Karen.Lueders@vtleg.gov; holson@leg.state.vt.us; board@thewatershedcentervt.org; Patrick Lawrence
Subject: Proposed Wetland Rules Amendment - The Watershed Center
Attachments: The Watershed Center_Response to Wetland Rules.pdf

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Dear Commissioner Sinsigalli and Members of the Addison County Legislative Delegation,

I am writing on behalf of the Watershed Center to share our comments on the proposed changes to Vermont's Wetlands Rules.

Attached please find a letter from our organization outlining our concerns regarding the proposed rulemaking. We respectfully ask that you review the attached comments as part of the public input on this matter.

Please do not hesitate to reach out if you have any questions or would like to discuss our comments further.

Respectfully,
Ryan Sleeper, President



January 14, 2026

To: Wetlands Rulemaking, WetlandsRulemakingComment@vermont.gov
 Misty Sinsigalli, misty.sinsigalli@vermont.gov, Rep. Amy Sheldon, asheldon@leg.state.vt.us,
 Sen. Anne Watson, awatson@leg.state.vt.us, Sen. Ruth Hardy, rhardy@leg.state.vt.us, Sen.
 Steven Heffernan, sheffernan@leg.state.vt.us, Rep. Karen Lueders, Karen.Lueders@vtleg.gov
 Rep. Herb Olson, holson@leg.state.vt.us

From: The Watershed Center

Re: Proposed Wetland Rules Amendment

The Watershed Center (TWC), is a non-profit organization that was founded in 1995 to promote ecological conservation, education and stewardship of the land. TWC provides public access to over 1,000 acres of healthy, beautiful forests and wetlands in Addison County. These lands are supported and cherished by local community members in addition to the wildlife that call them home.

We are writing in response to the proposed wetland rules amendment to codify Executive Order 06-25. Like many Vermonters, TWC board members recognize the need for affordable housing in Vermont. However, we believe that the curtailing of wetland protections is a misguided attempt to achieve this goal and will ultimately prove more harmful to residents, even before considering the negative impacts on wildlife and water quality. TWC urges our state representatives to oppose the proposed wetlands rules amendment.

Wetlands slow down the movement of water across the landscape, filter pollutants before they reach waterbodies, and provide critical habitat to many species. Recent severe flooding throughout the state has made it clear that wetlands and the services that they provide are more important than ever in mitigating the impacts of climate change. By reducing wetland protections and simultaneously increasing impervious surfaces through development, we risk intensifying erosional flooding and putting more infrastructure and lives in harm's way. Furthermore, by filling in and encroaching upon wetlands, we risk harming the state's threatened and endangered species that disproportionately rely upon them.

Sincerely,

The Board of Directors of The Watershed Center

Ryan Sleeper, *Starksboro, President*
 Patrick Lawrence, *Middlebury, VP*
 Scott Hamshaw, *Bristol, Treasurer*
 David Brynn, *Bristol*

Callie Brynn, *Monkton*
 John Peters, *New Haven*
 Jonathan Blake, *Ripton*
 Anne Wallace, *Bristol*

From: Elijah Schumacher <jah.schumacher@gmail.com>
Sent: Wednesday, January 14, 2026 7:26 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment on Proposed Wetland Rule

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Dear Secretary of the Vermont Agency of Natural Resources and whoever else it may concern,

I have worked in the Natural Resource field for 10 years and have dealt specifically with wetlands in Vermont for four. I am a resident of Montpelier, Vermont, and have witnessed first-hand the catastrophic flooding that Montpelier, Plainfield, and other towns in our state have experienced over the last few years. I am disappointed by the proposed change to the Vermont Wetland Rules and believe that such a change will result in the destruction of these vital resources in areas where the functions and values offered by our wetlands act to protect Vermonters from flooding, drought, and from the effects of degraded water quality, not to mention destroying the benefits they provide to wildlife and functioning watersheds. I wish to offer my perspective as a (nearly) lifelong resident of this state and to flesh out some of the negative impacts to Vermonters, particularly lower income Vermonters, that I see likely to result from the proposed rule-change.

I grew up in a house built in and around a seepage swamp in Cabot, Vermont and have experienced the challenges of living among wetlands first hand. My family found out (after purchasing) that wiser neighbors and contractors had urged the previous owners to build in a dryer location, but they were stubborn folks and the Vermont Wetland Rule wasn't around in the '80's. So, we found out what it's like to live in a wetland. Our basement was constantly wet and grew frogs and mold abundantly. The foundation frost-heaved furiously and cracked, requiring extensive repairs. A garage wall rotted away and the entire structure had to be jacked up to replace it. And, of course, our septic system failed. A single-earner household with seven kids isn't positioned to take on a large expense like wastewater replacement without a lot of planning and years passed before a huge "best fit" mound system consumed the entire front yard shortly before my parents sold the place. During this period there were many tank pumpings and multiple discharges of effluent to the wetland. These compounding factors were both a strain on my family's finances and damaging to the wetland - precisely the kinds of outcomes the Vermont Wetland Rule was designed to head off. The wetland was not mapped back in the day and the portion around the house remains unmapped. Recent updates to the National Wetland Inventory did pick up some of the seepage swamp, but a 1:12,000 meter mapping resolution (standard for NWI work) is not designed to show accurate boundaries and struggles even harder with seepage wetlands, which punch outside their weight class in terms of providing function and value but are frustratingly tough to identify remotely. If the house I grew up in was proposed today, the updated mapping would provide a heads up that wetlands may be present, a delineation would confirm that and refine the boundaries, and the mitigation sequencing, outlined in section 9.5 of the Vermont Wetland Rules and supported by an evaluation of wetland function and values, would push the house into the available uplands, avoiding frogs, frost heaves, failing septic, rotting walls, and adverse impacts to wetland hydrology and wildlife. This is how the process would play out in Cabot, but, under the proposed rule change, not in Johnson. And not in Royalton. And not in St. Johnsbury. And not in many other rural areas that fall within the Opportunity Zones and other Designated Areas throughout the state.

Unfortunately, I do not believe this situation to be unique. Building in and near wetlands leads to failed wastewater systems discharging raw effluent into yards, foundations and driveways subsiding and eroding, mound systems being flooded and destroyed, and mold issues, wet basements, and periodic flooding. Wetlands (and wetland buffer zones) are not good places to live. In this state we have historically pushed marginalized and lower income folks to the edges, towards unsuitable building areas, towards increased risk of experiencing flooding and other health threats (including the pervasive worry of when the next major destructive event will arrive), and towards hidden long-term costs associated with living in wet and flood-prone areas. I realize that we are very much in need of housing in Vermont but cramming that housing into unmapped wetlands exacerbates environmental justice issues that have ongoing repercussions.

I am reminded of Terry Pratchett's "boots theory of socioeconomic unfairness" whereby a poor person has to buy a series of cheap, badly made boots that are always falling apart and don't keep their feet warm and dry, yet winds up spending far more money in the long run than their well-off neighbor who could afford one good pair that lasts for years. I am concerned that opening unmapped wetlands to development puts communities at risk of incurring long term costs that outpace short term benefits, while simultaneously exposing them and their most vulnerable members to additional threats.

The Vermont Wetland Rule was promulgated to protect the vital functions and values that wetlands provide, but it has also served to protect the health, safety, and dignity of the folks who would otherwise seek to develop these areas due to the illusion of low cost. The proposed rule change would undo a significant portion of that additional benefit and represents a rushed and short-sighted perspective.

Further, tying wetland regulation to existing remote mapping rather than on the ground delineation circumvents the legislative intent of protecting wetlands on the basis of the function and value they provide. Instead, it proposes to limit wetland protection by the technological restraints of remote mapping practices which produce the National Wetland Inventory and Vermont Significant Wetland Inventory. The attempt to determine which wetlands are protected based on available remote sensing technology and geographic location rather than the standard in wetland science and identification (delineation) is arbitrary and inconsistent with the intent of the Vermont Wetland Rule.

There's much more that can be said but, in the interest of keeping this relatively short, I seek to offer my story and am not touching on many of the other ways in which this rule change will negatively affect Vermonters or discussing at length the ways in which it flies in the face of regulatory consistency. I will close by reiterating that the proposed rule-change is not informed by scientific research, does not provide adequate evidence that such a change will result in cost savings to average and lower income Vermonters, and seeks to circumvent the legislative intent of the existing Vermont Wetland Rule. I am dismayed by this clear step backward in wetland protection and strongly urge the Agency and the Legislature to reconsider this hasty and ill-advised rule change.

Sincerely,

Elijah Schumacher

From: Shannon Morrison <shanmorrison@yahoo.com>
Sent: Wednesday, January 14, 2026 7:36 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Vermont Wetland Rule Proposal

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To: Agency of Natural Resources - WetlandsRulemakingComment@vermont.gov

From: Shannon Morrison – shanmorrison@yahoo.com

Re: Rulemaking comment for Proposed Vermont Wetland Rule Change.

I am submitting comments as a resident of Moretown, Vermont. I have 25 years of experience working in Vermont with wetlands and wetland regulation.

In 2024 I had the very scary experience of waking up in the middle of the night because a fireman was at my door telling me it might be time to evacuate. The torrential rain had culminated in catastrophic water coming down the managed stream next to Cobb Hill Road. Two downstream neighbors had their basements blown out when water surged down from the steep hill above and also flooded up from the stream below. One neighbor barely made it out in time with their small child. They are still re-building and not yet back in their home.

This is what happens when water has no place to go. This scenario is likely to increase in intensity and frequency as wetlands that provide flood storage and water quality protection disappear under housing.

The modification of the allowed use of the Vermont Wetland Rules will allow for the destruction of wetlands in designated areas for housing. The mis-use of VSWI maps as outlined in the allowed use means wetland areas outside of those mapped areas will not be regulated when it comes to housing, even if they are contiguous to mapped areas. Actual boundaries are determined on the ground using wetland delineation. I've worked with the VSWI maps for a long time, and they routinely underestimate the size of wetland found during delineations. This underestimation is regularly 40-60%

undersized from what is delineated. ANR has the capacity to give an estimate of how much acreage will be unregulated with this rule change by comparing what is mapped vs. what has been previously delineated, and extrapolating those numbers. That information has not been presented in the rule filing.

ANR proposes to implement Executive Order 06-25 by inserting an allowed use into the Vermont Wetland Rules that allows housing in designated in unmapped wetlands and reduces the buffer to 25 feet from the edge of any mapping. This is proposed as an allowed use, rather than as a Determination process to reclassify wetlands in designated areas and/or reduce buffers, or as a General Permit to allow for this directive in the executive order. The allowed use is proposed because the proposal in the executive order would not meet the regulatory standards to obtain either a General Determination or Permit. In order to make a Determination that wetlands within designated areas are Class III and do not merit protection under the Rules, the finding would need to be that these wetlands do not have significant function and value. ANR can show numerous permits issued to various projects in these growth areas that demonstrate these wetlands have function and value. An alteration of buffer zone width would still require a delineation so a new buffer would be from the actual boundary, and an evaluation of function and value and proof that a reduced buffer would not adversely impact those functions. A General Permit, or Individual Permit would require delineations, and would also need to meet the permitting standards of no undue adverse impacts to function and value. The allowed use disregards actual wetland boundaries in the case of state regulation, and only considers function and value if housing is proposed within VSWI mapped areas. The EO also proposes roads and other infrastructure to be installed in mapped areas without permits.

It doesn't appear these rule changes meet the statutory intent of protecting significant wetlands and the functions and values they provide. Many of these wetlands have delineations associated with

them already, that will be ignored in favor of implementing the allowed use associated with the Executive Order, by reducing protection to only what is on the map. Project design has required delineation since the inception of the Rules in 1990. That is 35 years of delineation, project information, and previous decisions that will be ignored for housing projects if those decisions and delineations aren't reflected on the VSWI maps. Because of the way the maps have historically been used, and the evolution of the Rules to protect unmapped wetlands, most of these delineations are NOT on the VSWI mapping. Mapping updates are incomplete throughout the state. The proposed rule change will undermine the statutory direction created in Act 121 to have a net increase in wetland acreage through mitigation. For housing projects in designated areas, ANR will not capture the size or extent of wetland impacts outside of mapped areas. There will be no mitigation sought through the permit process to offset these impacts.

From a practical standpoint, building housing in wetlands is a bad idea. Septic systems tend to fail. Basements tend to flood. Foundations tend to shift and heave. Interiors tend to mold. Engineering solutions to offset these problems are expensive and only as good as they are maintained. The claim that stormwater systems can offset impacts does not consider that installing stormwater in wetland areas is problematic. Design may take soil type into account, but does not account for saturated soils. Digging a dry pond that fills up with water due to soil saturation is not effective for flood storage. Replacing a natural system that filters and stores water with an artificial one does not create a net gain of capacity. And since water needs to go somewhere, it is often the downstream neighbors that foot the bill as water is collected and shunted elsewhere.

The role of wetland permitting at the state level is for careful and considered development in and around wetlands. The permitting process requires the examination of the functions of any given wetland in relation to what is proposed. Avoidance and minimization

of wetland and buffer impact is required to gain a permit. The result is a project that can move forward without detrimental impacts to the wetland, and the functions that wetland provides. Keeping infrastructure and buildings out of wetlands is a better result for everyone. In terms of using maps for greater predictability, most people who are developing multi-unit housing in Vermont on a larger scale know a delineation is required, and should be obtained very early in the planning process. If this level of knowledge is not as high as the governor might like, perhaps designating resources to outreach would be more beneficial than deregulating natural areas that provide Vermonters with so much.

The delineation process is currently used for both federal and state jurisdiction. Federal wetland jurisdiction is not based on the state classification system, and delineations will be required for Class I, II and III wetlands. The state will be challenged with administering two very uneven sets of regulations. It will also be challenged with trying coordinate with federal partners where delineations will be ignored for housing projects in designated areas. Imagine trying to agree on a least-impact-alternative when one entity is using a wetland delineation, and the other is using a VSWI generated map.

In the filing for the rule amendment, I want to point out the following inaccuracies or incompleteness:

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

I don't believe that data collected by the wetland program, or the staff in this program support this amendment. Data suggests wetlands within these growth areas provide important functions individually and cumulatively. The amendment is not consistent with the allowed uses. Allowed uses can be generally categorized as

1. Benign uses like birdwatching
2. Maintenance and repairs or emergency actions for existing infrastructure

3. Restoration type projects
4. Landuse activities related to agriculture and silviculture.

In all but the latter category there very little impact is associated with the allowed use. In the case of agriculture and silviculture, these allow for land use activity following best management practices or Acceptable Management Practices, and the wetland remains a wetland, with some alteration. The difference with the proposed allowed is that wetland and buffer can be filled, drained, graded, and destroyed if it is outside of mapped areas. This allowed use will result in permanent loss of wetlands for housing.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The group of people listed here is missing people in communities downstream of the designated areas that will not benefit from areas of wetland that will be lost as a result of this rule change.

ECONOMIC IMPACT

Economic impact should consider the cost of increased flooding and flood damage within and downstream of these designated areas as a result of wetland loss. It should also consider the cost of failed septic, flooded basements, shifting foundations and mold in new housing that is allowed to be built in unmapped wetland.

ENVIRONMENTAL IMPACT

ANR states "...proposed allowed use housing projects are subject to flood plain and stormwater requirements which will mitigate and address impacts to flood and erosion control." Where wetlands are co-located in floodplains, there may be protection in the way the growth centers were designated. However, wetlands throughout the landscape, not just those adjacent to perennial streams and rivers, act collectively to absorb and mitigate stormwater and floodwaters. As wetlands disappear along smaller tributaries and drainageways, floodwater and stormwater will increase. Much of the flashflooding we see are highly developed areas like St. Johnsbury and Barre

where these smaller wetlands at higher elevations have disappeared. Promoting growth that will eliminate these types of wetlands will put people in harms way. Stormwater regulations are not designed to replace the cumulative functions that wetlands have on the landscape.

ANR has the ability to estimate how many acres of wetlands will be lost as a result of this rule change. It also had the ability to give a sense of the types of functions and values that will be lost with this acreage. It has not provided that information in the submittal.

In conclusion, I do not support this rulemaking, specifically the allowed use portion. I respectfully ask that ANR reconsider this proposal.

Shannon Morrison

Moretown, Vermont.

Sent from my iPhone

From: Karina Dailey <kdailey@vnrc.org>
Sent: Wednesday, January 14, 2026 7:38 PM
To: ANR - Wetlands Rulemaking Comment
Subject: VT CAC Wetland Comments
Attachments: VT CAC - Wetland Rule Comments_20260114.pdf

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Please accept these comments on behalf of the VT Citizens Advisory Committee on Lake Champlain's Future

Best,

--

Karina Dailey
Science and Restoration Director, VNRC
Chair, VT Dam Task Force

Cell (802) 881-3423

To: Vermont Wetlands Rulemaking (wetlandsrulemakingcomment@vermont.gov)

From: VT Citizens Advisory Committee on Lake Champlain's Future

Date: January 14, 2026

Re: Proposed changes to VT Wetland Rules per Governor's Executive Order 06-25

The challenges facing Lake Champlain and its watershed are complex, interconnected, and increasingly urgent, and as a Committee, we work hard to learn from science about the challenges facing Lake Champlain and collaboratively prioritize actions that safeguard our Lake. Each year we engage the public and the Vermont General Assembly on our Action Plan for the future.

One of our top priorities for our 2026 Action Plan states, "Vermont must strengthen its efforts in flood mitigation and climate adaptation by conserving and restoring riparian areas, **wetlands**, and floodplains". This is because we have learned from science that restoration and conservation of wetlands can increase resilience of and adaptation by natural and human communities to flooding and drought. Wetlands are cost-effective nature-based solutions that mitigate climate change by naturally sequestering and storing carbon and maintaining diverse habitats for fish and wildlife.

This priority is not new for us in 2026, but has been a priority for many years and many action plans that came before.

The [proposed changes to the VT Wetland Rules](#) does not align with the VT CAC's Action Plan priorities nor does it support our core charge - a healthy Lake Champlain.

In contrast, the proposed changes would exacerbate degradation to our Lake by impacting the functions and values of wetlands in proximity to areas proposed for housing development as specified in [Executive Order 06-25](#) - these areas are also connected to our Lake and its watershed.

The VT Wetland Rules were developed and guided by science - to identify and protect significant wetlands and the functions and values that they provide, not only as habitat, but also for community safety, health, resilience, diversity, and clean water in a rapidly changing climate. Both recent history and decades of scientific review has demonstrated that we need our wetlands to protect built infrastructure by acting as a sponge during large storm events, filtering water and providing diverse habitat for critical species - particularly as Lake level fluctuations become more drastic, as storm events become more frequent, and as species decline accelerates.

Creating a broad exemption for unmapped wetlands that makes development of housing projects an allowed impact within specified growth areas and Act 250 exempt areas, decreases the protective wetland buffer to 25ft, and removes field delineation by a wetland professional is not

based on science, and it is in conflict with [federal regulation](#). Protecting wetlands is much less expensive than paving over them and then having to mitigate after-the-fact when the septic fails, the first floor floods, a landslide impacts your backyard, or constant moisture occupies your living space.

Please accept these comments on behalf of the VT Citizens Advisory Committee on Lake Champlain's Future. Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karina Dailey', with a stylized, cursive script.

Karina Dailey, Chair VT CAC

From: John Snell <jrsnelljr@gmail.com>
Sent: Wednesday, January 14, 2026 7:41 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Changes to VT wetland rules

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Reducing the size of wetland buffers is a bad idea for flood resilience. If we build more homes inside the proposed buffer zones, we will see more flood damage and significant damage to our waters. The 50-foot wetland buffer for Class II wetlands, in particular, should not be reduced. The regulatory wetland buffer width of 50 feet was originally a compromise and is none too large as it is. Abundant research shows that 50 feet is less than adequate to fully protect many of the wetland functions and values as mandated in statute. The full 50-foot buffer width is especially important in residential areas, where intrusions into buffer zones are almost inevitable and a wider buffer serves to reduce the likelihood of wetland damage.

Montpelier, like many of Vermont's village centers, is in and adjacent to the mid-size and larger river corridors and the wetlands in these areas serve to filter out sediment and pollutants, slow down stormwater runoff, and provide flood storage, all functions of great importance to our communities as we have found out too often in the past decades. If we want to reduce the impacts of heavy rains and floods in our downtowns and village centers and protect water quality in our rivers and lakes, then we need to protect these wetlands. Ignoring unmapped and contiguous wetlands and reducing the buffer zones that help them to function is especially counterproductive to Vermont's goals for increasing flood resiliency.

We can, I believe, find ways to build more homes in Vermont without damaging our wetlands, rivers and ponds but these proposed changes are NOT the way to accomplish that.

Thank you,

John Snell
17 First Avenue
Montpelier, VT 05602
802-272-5361

From: Emily Anderson <eanderson@vtcostudies.org>
Sent: Wednesday, January 14, 2026 7:47 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Vermont Center for Ecostudies Comment on Wetlands Rulemaking
Attachments: VTCenterforEcostudies_VT Wetland Rule_Comment.pdf

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Dear Secretary Moore and Agency of Natural Resources team,

Thank you for the opportunity to provide public comment on the proposed amendment to the Vermont Wetland Rules. Our comment is attached as a PDF below. Please let me know if you have any questions or need additional information.

Cheers,
Emily

--

Emily Anderson (she/her)
Science to Policy Manager
Vermont Center for Ecostudies
Mailing address: PO Box 420, Norwich, VT 05055
Physical address: 20 Palmer Court, White River Junction, VT 05001
Phone: (802) 989-4128 (cell)



Secretary Julie Moore
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Re: Wetlands Rulemaking

Dear Secretary Moore,

We are writing to express our concerns about how the proposed changes to the current Vermont Wetlands Rules may impact vernal pools and other wetlands in Vermont.

Vermont Center for Ecostudies biologists have played an integral role in vernal pool conservation for over 20 years. We have broadened the scientific understanding of mercury in vernal pools, enhanced the state's pool mapping in collaboration with the Vermont Fish & Wildlife Department, and developed a long-term monitoring program that collects biological and phenological data on pools, and will for years to come.

Vernal pools, isolated depressions in the forest floor that fill with water seasonally and typically dry out in the summer, are sometimes referred to as the “coral reefs of the forest” due to their exceptionally high productivity. Their short hydroperiod and isolation from permanent water bodies prevent fish from becoming established, allowing these unique communities to provide essential breeding habitat for specialist amphibians and invertebrates. This group includes Special Concern species, such as Jefferson and Blue-Spotted Salamander, and rare species that have only recently been detected in Vermont, such as the Intricate Fairy Shrimp. Additionally, vernal pools provide food and refuge for state-listed Spotted Turtles and Wood Turtles, hunting grounds for hawks and owls, and a source of water and respite from heat for other forest-dwelling species. For example, moose have been found to disproportionately use vernal pools over permanent wetlands.

Due to their small size and ephemeral nature, vernal pools are frequently underrepresented on wetland inventories. They are easily missed in inventories because they are dry or simply go unnoticed. Prior to this proposed rule, even unmapped pools were technically afforded the same legal protections as the confirmed pools documented on the wetland inventory. This proposed rule would strip protections from pools that have not yet been verified, jeopardizing the persistence of these delicate communities, shutting down the services they provide to humans, such as flood mitigation, and to the forest foodweb that they support.

The lack of affordable housing is a critical issue in Vermont, one that members of our staff have experienced themselves. We know there is an opportunity here for collaboration to determine where housing needs can be met, without degrading ecosystems or the essential services they provide to our communities. And yet, this proposal needlessly pits the environment and housing against each other, while threatening to sow conflict between developers, landowners, and advocates for biodiversity.

We are deeply worried that the proposed rule does not adequately consider impacts on vernal pools and may disincentivize future vernal pool mapping and conservation efforts. As currently written, the proposed rule does not mention vernal pools. However, an unpublished analysis using publicly available GIS data, conducted on 20 December 2025, indicates that the proposed rule may affect 29 (3.7%) of Vermont's confirmed vernal pools and 174 (4%) of Vermont's unconfirmed vernal pools. (Figure 1).

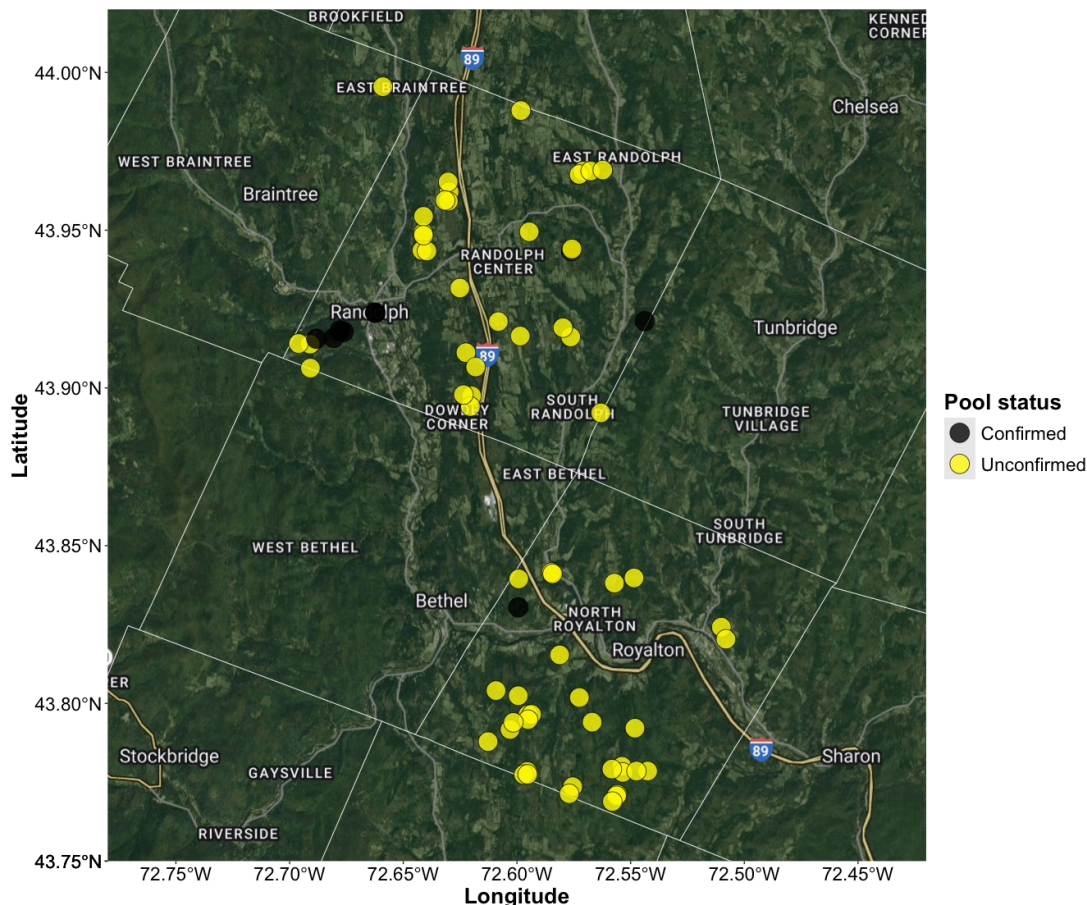


Figure 1. Potentially impacted vernal pools in Randolph and Royalton, both "Opportunity Zones" under this proposed rule change.

While those percentages may seem small, Vermont cannot afford to lose these pools from the landscape. For Vermont's vernal pool obligates (several species that breed exclusively in vernal pools), there is no substitute. When vernal pools vanish, so do the frogs, salamanders, and invertebrates that rely on them. Vernal pools' value to wildlife also extends beyond the water's edge. Amphibians that breed in these pools spend more than 95% of their life in the 400-foot upland "lifecycle" surrounding the vernal pool basin. The loss of this habitat, even when the vernal pool basin is preserved, can lead to local population extinctions.

Vernal pools are also integral to forest health. They provide an environment for algae to photosynthesize, thereby transferring solar energy into the food web and aiding the nutrient

cycle. Of increasing importance, vernal pools retain water during periods of heavy rain, mitigating flooding, erosion, and sedimentation, which have recently degraded some of Vermont's waterways. During dry spells, vernal pools can also help recharge groundwater through slow percolation of captured precipitation to the water table.

Even when pools are documented in the field, landowner permission is required to officially designate them as "confirmed" in the state's wetland inventory. Without an objective process for identifying and confirming vernal pools, we worry that new efforts may be discouraged if they could alter a piece of land's development potential. This may even harm future homeowners, as developers who are unaware of an unmapped vernal pool may place homes in areas that flood during the springtime.

It seems that the intent of this proposed rule is to address the housing crisis, but there is no evidence provided to show how this rule change will make any discernible difference in Vermont's housing crisis by simply opening unmapped wetland areas and vernal pools to development. We strongly suggest that, to do so, a policy would need to combine the best available science with municipal planning practices to ensure a policy proposal that would yield maximum housing benefits while minimizing environmental impact.

The Department of Environmental Conservation also has a policy of "no net loss" of wetlands. Aside from requiring the developer to create their own mitigation and restoration plans, there are few details to indicate how this will be accomplished under the proposed rule. Without details of how the agency will ensure these plans are scientifically rigorous and enforceable, we are concerned that "no net loss" will not be upheld.

We recommend that the state take more time to locate and confirm unmapped vernal pools. Ideally, Vermont would follow in the footsteps of other states—such as Maine—that have developed a classification system for their vernal pools that allows protections to be scaled based on ecological significance. Second, we suggest the agency utilize existing data or gather new data to adequately evaluate the benefits and drawbacks of this rule and provide those findings to the public. Third, we strongly urge the Department of Environmental Conservation to allow more time for Act 181 to take effect, as its successful implementation may create expanded housing opportunities without placing additional stress on the state's wetlands.

Housing and conservation are not mutually exclusive. Ultimately, development balanced with scientifically sound conservation is possible and will improve the lives of all Vermonters.

Thank you for the opportunity to comment.

Sincerely,



Susan Hindinger
Executive Director
Vermont Center for Ecostudies



Kevin Tolan
Staff Biologist
Vermont Center for Ecostudies

From: Sarah Allen <sallenvt@gmail.com>
Sent: Wednesday, January 14, 2026 8:17 PM
To: ANR - Wetlands Rulemaking Comment
Subject: I do not support the proposed changes

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To Whom it May Concern,

I believe that the proposed changes to the Vermont Wetland Rules are shortsighted, environmentally irresponsible, and unnecessary. They will cause harm to important habitats in our state where natural areas are one of our biggest tourism draws. Wetlands are crucial habitats for biodiversity and environmental health. Class II wetlands should maintain the protections they currently have. Additionally, given septic or sewer needs, potential for pollution, and extreme disturbance during construction, 25 feet is far too close for construction of buildings to wetlands, and a wetland professional should review each site. If anything, construction should be more than 50 feet away. I do not support the proposed changes.

Best Regards,
Sarah Allen
Rutland, Vermont

From: mike bald <choosewiselyvt@gmail.com>
Sent: Wednesday, January 14, 2026 8:27 PM
To: ANR - Wetlands Rulemaking Comment
Subject: comment

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Thank you for the opportunity.

I have no issue with the creation of more housing.

So if good planning identifies eligible areas that make sense for housing, let's do proceed, but I offer one caution.

50 feet is not a big distance, and with the years of drought that we've had, identifying wetlands is more difficult.

Very hard to see water, and half the vegetation is dead, so not an easy read to pinpoint the boundaries.

Could be 20 feet this way, or 20 feet that way, depending on recent weather patterns.

Patterns, not singular events.

I'm not saying pros don't know their business, but I am saying that 7 years of drought changes things.

Much like decades of installation of tile drains to dry out soggy corn fields has also changed things, but we never talk about that.

And frankly, invasive species are often better adapted to drought and stress conditions than native wetland plants, so the flora typical of wetlands may shift markedly in coming years.

I'm not sure we like to talk about that either.

All I know is: "WOW, sure see a lot of phragmites in the larger Burlington area."

Perhaps tapping into a wetland or two, but quite happy to just spread along ditches and roadsides and collection ponds as well.

Starting to look a little like coastal New Jersey (that would be a negative, not a positive).

Too bad about all the biodiversity impacts!

A housing development with its roadways and lawns has the potential to alter a wetland in addition to just impacting it.

Meaning the boundaries could shift as drainage patterns adapt to the new structures and drainage patterns.

The larger concern for me is not a static structure as much as it is the associated driveways and lawns.

Lawns become dead zones that simply get over-fertilized and regularly poisoned for weed-control, grub control, etc.

All of that chemistry makes its way to the wetland, eventually, year after year.

Essentially that annual chemistry for lawns and driveways becomes an environmental constant.

Not good, not if you want to avoid a dysfunctional wetland populated by phragmites reed and nothing else.

I can share photos of this situation if helpful.

If I come across as alarmist, just have a visit to a new subdivision and pace off the width of the roadways.

Planes could land on some of these neighborhood roads... why are they so ridiculously wide?

A fine example of a threatened wetland is the one in Hubbard Park in S. Burlington.

The housing development north of Nowland Farm Rd. has one retention / storm pond in particular that is entirely phragmites.

Is that pond, more than one acre in size, technically a wetland?

It drains southward, under the road and in the direction of acres of functional wetland.

Why was this permitted to happen?

Where was the attention to biosecurity?

Insect and plant biodiversity nose dives when an exotic, dominant invasive species takes over, so the entire adjacent wetland south of Nowland Farm Rd. is now under real and constant threat. I suspect that was not the original intent, nor is it ever the intent, when we set aside wetland areas for protection. But a decade later, once all the permits have been fulfilled and the real estate transactions are complete, we do nothing about it.

So if we think of site specificity and informed people making good

decisions, we do need to leave some room for working with boundaries, either pushing them in a little, or widening them outward, as conditions allow or require.

We have smart people, as long as they are not constantly pressured to compromise their wisdom.

If the past has shown that people are often willing to compromise their integrity and fudge the truth and cut corners and see what they can get away with, how do we approach the future? How do we guarantee compliance with new regs or policies?

The FAQs point out that aerial mapping of wetlands often under-calculates their true size.

And I mentioned already that it's becoming more difficult to ground-truth these things.

So if we have unclear boundaries, an ongoing drought scenario, new exotic species well adapted to displace native wetland plants, people who make intentional or unintentional mistakes, and inattention to biosecurity, I see cause for serious concern.

Again, I appreciate the wider intent here, but we need to be careful and probably consult with people outside of the wetland ecology and home-builder worlds.

Thank you again.

Mike

—

Mike Bald

Got Weeds?

<http://choosewiselyvt.wordpress.com>

Royalton, VT

From: Lilian Shen <lilian.shen.vt@gmail.com>
Sent: Wednesday, January 14, 2026 8:37 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Opposed to rule changes

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To the Wetlands Rulemaking Committee

I am totally opposed to relaxing the existing wetlands rules. VT has already lost over 50% of its wetlands. This rule change will lead to compromising, damaging and losing more wetlands that we cannot afford to lose. One cannot rely on the VWSI maps to preserve wetlands, a map is an approximation. A wetland ecologist must identify the wetland and delineate it based on ecological and biological parameters. The 50 foot buffer zone in the existing regulations is minimal for protecting the biological integrity of a wetland. Reducing it to 25 ft is nonsensical.

Wetlands are under threat nationally under the new administration. In VT we must do whatever we can to defend our remaining wetlands from degradation and encroachment. It is not worth sacrificing our irreplaceable natural resources for the sake of hopusing, however important the legislature thinks it may be.

Thank you for taking my comments.
Sincerely,
Li Shen

Thetford Center

From: Thetford Conservation Commission <conservation@thetfordvt.gov>
Sent: Wednesday, January 14, 2026 9:12 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Comment from Thetford Conservation Commission

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Wetlands Rulemaking Committee,

As the Thetford Conservation Commission and on behalf of the community we represent, we are writing about the proposed changes to wetland regulations. We have the distinct privilege of living among the hills and valleys forged by the Ompompanoosuc, the Connecticut, and their tributaries. These streams and rivers are buffered by wetlands of all kinds, providing a host of ecological and social benefits. Wetlands are essential to ensuring we have clean drinking water, flood water retention, and habitat for all manner of species that also call this place home.

According to Vermont Fish & Wildlife, at least 50% of Vermont's wetlands have been lost due to development activities. We have seen these impacts in Thetford. For some of us, tropical storms have flooded our homes and roads, farmland has eroded, water supplies have been contaminated, and we are seeing demonstrable changes in our biodiversity, as river courses change and land is converted. We are confident that stripping away protections on wetlands in Vermont would intensify these impacts. We all know that more intense natural disasters are expected as a function of climate change, and that those events will unequally affect communities in river valleys, who have already experienced severe flooding, drought, and other disasters in the very recent past.

We agree that Vermont needs more housing. We want to retain and increase the vibrancy of our beloved villages and across town. Our schools desperately need more children and families to remain prosperous, and our residents want to have the security of staying in their town and community, with the ability to downsize and upsize as their circumstances shift over the course of their lifetime. However, we see these decisions to remove wetland protections as wholly unacceptable, shortsighted, and without due respect for our shared histories of loss and the lessons we should have learned from our predecessors about land stewardship and care.

With the utmost gratitude for the opportunity to comment on this important issue,

Thetford Conservation Commission

From: Jean Terwilliger <jtarch@shoreham.net>
Sent: Wednesday, January 14, 2026 9:13 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands rule change- partial support

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I support the change to a 25' setback- only for housing within designated zones, believe on-the-ground wetlands mapping should still be required to preserve wetlands for habitat and water quality. This mapping is rarely a holdup to projects, and balances the reduced setback. Thanks for your work,
Jean Terwilliger

Jean Terwilliger, Architect
432 Robbins Rd.
Cornwall, VT 05753
Sent from my iPhone

From: Mary Beth Poli <marybethpoli@gmail.com>
Sent: Wednesday, January 14, 2026 9:41 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Executive Order 06-25 Rulemaking Comment

You don't often get email from marybethpoli@gmail.com. [Learn why this is important](#)

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To Whom it May Concern,

As a wetland scientist and former wetland consultant for an engineering company in Vermont, I am familiar with the Wetland Rules and permitting considerations and I am not in favor of EO 06-25 and associated rulemaking. I was personally affected by flooding along the Otter Creek in Rutland, and I know that more wetlands are necessary to prevent future flooding. I am also a duck hunter. This bill will cause harm to important wildlife habitats in our state where natural areas are one of our biggest tourism draws. Class II wetlands should maintain the protections they currently have, including a 50 foot buffer. While the wetland maps have improved recently, they are still inaccurate and need to be field verified by a wetland professional. I know there are other ways to increase housing availability and affordability in VT that have less environmental impact than this bill. While inevitably there will be some wetland impacts as a result of necessary projects including housing, I think the current regulations balance humans and nature well. I do not support the proposed changes.

Mary Beth Poli, PWS (Professional Wetland Scientist)
Rutland, VT

From: Emily Ruff <emily@sagemountain.com>
Sent: Wednesday, January 14, 2026 9:41 PM
To: ANR - Wetlands Rulemaking Comment; Anne Watson; Amy Sheldon
Subject: Wetlands Comments

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To the Vermont Wetlands Rulemaking Committee:

Sage Mountain Botanical Sanctuary urges you to maintain the current Vermont Wetland Rules without the proposed reductions. As a 600-acre conservation and education center in Orange, Vermont, we witnessed firsthand during the catastrophic floods of July 2023 how critical intact wetlands and adequate buffers are to community resilience and infrastructure protection.

During that flooding event, our wetlands performed exactly as they should - absorbing massive quantities of water, slowing its release, and protecting downstream communities and infrastructure. The 50-foot buffer zones around our Class II wetlands provided essential transition areas that enhanced these flood mitigation functions. Had these buffers been reduced to 25 feet, or had development encroached closer to wetland boundaries, the protective capacity of these natural systems would have been severely compromised.

The proposed changes are counterproductive to Vermont's climate resilience needs. Reducing Class II wetland buffers from 50 to 25 feet ignores the science demonstrating that 50 feet was already a compromise - barely adequate to protect wetland functions and values. A 25-foot buffer cannot:

- Adequately filter sediments and pollutants before they reach wetlands
- Provide sufficient wildlife habitat connectivity
- Protect the hydrological functions that make wetlands effective at flood control
- Maintain the temperature regulation and microclimate stabilization that wetlands provide

Ignoring unmapped wetlands in proposed development areas is particularly short-sighted. The 2023 rule allowing identification and protection of previously unmapped wetlands was a sensible recognition that wetlands exist whether or not they've been officially documented. These natural systems don't cease to provide flood mitigation, water filtration, and habitat functions simply because they weren't on a map. In our experience managing 600 acres, we regularly identify wetland areas that demonstrate significant ecological functions - their protection is essential regardless of historical mapping status.

As an organization serving youth through our licensed childcare and afterschool programs, we recognize the critical need for affordable housing in Vermont. However, encouraging development that degrades wetlands and their buffers is a false economy. The costs of replacing wetland functions with engineered stormwater infrastructure - infrastructure that, as we've observed repeatedly in Vermont communities, frequently fails during the very storms it was designed to handle - far exceed the costs of siting development appropriately in the first place.

Vermont's villages and development areas are concentrated in river corridors precisely because that's where communities historically settled. This makes the wetlands in these areas even more critical, not less deserving of protection. These wetlands are providing free, resilient, nature-based flood protection for existing infrastructure and communities. Degrading them to accommodate new development places both new and existing structures at greater risk.

We strongly urge the Committee to:

- Maintain the 50-foot buffer requirement for Class II wetlands
- Continue protecting previously unmapped wetlands once identified

- Reject any provisions that would diminish wetland protections in proposed development areas

Vermont's wetlands are infrastructure - green infrastructure that has protected our communities for millennia and will continue to do so if we allow them to function. The lessons of the last few years of catastrophic summer flooding should guide us toward greater wetland protection, not less.

Respectfully submitted,

Emily Ruff
Executive Director
Sage Mountain Botanical Sanctuary
Orange, Vermont

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Emily Ruff
Director, Sage Mountain Botanical Sanctuary
www.sagemountain.com
802-479-9825

*Continuing the legacy of herbalist Rosemary Gladstar
through Conservation, Education and Healing*

From: Bradford Shedd <bshedd@gmail.com>
Sent: Wednesday, January 14, 2026 10:15 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands

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To Whom it May Concern,

I believe that the proposed changes to the Vermont Wetland Rules are shortsighted, environmentally irresponsible, and unnecessary. They will cause harm to important habitats in our state where natural areas are one of our biggest tourism draws. Wetlands are crucial habitats for biodiversity and environmental health. Class II wetlands should maintain the protections they currently have. Additionally, given septic or sewer needs, potential for pollution, and extreme disturbance during construction, 25 feet is far too close for construction of buildings near wetlands, and a wetland professional should review each site. I do not support the proposed changes.

Thank you,

Bradford Shedd
Fairlee, Vt. 05045

From: Julie Follensbee <juliefollensbee@icloud.com>
Sent: Wednesday, January 14, 2026 10:25 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland rule comment
Attachments: JF eo rule.pdf

[You don't often get email from juliefollensbee@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please accept the attached comment on the Rule amendment.

Regards,
Julie Follensbee

Julie Follensbee
76 Cross Road
Lebanon, NH 03766
1/14/2025

DEC Wetlands Program
Re: Wetland Rule Amendment comments

I have been a professional in the field of wetland ecology for 20 years. I have a MS in Natural Resources from UVM. I have lived and worked all over Vermont. I am a Vermont taxpayer. I am not commenting in my professional capacity. I am concerned that the proposed Vermont Wetland Rule amendment does not meet legislative intent, is not safe, and is not affordable. This Rule change is not in the interest of the environment or Vermonters seeking safe and affordable housing.

Not legislative intent: The Vermont Wetland Rule amendment, specifically the allowed use for housing, does not appear to be in alignment with current statute (dates back to 1990), recently adopted 2023 Wetland Rules, and recently enacted Act 121. These collectively direct that wetlands be protected based on function and values, and that losses are compensated. The amendment will mean that unmapped wetlands can be eliminated without evaluation and without compensation.

Not safe: Wetlands attenuate floods by storing, slowing, and taking up water. Wetlands provide space for sediment to settle out and streams to move when there are big events. This proposal would reduce flood storage and allow development in floodable, dynamic wetlands. In population centers, the proposed Rule amendment and associated executive order will allow for homes and businesses to be built in protected Class 2 wetlands, not just buffer zones. Entire neighborhoods may be built in flood risk areas with high water tables. This will affect nearby and downstream neighbors by potentially redirecting water and displacing surface waters, which can contribute to flooding.

Not affordable: While it may be affordable to buy wetlands, building on saturated or inundated soils presents expensive challenges to builders that will be passed on to residents through increased purchase or rental costs. Notably, maintaining a home in a wetland can be very costly, and these costs will be borne by future residents. Buildings in high water table areas are prone to wet basements, foundation shifting, and mold, which are costly, ongoing issues for homeowners to manage. We should not be solving a housing crisis by building homes that are unsafe and difficult to maintain.

I have provided a couple of visual examples below to help reviewers understand the wetland areas and people that may be impacted by this proposal. Many towns have filled wetlands over the decades and are now suffering from catastrophic floods. This Rule amendment would allow many acres of unmapped wetlands (some in the flooded areas you see below) to be built on. This would place more people in direct harm and further exacerbate an existing problem.

The Wetland below is on East Road in Milton. The map on the left is a screenshot from the state-published map “Wetland Permitting Modification Areas for Residential Housing”. The map on the right is a Google Earth image from November 2023. This open area in the street view photo is an unmapped Class II wetland with a stream.

This is just one example of an unmapped wetland area that could, and likely will be developed if this rule is implemented. Imagine this wet valley and stream being dredged and paved over. Where will the groundwater and stream go? What will happen during heavy storms and floods? Who will help these families when their basements flood, or their driveways wash out, or their house fills with mold?



Below is an example of a community that has been suffering because of historic and recent development in the wetlands and floodplains. Downtown Lyndonville and outlying areas like Red Village Road have experienced devastating flooding in recent years, which has destroyed homes and businesses. The first photo below is an aerial photograph from July 2024 showing the extent of flooding in the downtown. The straight line running through the middle of the photo is a railroad track referenced in the next images.

7/11/24 Source: AOT Vermont Flood Event Aerial Photo Viewer



Here are orthophotos from 1962 and 2025. Note the significant development east of the north/south railroad track in an area that was largely wetland/floodplain in 1962. The Rule amendment would allow some of the remaining (green) wetland areas directly east and west of the railroad to be developed.



1962 Imagery from Vermont Open Geodata Portal : 62H_1962_26-162_nongeoref.jpg



2025 Google Earth Imagery

Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in black ink that reads "Julie Follensbee". The script is cursive and elegant, with the first letter of each word being capitalized and prominent.

Julie Follensbee

From: Emergency Management - Plainfield <emd@plainfieldvt.gov>
Sent: Wednesday, January 14, 2026 10:54 PM
To: ANR - Wetlands Rulemaking Comment
Subject: The importance of significant wetland buffers - COMMENT

Attachments: wetlands.streets✓.png

You don't often get email from emd@plainfieldvt.gov. [Learn why this is important](#)

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Hello D.E.C.

I have been working (in the background, with my EM staff) on a project involving a significant wetland in Plainfield VT. Our meadow runoff project related to this wetland has been accelerated by a hypothetical housing development on 23 acres of land here, which includes that wetland.

Existing gradients, road infrastructure and runoff collection depressions and wetlands restrict the buildable acreage to approximately 7.3 acres of the 23.

My concerns with this project have largely been about the impact of increased runoff from the to-be-developed area on this parcel. At the present, runoff from the meadow as is (and the wetland at its southern base, which slows runoff) can be quite significant.

Adding infrastructure and buildings such as roads, driveways, walkways, houses and service buildings will significantly speed up runoff and reduce retention/absorption in the buildable acreage which is now a meadow.

The wetlands currently help absorb a great deal of the runoff from the field, slow it down and retain some of it.

Its natural role as a temporary retention of water and its wetland plant cover and absorbent soils reduce the amount of rainwater runoff in modest rain events to an insignificant trickle. In heavy rains, however, the meadow sheds too much stormwater for the wetland to retain... so it overflows down a narrow gorge to the village... where there is sometimes considerable damage to roads and properties. It would be *much worse* if the wetland were not there.

Current wetland rules which require a 50' buffer around the wetland encourage the housing developer to do intensive planting in the buffer area (to slow the new runoff that would otherwise be added to the already significant stormwater flow coming down the meadow).

Without the 50' buffer (sadly) the developer is eager to expand the number of housing lots... which would both add to the runoff and greatly reduce the area near the wetland that could be enhanced with new planting (to improve water retention at the base of the meadow).

In other words, the existing wetland buffer rules improve the likelihood that the developer would be able to slow and contain the runoff, which in turn would decrease repetitions of rapid overfilling of the wetland... overfilling which would contribute to long term erosion of the wetland and perhaps permanent damage.

The natural buffer of absorbent meadow soils, with added water retention from additional planting, improves the likelihood the development will be approved. Less land to develop is a small cost for the developer to pay... given the improvements to runoff diversion, slowing and retention if the buffer remains at 50'.

In this practical example, I see a reduced wetland buffer as an impediment to building, because it discourages the developer from properly addressing runoff and using the wetland to its best potential, in turn decreasing options for project approval.

I wish very much to see the current wetland protections standards be kept in place, and not modified.

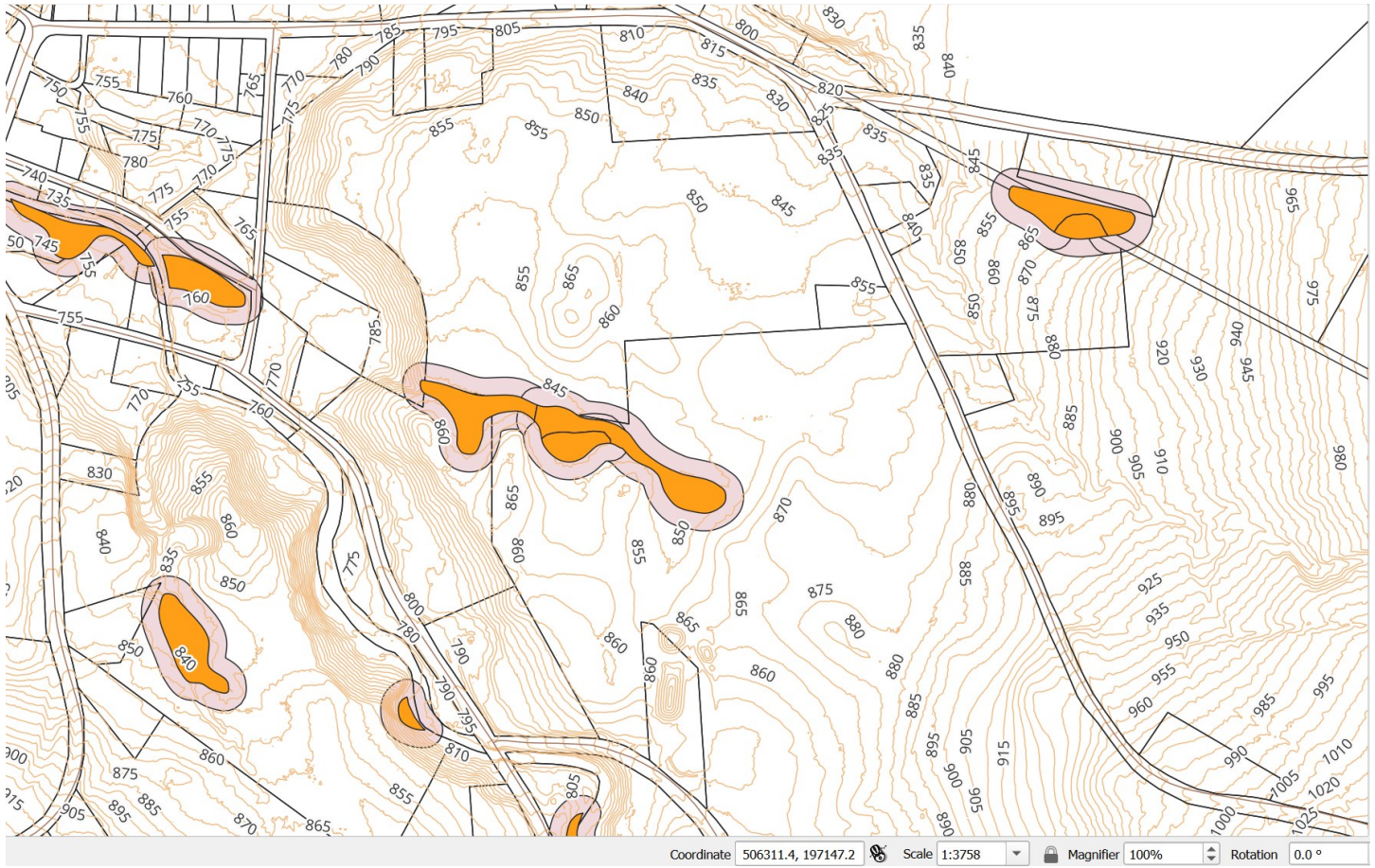
Best regards,
Michael Billingsley
Emergency Management Director, Plainfield VT

p.s. I include a drainage map produced by our GIS specialist which shows that wetland with a 50' buffer.

Plainfield VT Emergency Management

Michael Billingsley
802-322-5019 EOC
802-380-6408 Mobile

Please note that as a volunteer I work irregular hours and am not at my computer frequently. If I do not reply quickly, it does not mean I am not interested.



From: Miro Weinberger <miro@letsbuildhomes.org>
Sent: Wednesday, January 14, 2026 11:13 PM
To: ANR - Wetlands Rulemaking Comment
Cc: Jordan Redell; Jak Tiano
Subject: Comment on Wetlands Rule Modification from Let's Build Homes
Attachments: 2026-1-14 LBH Wetlans Rule Comments.pdf

[You don't often get email from miro@letsbuildhomes.org. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for the opportunity to provide comment on the proposed Wetlands Rule modification. Our comments are attached.

Sincerely,

Miro Weinberger
Let's Build Homes Executive Chair



To: Vermont Department of Environmental Conservation (DEC)
Attn: Wetlands Rulemaking Committee
Via Email: WetlandsRulemakingComment@vermont.gov
Date: January 14, 2026
Subject: Comments on Proposed Amendments to the Vermont Wetland Rules (VWR) – EO 06-25

To the Department of Environmental Conservation:

On behalf of **Let's Build Homes (LBH)**, a non-partisan coalition of over 250 Vermont organizations and more than 800 Vermonters dedicated to addressing Vermont's acute housing shortage, I am writing to express our support for the proposed amendments to the Vermont Wetland Rules as outlined in the rulemaking process following Governor Phil Scott's Executive Order 06-25.

Summary: the current class II wetlands rules are unnecessarily contributing to Vermont's severe housing shortage and should be reformed

Our support for the proposed rule changes is grounded in the belief that many Vermonters are suffering greatly from an acute housing shortage that has deepened over recent decades as layers of state and local rules have made new homes hard and expensive to build. As a result of this shortage the state is enduring record levels of homelessness and housing instability, younger households are being priced out, and our hospitals, businesses and other institutions are facing serious workforce challenges.

The only comprehensive solution to this shortage is increasing housing production to meet the state's documented targets. To this end, the legislature has taken steps in recent years to reform state and local rules that restrict housing. **The proposed change to class II wetlands rules is a further opportunity to remove unnecessarily burdensome barriers to the creation of new homes.**

The 25-foot Setback

- This reduction from 50' is appropriate in targeted areas for several reasons:
 - The state's designated areas represent currently only approximately 3% of the state, and to meet the state's housing targets housing opportunity must be maximized in these areas.
 - A 25' buffer is substantial and ample to properly protect wetlands when combined with the construction methods and engineered solutions that new construction projects are required to include.
 - Allowing builders to maximize the use of land in designated areas makes efficient use of existing public infrastructure, and reduces the pressure to

expand housing growth outside of the designated areas where environmental impacts have the potential to be greater.

Changes to the mapping standard

- The new rules continue Vermont's support for regulating and protecting the state's class II wetlands.
- The current rules for class II wetlands are problematic and often represent a serious barrier to needed new housing development. The current requirement that builders conduct field delineation followed by further DEC investigation and approval can add months or even more than a year to the development of new housing. During this period other design and permitting work is delayed by the uncertainty over how the wetlands will ultimately be defined.
- The current rules can be especially burdensome to individual property owners who lack the resources and experience to manage current requirements.
- The new rules will apply only to the state's designated areas – the approximately 3% of the state where recent state reform policy (2024's Act 181) has attempted to prioritize new housing with whole or partial Act 250 exemptions.
- By shifting to a new policy of regulation to the Vermont Significant Wetland Inventory (VSWI) maps for housing within designated growth areas, the State is would ensure the predictability and timeliness that developers, non-profits, and municipalities desperately need to meet our housing goals.
- LBH understands that there are concerns about the accuracy of VSWI maps and our organization would also support state actions to improve the maps, including: focusing the state's annual investment in VSWI map updates on the designated areas, increasing the annual mapping investment, and taking steps to ensure that these maps are updated on a regular basis. However, given the acute current housing need, LBH does not believe the state should delay implementation of the new rules for these potential additional steps to be taken.

Conclusion

Many Vermonters from the state's acute housing shortage can no longer afford a permitting system that unnecessarily adds cost, time and great uncertainty to the development of much needed homes in targeted growth areas. We urge the DEC to adopt these rules as proposed, and consider other steps to reform the regulation of the state's class II wetlands.

Sincerely,



Miro Weinberger Executive Chair, Let's Build Homes
www.letsbuildhomes.org

From: Rebecca Chalmers <chalmersbecky@yahoo.com>
Sent: Wednesday, January 14, 2026 11:14 PM
To: ANR - Wetlands Rulemaking Comment
Subject: comment on proposed wetland rule
Attachments: PublicCommentWetlandEOHousing.docx

You don't often get email from chalmersbecky@yahoo.com. [Learn why this is important](#)

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Hello,
Please see the attached comment. Thank you.
Rebecca

Thank you for accepting my comments. I am a wetland professional, and an aquatic biologist, who lives in Rockingham Vermont. My name is Rebecca Chalmers. Here are a few comments on why this proposed rule is not a good idea:

Arbitrary Approach: The approach of basing the rule solely on estimated approximate locations of wetlands--“VSWI mapped” wetlands—is arbitrary. Mapped wetlands reflect the limits of available imaging technology and capacity to update the maps which estimate wetland location. Thus, the proposed rules’ decision about which areas receive protection is driven by data availability rather than by reality. This approach is arbitrary.

Incorrectly Excluding Jurisdictional Wetlands. Vermont wetland statute 10 V.S.A. § 914 (online at [Conservation and Development](#)) says (underline mine): “(7) “Class II wetland” means a wetland ...that: (A) is a wetland identified on the Vermont significant wetlands inventory maps; or (B) the Secretary determines to merit protection, pursuant to [section 914](#) of this title, based upon an evaluation of the extent to which it serves the functions and values set forth in subdivision 905b(18)(A) of this title and the rules of the Department.”

This proposed rule violates statute language by excluding Class II wetlands that have that jurisdiction based on the function and value analysis method of identifying Class II wetlands. This proposed rule violates the statute by excluding Class II wetlands already determined by this Secretary under [General Determination 2020-263](#) to be Class II. Perhaps the lawyers are looking at the word “and” in “and the rules of the Department”: To this I would say that the rules of the Department do not supercede the first part of the sentence, before the “and”. In any case, it is clear that the proposed rule is contrary to the intent of the Legislature to have Class II wetlands defined by their functions and values.

Wetland Gain Unrealized. The proposed rule is contrary to the intent of the Legislature to have wetland gain, required in § 918. This topic is unaddressed in this proposed rule and it should reasonably be included to ensure compliance with that statutory goal about this same (wetland) resource.

Tracking Wetlands Unrealized. The proposed rule is contrary to the intent of the Legislature to track wetlands: this proposed rule would not track wetland loss from building in wetlands that happen to have not gotten onto the VSWI maps.

Building in Wetlands Harms People. Wetlands are, by definition, high water table areas that are fully saturated at least a couple weeks of the year. Any house with a foundation below ground will be permanently soaked, and even a slab will let moisture into the house when built in or very near a wetland. Permanent moisture and mold problems are guaranteed for most homes built in these locations, and it will be solely due to these proposed rules.

Damp Buildings = Public Health Problem. Vermont’s Department of Health says “Keep water away from your home or building’s foundation” on its website, <https://www.healthvermont.gov/environment/healthy-homes/mold>. It says “Preventing water and

moisture problems in your home or building is the key to preventing mold growth”. This proposed rule is contrary to public health and wellbeing. It promotes disease and poor health by encouraging building in high water table locations.

The National Institute of Health says “Damp buildings are a public health problem.” “Prevention is best.” “What can I do to get rid of mold in my home? The best way to control mold growth indoors is to control moisture.”

National Institute of Health further explains on its website here:

<https://www.niehs.nih.gov/health/topics/agents/mold> that:

“For some individuals contact with certain molds may produce more serious reactions.

Asthma —Studies have shown that mold exposure can increase a person’s risk of developing asthma or worsen its symptoms — especially for young children.

Cancer — Aflatoxin, a type of mycotoxin found on corn and other grains, seeds, or nut crops, has been [listed by the NTP](#) as a human carcinogen.

Cognitive issues — Extended exposure to mold has been linked to [short-term memory loss, lightheadedness, dizziness, blurred vision, ringing in the ears, and loss of cognitive functions, also known as “brain fog.”](#)

Immune effects — Long-term exposure to inhaled mycotoxins may promote [inflammation and immune system changes](#).

Mental health issues — Studies have associated prolonged mold exposure with [increased levels or depression, anxiety, and stress in both children and adults.](#)”

This book on NIH’s website has much supporting evidence about the public health harm of damp indoor spaces: <https://www.ncbi.nlm.nih.gov/books/NBK215652/> [The Public Health Response - Damp Indoor Spaces and Health - NCBI Bookshelf](#)

The EPA explains the human harm caused by building in high water tables—wetlands—thus: “Water in your home can leak or seep through basement floors. “This moisture can encourage biological pollutants to grow.” [What are the main ways to control moisture in your home? | US EPA](#) Houses need to keep indoor humidity below 60 percent—better is 30 to 50 percent—relative humidity. To keep out mold, control moisture, says the EPA [A Brief Guide to Mold, Moisture and Your Home | US EPA](#) .

The Wetland Rules currently provide an important human health protection service. This proposed rule eviscerates it.

Harms Peoples’ Finances: Most types of water damage, including mold and groundwater seepage, are typically excluded from homeowners policies. For example, refer to: [Water Damage | Bravera Bank](#) and [“Does Homeowners Insurance Cover Groundwater Seepage? - The McBride Agency](#) . These Banks and Insurance agencies state that untreated, groundwater seepage (which happens in and very near wetlands) can cause significant damage to your home, including (my comments in parentheses): Structural damage to your foundation and walls (very costly to fix); Mold growth and indoor air quality issues (ruins your health, that of your children, and everyone who buys the house after you); Damage to personal property stored in your basement (ruined by mold); and Reduced property value” Homes built in and very near wetlands will have water damage.

It is expensive to build in a shoddy, wet, unstable location (i.e. in a wetland). Construction on wetlands is usually budgeted on at least double of what the structure would cost elsewhere because: Wetlands slated for construction projects are usually drained by a system of ditches and pumps (that need to be maintained annually) or an artificial hill is constructed to put the entire structure well above groundwater level; foundation movement is a concern; may need to dig down to the bedrock and require expensive pilings; and the nearby soil may be unsuitable for septic due to the high water table.

The Wetland Rules provide an important consumer protection service currently. This proposed rule undermines it.

Economic Analysis Needed. There should be an economic analysis of the public health harm of the proposed rule, accounting for the health harm to humans who get mold injured; possession loss harm from replacing failed septic systems, losing possessions due to dampness (mold), costly foundational cracking and instability due to building in areas encouraged by this misguided rule; and people having no insurance coverage recourse to pay for these losses.

Harm Neighbors. Building in actual wetlands will displace water and thus harm neighbors' health and finances; harm water quality and harm our shared water resources, open space, aesthetics, and other wetland functions and values protected under statute. Building in wetland open space harms those by reducing open space, reducing quality of life, reducing access to nature. Poorer neighbors have less legal recourse to these harms.

Inequitable. Failure to Account for Disparate Economic Impacts. This proposed rule is contrary to the intent of the legislature to identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents. It is contrary to Environmental Justice statute: "[Title 3: Executive Chapter 72: Environmental Justice](#) It is a bad idea to build in wetlands (mold, no homeowners insurance for groundwater seepage, increased cost to build on structurally unsound/water damage risk area of wetland, harm health). Some towns are going to be encouraged to do this bad idea and the cost will fall to the poorest and least savvy.

This rule would increase environmental burdens by significantly impacting and destroying wetlands intentionally via this proposed rule, which will have reasonably foreseeable increased home and building health hazards including mold (see above mentioned Harms People, Harms Peoples' Finances and Harms Neighbors comments), as well as the obvious damage to inland waterbodies and wetlands and green spaces.

*"Env Justice Chapter 72, (2) "Environmental burdens" means any **significant impact** to clean air, water, and land, including any destruction, damage, or impairment of natural resources resulting from intentional or reasonably foreseeable causes. Examples of environmental burdens include **climate change impacts**; air and **water pollution**; improper sewage disposal; improper handling of solid wastes and other noxious substances; excessive noise; activities that limit access to green spaces, nutritious food, Indigenous food or cultural resources, or constructed outdoor playgrounds and other recreational facilities and venues; inadequate remediation of pollution; reduction of groundwater levels; **increased flooding or stormwater flows**; **home and building health hazards**, including lead paint, lead plumbing, asbestos, and **mold**; and **damage to inland waterways and waterbodies, wetlands, forests, green spaces**, or constructed playgrounds or other outdoor recreational facilities and venues from private, industrial, commercial, and government*

operations or other activities that contaminate or alter the quality of the environment and pose a risk to public health.”

The proposed rule lacks economic and factual data that quantify the amount of wetland area, and wetland functions and values, that are eligible for destruction under these rules.

This proposed rule is insufficiently compatible with all of this:

(3) “Environmental justice” means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.

The proposed rules remove public comment process. How does this effect environmental justice?

The proposed rules remove large areas of the state (e.g., entire town of Springfield) without any wetland environmental protection when buildings with a bit of housing are proposed. This is not environmental justice. Entire towns of Springfield, Randolph, St J (and huge areas of Brattleboro, Rutland, Manchester, Barre City, Montpelier, St Albans, Burlington and Winooski) are in areas of highest environmental disparity per [Vermont Environmental Disparity Index \(VTEDI\)](#). This is the opposite of environmental justice.

The towns affected by this proposed rule—by the EO—will no longer have environmental protections for wetlands for any building with a bit of ‘housing’ in it. The towns may not realize that their quarter century of state supported protections are gone. Smaller, poorer, and more rural towns in particular may lack the option—not have the wealth or staffing—to have a meaningful choice to be able to continue having environmental protections for wetlands. This rule will drop the ball in a sudden way that will disparately affect some locations. This has not been presented or quantified and towns likely have no clue about it. Only wealthier towns that can afford zoning and have staff are likely to have options.

§ 6003. Environmental justice State policy of the Env Justice regulations say “It is the policy of the State of Vermont that no segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits. It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy. (Added 2021, No. 154 (Adj. Sess.), § 2, eff. May 31, 2022.)” where is this analysis in the proposed rule?

§ 6004. Implementation of State policy of the Env Justice regulations say: “(a) As used in this chapter, “covered agencies” means the following State agencies, departments, and bodies: the Agencies of Natural Resources...; and the Departments of Health, of Public Safety, ... (b) The covered agencies shall consider cumulative environmental burdens, as defined by rule pursuant to subsection 6005(a) of this title, and access to environmental benefits when making decisions about the environment, energy, climate, and public health projects; facilities and infrastructure; and associated funding. Where is this analysis in the proposed rule? How did Public Health weigh in on damp buildings being encouraged in high water tables? How did Agency of Natural Resources consider the cumulative environmental burdens?

Unsubstantiated Premise. Not About Primary Residences.

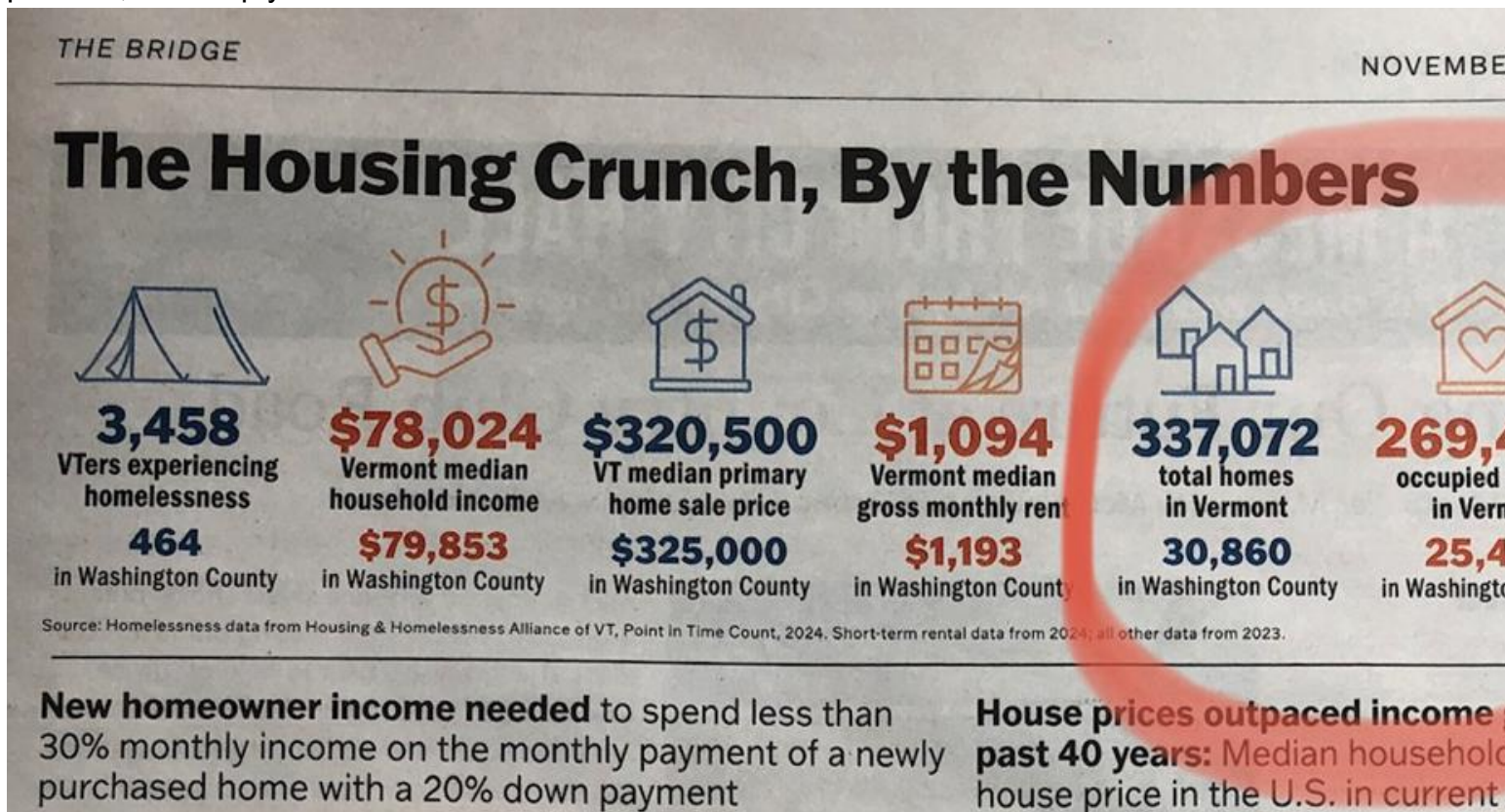
Does housing mean ski homes, short-term vacation rentals, 2nd, 3rd, 4th, ...17th homes of the wealthy; resorts; retreats; glampgrounds; large commercial buildings with a single apartment in them? There is no metric that shows the EO, or this proposed rule, will achieve its implied goal of affordable housing for ordinary income or low income residents.

A major driver of housing crisis is that housing is owned by out of staters and is not a primary residence. Legislators have written about this topic: [Column: Vermont's second homes get a tax break - Valley News](#). Several towns have 75%-90% of housing nonresident owned; 19 towns have 50-75% of housing nonresident owned; and 47 towns are 30-49% nonresident owned per Vermont data summarized on this thread: [Out of state ownership by town : r/vermont](#) . Ludlow has 80% of housing owned by out of staters per [Column: Vermont's second homes get a tax break - Valley News](#). and the town is low-moderate income zone [Vermont Planning Atlas](#).

How is housing built in these ski towns and other towns with out of state ownership as the norm going to help Vermonters? It's not. It's going to be built, sold and bought at market rate, with housing going to out of state owners, further driving up prices and exacerbating the housing problem. Residents cannot pay as much as vacation users. Building in wetlands will make worse housing available and not help provide primary residences for Vermont residents.

Already Plenty of Vacant Homes. There are double the number of vacant homes than the identified need—67,606 homes are vacant (per The Bridge, image below), than the goal to build 30,000 homes (in wetlands and floodplains etc) per [Vermont's Housing Needs Require Decisive Action – Step Up or Step Away | Office of Governor PhilScott](#). There is no lack of housing. It's gentrification that is a

problem, and empty houses.



Financial/Statute Conflict. This proposed rule, and its EO, appears to contradict other state programs such as: Federal funding via state to buyout flood damage areas; federal ARPA funding via state to help low/moderate income people get wastewater systems fixed when they are failing due to their installation in or very near a wetland high water table via ANR Healthy Homes. There are likely legal contradictions where this proposed rule encourages building in areas, and having no environmental review, while many other state and federal rules and programs/grants/funding would be wasting their money if they were to spend it fixing and undoing the building and undoing the harm due to lack of environmental review and appropriate planning encouraged by this proposed rule. It could be waste and fraud. It would take time and legal research to find all of these topics and I'm sure some lawyers could do this readily. What are the potential economic and legal analysis that shows what other federal and state grants and programs would clash with this proposed rule and cost more?

The proposed rule is beyond the authority of the agency in terms of the Agency of Natural Resources changing mission to be a driver of housing; and working to solve housing when that is not its mission.

Appendix. Pasted copies of some of the links cited:

Damp Indoor Spaces and Health <https://www.ncbi.nlm.nih.gov/books/NBK215643/>

Institute of Medicine (US) Committee on Damp Indoor Spaces and Health.

Washington (DC): [National Academies Press \(US\)](#); 2004.

ISBN-10: 0-309-09193-4

Almost all homes, apartments, and commercial buildings will experience leaks, flooding, or other forms of excessive indoor dampness at some point. Not only is excessive dampness a health problem by itself, it also contributes to several other potentially problematic types of situations. Molds and other microbial agents favor damp indoor environments, and excess moisture may initiate the release of chemical emissions from damaged building materials and furnishings. This new book from the Institute of Medicine examines the health impact of exposures resulting from damp indoor environments and offers recommendations for public health interventions.

Damp Indoor Spaces and Health covers a broad range of topics. The book not only examines the relationship between damp or moldy indoor environments and adverse health outcomes but also discusses how and where buildings get wet, how dampness influences microbial growth and chemical emissions, ways to prevent and remediate dampness, and elements of a public health response to the issues. A comprehensive literature review finds sufficient evidence of an association between damp indoor environments and some upper respiratory tract symptoms, coughing, wheezing, and asthma symptoms in sensitized persons. This important book will be of interest to a wide-ranging audience of science, health, engineering, and building professionals, government officials, and members of the public.

Column: Vermont's second homes get a tax break

by [Rebecca White](#) For the Valley News October 18, 2024

Sign up for the Valley News' morning newsletter and get essential news each day.

As one of your Windsor County State senators, it is clear to me the housing market is failing Vermonters. Extreme home costs have priced generations of Vermonters out of the market. Former high school classmates of mine who want to live in Vermont, raise their young children and send them to our schools can't do so, because housing is unaffordable. This crisis is, in part, due to second homeownership and short-term vacation rentals. To address the burden on young Vermonters, we need to tax these additional properties to a greater degree.

In Bridgewater, we learned at a recent town meeting that over 60% of the properties are second homes. In Ludlow the Town Clerk stated that over 80% of the properties are vacation homes. I recently spoke with a woman in Hartland about how Vermonters can no longer afford to carry the

burden for second homeowners. The woman I spoke to reminisced about being able to walk over to her neighbors and talk to them; now the homes around her sit empty for most months, almost year-round.

This is not sustainable, especially for a state with an aging population. Nor is it equitable.

Clarifying the “non-homestead” properties in Vermont can go a long way toward understanding how many second homes there are in Vermont, and can give a clearer picture of the economic benefit to young Vermonters if we were to explore solutions to the housing crisis.

If I am re-elected in November, I will work to address the needs of our education system by building off of the creative tax policies set into motion last session. One of those policies is Act 68, which directs the tax department to study ways to distinguish between different types of property and property uses. Right now, there is no single reliable count of second homeowners in Vermont, as they are not captured in a single dataset. Census Bureau data lumps together residences that can’t be occupied year-round, like deer camps and cabins, with properties that can.

The annual homestead declaration Vermont homeowners file to determine their property tax rate only tells the state if a property is their primary home — so-called “non-homestead” properties include commercial buildings, for example. Only by combining multiple datasets can the state determine whether a property that could be occupied year-round is used as a second home.

If the state can distinguish between properties, it can tax them differently, too. If I am re-elected I look forward to co-sponsoring legislation that does just that.

Sen. Rebecca White, D-White River Junction, represents the Windsor District.

https://www.reddit.com/r/vermont/comments/1aupipa/out_of_state_ownership_by_town/

[Go to vermont](#)

[r/vermont](#) • 2y ago

[yoeddyVT](#)

Out of state ownership by town

I thought it would be interesting to look at each town's out of state ownership*. No big surprises, the ski towns have large percentage of absentee owners. I was surprised with the over 75% out of state ownership with Stratton, Mt Snow and Killington. The town of Lewis is high since there are only 3 landowners and they are forestry companies.

The data is from here: <https://maps.vcqi.vermont.gov/parcelviewer/> . To determine out of state ownership, I am simply looking at the address on the deed and checking if its Vermont. There are

other owners who are within Vermont, but out of town that I am missing. ie. someone from Burlington owning a condo in Stowe.

Here is the data:

Towns	Out of State Ownership
Stratton	87%
Dover	78%
Killington	75%
Ludlow	73%
Winhall	71%
Glastenbury	69%
Peru	68%
Somerset	68%
Lewis	67%
Warren	66%
Wilmington	65%
Bloomfield	64%
Plymouth	64%
Landgrove	56%
Wardsboro	56%
Warren Gore	56%
Maidstone	55%
Jamaica	54%
Windham	54%
Andover	52%
Cavendish	50%
Readsboro	50%
Stowe	49%

Towns	Out of State Ownership
Westmore	49%
Fayston	48%
Jay	48%
Searsburg	48%
Stockbridge	48%
Woodford	48%
Hubbardton	47%
Whitingham	46%
Bridgewater	45%
Londonderry	45%
Weston	45%
Ferdinand	44%
Lemington	44%
Norton	44%
Barnard	43%
Buels Gore	43%
Mount Holly	43%
Pittsfield	43%
Granville	42%
Greensboro	41%
Guildhall	41%
Halifax	41%
Isle La Motte	41%
Stamford	40%
Sandgate	39%

Towns	Out of State Ownership
Victory	39%
Newark	38%
Woodstock	38%
Averill	37%
Brunswick	37%
Burke	37%
Goshen	36%
Grafton	36%
Lunenburg	36%
Morgan	36%
Rochester	36%
Brighton	35%
North Hero	35%
Rupert	35%
Dorset	34%
East Haven	34%
Pomfret	34%
Wells	34%
Averys Gore	33%
Mendon	33%
Reading	33%
Concord	32%
Marlboro	32%
Ripton	32%
Canaan	31%

Towns	Out of State Ownership
Chester	31%
Newbury	31%
West Windsor	31%
Barnet	30%
Newfane	30%
Stannard	30%
Townshend	30%
Corinth	29%
Manchester	29%
Sudbury	29%
Tinmouth	29%
Cabot	28%
Groton	28%
West Haven	28%
Alburgh	27%
Elmore	27%
Fairlee	27%
Roxbury	27%
Sheffield	27%
Vershire	27%
Cornwall	26%
Danby	26%
Hancock	26%
Hartford	26%
Glover	25%

Towns	Out of State Ownership
Granby	25%
Mount Tabor	25%
Wheelock	25%
Chittenden	24%
Kirby	24%
Peacham	24%
Sunderland	24%
Topsham	24%
Tunbridge	24%
Walden	24%
Washington	24%
West Fairlee	24%
Westfield	24%
Woodbury	24%
Arlington	23%
Athens	23%
Brookfield	23%
Brookline	23%
Craftsbury	23%
Montgomery	23%
Poultney	23%
Waitsfield	23%
Holland	22%
Leicester	22%
Lowell	22%

Towns	Out of State Ownership
Norwich	22%
Panton	22%
Ryegate	22%
Sharon	22%
Belvidere	21%
Castleton	21%
Ira	21%
Irasburg	21%
Middletown Springs	21%
Pawlet	21%
Salisbury	21%
Shrewsbury	21%
Barton	20%
Brownington	20%
Calais	20%
Chelsea	20%
Lincoln	20%
Strafford	20%
Sutton	20%
Waterford	20%
Benson	19%
Cambridge	19%
Charleston	19%
Danville	19%
Morristown	19%

Towns	Out of State Ownership
Newport Town	19%
Northfield	19%
Coventry	18%
Fair Haven	18%
Ferrisburgh	18%
Rockingham	18%
Sheldon	18%
Troy	18%
Wallingford	18%
Weathersfield	18%
Addison	17%
Bradford	17%
Bridport	17%
Duxbury	17%
Richford	17%
Royalton	17%
South Hero	17%
Baltimore	16%
Bethel	16%
Braintree	16%
Brattleboro	16%
Dummerston	16%
Eden	16%
Guilford	16%
Moretown	16%

Towns	Out of State Ownership
Orwell	16%
Springfield	16%
Weybridge	16%
Albany	15%
Bennington	15%
Enosburgh	15%
Grand Isle	15%
Newport City	15%
Putney	15%
Waterbury	15%
Westminster	15%
Bakersfield	14%
Hardwick	14%
Hartland	14%
Highgate	14%
Hyde Park	14%
Orange	14%
Pownal	14%
Randolph	14%
Starksboro	14%
Thetford	14%
Charlotte	13%
Marshfield	13%
Derby	13%
Johnson	13%

Towns	Out of State Ownership

Lyndon	13%

Middlebury	13%

Shaftsbury	13%

South Burlington	13%

Wolcott	13%

Saint Johnsbury	12%

Vernon	12%

Winooski	12%

Worcester	12%

Berkshire	11%

Bolton	11%

Fairfield	11%

Franklin	11%

Milton	11%

New Haven	11%

Plainfield	11%

Rutland Town	11%

Saint Albans Town	11%

Berlin	10%

Brandon	10%

Georgia	10%

Hinesburg	10%

Huntington	10%

Pittsford	10%

Shoreham	10%

Towns	Out of State Ownership
Swanton	10%
Whiting	10%
East Montpelier	9%
Fletcher	9%
Middlesex	9%
Rutland_City	9%
Shelburne	9%
Underhill	9%
Waterville	9%
Westford	9%
Windsor	9%
Burlington	8%
Clarendon	8%
Fairfax	8%
Vergennes	8%
Colchester	7%
Proctor	7%
Richmond	7%
West Rutland	7%
Montpelier	6%
Barre City	6%
Barre Town	6%
Bristol	6%
Jericho	6%
Monkton	6%

Towns	Out of State Ownership

Waltham	6%

Williamstown	6%

Williston	6%

Essex Junction	5%

Essex Town	5%

Saint Albans City	4%

Saint George	2%

Warners Grant	0%

From: Erin De Vries <erin@vermontriverconservancy.org>
Sent: Wednesday, January 14, 2026 11:35 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Vermont River Conservancy - Comments on EO 06-25_011426
Attachments: EO 06-25 Vermont River Conservancy_Public Comments_011426.pdf

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Subject: Public Comments on Executive Order 06-25 - Proposed Wetlands Rule Changes

Submitted by: Vermont River Conservancy (Erin De Vries, Co-Executive Director)
Date: January 14, 2026

Please see attached pdf. of public comments submitted.

Sincerely,
Erin De Vries

--

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Erin De Vries (she/her)
Conservation Director
Vermont River Conservancy
29 Main Street, Suite 11
Montpelier, VT 05602
(802) 999 - 2348

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Employer Identification Number (EIN): 03-0347147

Subject: Public Comments on Executive Order 06-25 - Proposed Wetlands Rule Changes

Submitted by: Vermont River Conservancy (Erin De Vries, Co-Executive Director)

Date: January 14, 2026

Dear Vermont Agency of Natural Resources and Department of Environmental Conservation,

On behalf of Vermont River Conservancy, we submit the following public comment regarding the proposed changes to Vermont's Wetlands Rules currently under rulemaking pursuant to **Executive Order 06-25**.

We write to express our deep concern regarding **Executive Order 06-25**, particularly its proposal to allow development and housing projects in unmapped Class II wetlands and to reduce Class II wetland buffer zones from 50 feet to 25 feet. Vermont River Conservancy understands the housing crisis of our great Green Mountain State; however, we also understand the scientific data and reports that recommend compact growth **and** wetland protection for climate change resilience. We believe in smart, compact growth in designated areas, but **not** in exchange for impacts to or development of wetlands.

Wetlands mitigate climate change impacts, store floodwater, recharge groundwater, attenuate pollutants, buffer public and private infrastructure, and much more.

Vermont River Conservancy is a land trust whose mission is to *protect and restore rivers for people and wildlife*. We do this primarily through acquisition of conservation easements, either river corridor and wetland easements (RCWEs) with our partners at Vermont Department of Environmental Conservation Rivers and Floodplain Protection Program, public access easements with Vermont Housing and Conservation Board, or sole-held easements with private landowners or other non-profits. Based on this role and our knowledge of these precious natural resources, we are concerned that the proposed rule changes conflict with recent reports (VT Climate Change Resilience Strategy, 2025; VT Climate Action Plan, 2025) as well as both the letter and intent of Act 121 (2024), Vermont Flood Safety Act.

Act 121 establishes a clear legislative direction to strengthen flood resilience and wetland protections statewide. Among its key requirements, Act 121 mandates:

- A statewide goal of net gain of wetlands acreage, achieved through protection, restoration, and enhancement;
- Updated and expanded wetland mapping, including annual updates to the Vermont Significant Wetlands Inventory and completion of High-Quality Wetlands Inventory Plus mapping across all tactical basins; and
- Mitigation and compensation requirements for adverse wetland impacts, including impacts to buffers that affect wetland function.

Proposals to reduce wetland buffer widths and to limit regulatory protections only to wetlands appearing on existing VSWI maps directly undermine these statutory obligations. Many wetlands in Vermont (*particularly headwater wetlands, forested wetlands, vernal pools, and wetland complexes associated with small streams*) remain unmapped due to outdated inventories, not due to lack of ecological function. Exempting such wetlands from protection is inconsistent with Act 121's requirement to improve, not narrow, the scientific basis for wetland regulation.

Mapped wetlands reflect the limits of available imaging technology and capacity to roll out updated maps rather than verified on-the-ground conditions and functionality of wetlands through delineation. Most wetlands are larger on the ground than what is mapped. As a result, Executive Order 06-25 would make decisions about which areas receive protection based on data availability rather than by ecological reality. This approach therefore seems arbitrary and not grounded in sound science as required in rulemaking. In addition, there was no economic analysis completed as required in the rules filing form which should include the costs and impacts of building in a wetland.

Vermont River Conservancy respectfully urges ANR and DEC to:

- Withdraw any proposed reductions to wetland buffer widths;
- Maintain full regulatory protections for unmapped wetlands; and
- Ensure that all wetlands rule revisions are fully aligned with Act 121's net-gain, mitigation, and flood-resilience mandates.

Wetlands function as kidneys, sponges, sinks, as biodiverse hotspots, and as suppliers! They protect public infrastructure from hazards, store carbon, retain phosphorus, filter water, and provide habitat for wildlife among other functions. Wetlands hold intrinsic value in our ecosystem. Wetlands provide more ecosystem services than any other natural complex ecosystem in the world!

Wetlands (and at least 50-foot buffer areas) deserve protection for all they provide, people and wildlife. Vermont River Conservancy urges ANR and DEC to ensure that the Wetlands Rules advance, rather than undermine, this statutory directive.

Thank you for the opportunity to comment.

Respectfully submitted,

Erin De Vries (Co-Executive Director, former Vt. State Wetlands Ecologist, favorite wetland type – Palustrine)

Kassia Randzio (Co-Executive Director, wilderness and wildlife advocate, loves vernal pools)

Hayley Kolding (Conservation Manager, botanist, and lover of wetlands, particularly headwater wetlands)

Remy Crettol (Conservation Manager, wildlife enthusiast, loves bogs)

Amanda Garland (Stewardship Manager, beaver-human conflict resolution specialist)

Alaya Morning (Office Manager, most likely to be found in a wetland ecotone)

From: Sara Anne Lourie <sara.lourie@mail.mcgill.ca>
Sent: Wednesday, January 14, 2026 11:55 PM
To: ANR - Wetlands Rulemaking Comment
Subject: Public Comment on Executive Order 06 25 – Proposed changes to Vermont's Wetland Rules

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To the Department of Environmental Conservation,

As a conservation biologist, and member of the Cambridge Conservation Commission, I am deeply concerned by the proposed changes to the Wetland Rules pursuant to Executive Order 06-25.

Wetlands are critical to Vermont's infrastructure. They are our most effective defence against the significant damages that are wrought by floods, as well as providing water storage, filtration, sediment capture, pollution control and maintenance of biodiversity - at no cost to us. Reducing buffer zones weaken their ecological integrity and functions.

Many of these wetlands, particularly smaller complexes, headwaters and vernal pools are not included in the current Wetlands Inventory. This is due not to lack of wetlands, but due to incomplete mapping, and outdated inventories and methods. Restricting regulatory requirements to wetlands currently mapped will result in many wetlands being inadvertently damaged.

The changes that are being proposed also run counter to Act 121, Vermont's Flood Safety Act, which was enacted in response to the devastating floods of 2023. As a result there is a direct legislative conflict.

While I recognise the need for increased affordable housing in this state, I strongly believe that pushing forward development at the expense of environmental protection is short sighted and will be hugely costly in the long term. Climate change is here and extreme weather events are becoming increasingly common. We should be increasing our protection of wetlands, and buffers, not reducing them.

I urge you to reject these changes, and focus on other ways to increase the housing supply in the state without compromising the ecosystem functions that protect our towns and villages.

Yours sincerely,

Sara Lourie
Cambridge, VT

From: ConcertinaAndBanjo <ConcertinaAndBanjo@pm.me>
Sent: Thursday, January 15, 2026 12:00 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetlands Rule Making comment
Attachments: PublicComments.docx

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Hello,
Attached are my comments on the proposed Vt Wetland Rules change.
Aaron

Aaron Marcus, Professional Wetland Scientist (PWS)
Montpelier, Vt

To: WetlandsRulemakingComment@vermont.gov

Cc: awatson@leg.state.vt.us

acummings@leg.state.vt.us

aperchlik@leg.state.vt.us

kmccann@leg.state.vt.us

ccasey@leg.state.vt.us

To those evaluating the new proposed Vermont Wetland Rules:

I am submitting these comments and questions about the proposed updates to the Vermont Wetland Rules in response to Executive Order 6-25. I have twenty years of experience as a botanist working in wetlands, and three years working as a Wetland Scientist. I hold an active Professional Wetland Scientist (PWS) certification through Society For Wetland Scientists. I've previously worked for Vermont Agency of Natural Resources for 17 years, and also for the Green Mountain National Forest for 13 years. I've also worked in the non-profit sector, and most recently I've worked as a consultant in the private sector, navigating wetland regulations.

Vermonters of nearly all stripes can probably all agree about this one thing: we as Vermonters urgently need more housing statewide. Optically, this rule change in response to the Executive Order 6-25 seems to be intended to benefit landowners and developers, and to expedite construction of much needed residential housing. I am very concerned about the lack of available housing in my neighborhood and in our state, and I am fully committed to collaborating on solutions to ensure we have enough housing for all Vermonters. But will these rule changes do what they claim to do?

I have questions and concerns about the approach taken by these proposed changes. The biggest concern is the misleading way that VSWI mapping is to be applied to permitting. Principally, the Executive Order showed no indication that the framers understand how the Vermont State Wetlands Inventory (VSWI) mapping works—or how we as wetland scientists use it from day-to-day. Vermont DEC is in the process of remapping VSWI wetland data watershed-by-watershed. Unfortunately, many high-precision wetland delineations from recent decades have not yet been entered onto the VSWI maps. Many wetlands show up as a star on the Vermont Natural Resources Atlas. Would these wetlands be treated as the Class II wetlands they have already been documented or permitted to be. Other wetlands were coarsely approximated

using low-resolution aerial imagery from decades ago, and they have not yet been remapped with high-resolution LiDAR.

Have any studies been conducted to assess the efficacy of these changes? Without economic studies is there any confidence that these changes will make housing more affordable and available more quickly? Will the lack of specificity in the new Vermont Wetland Rules make housing more expensive and slower? Will the new changes apply to short-term rental units the same way they apply to primary housing? It's puzzling to watch these proposed changes moving through the pipeline that do not cite any scientific literature, or economic studies, and contrast with most of the science, economics and existing laws that I interact with.

I hope that there are opportunities to consult experts, members of the public, scientists, economists, and others before making such major changes.

Thank you,
Aaron Marcus

From: rafrancoeur85@gmail.com
Sent: Thursday, January 15, 2026 5:56 AM
To: ANR - Wetlands Rulemaking Comment
Subject: Wetland Rule Review

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Dear ICAR,

As a Vermont resident I am concerned with the proposed change in the wetland rule in that it seems as if there is no way to have assessed the environmental impact of an action that would allow for an unknown level of loss of an environmental feature that provides vital services including flood regulation and groundwater recharge. These are two services that the research shows will become increasingly important in Vermont as we see trends toward longer and more widespread drought conditions and more intense precipitation events. While there is uncertainty in the level and function of unmapped wetlands, there is certainty that there are many wetlands that are unmapped. Forested wetlands are often unmapped because current technologies don't allow us to effectively identify areas where they may occur and they serve an important role in enhancing biodiversity which in turn enhances resiliency.

I understand the need to balance environmental concerns with societal concerns but think that an approach towards more certainty and modernization of the permitting system could serve to reduce the uncertainty and burden on private housing development without the risks involved with loss of these services provided by wetlands that we rely on for our current and future wellbeing. I feel that if it is deemed a necessary tradeoff to put wetlands and the services they provide at risk to address the housing crisis in Vermont, it is extremely important to provide an unambiguous definition of affordability and to ensure that the result of the development is primary residences only. It would be a shame to reduce Vermont's climate resiliency and put the livelihoods of current residents at stake for the sake of residential housing which only serves as a short-term rental or second home.

Thank you for considering these concerns as you review the proposed wetland rule changes.

Sincerely,
Ryan Francoeur

From: rnh [robert@gmavt.net]
To: ANR - Wetlands Rulemaking Comment; Sinsigalli, Misty (she/her)
Sent: Thursday, January 15, 2026 10:32:54 AM
Subject: wetland rule making

To: Wetlands Rulemaking, Misty Sinsigalli
From: Robert Hyams
Date: Jan. 13, 2026

Re: Proposed Wetlands Rule Changes

I am submitting these comments as a private citizen, in opposition EO 06-25 and the proposed wetland rule changes.

1. I apologize for stating the obvious. This rule change that will promote development in wetlands will:

- impact wetland function and values, the state sanctioned measure of wetland health and value
- Houses and water do not mix. Houses built in wetlands and wetland buffers will be subject to all the impacts that come with a wet house site.

2. Residential Housing as an allowed use? How does this hold water (pun intended)? Building in wetlands is antithetical to the functions and values provided by wetlands.

3. This rule will create confusion and ambiguity between town and state regulations. Our town calls for more stringent regulation of development in wetlands. I do not know whether Hinesburg regulations be enforceable in light of the state wetland rule changes. DRB processes are confusing as is...

Thank you for your consideration.

Robert Hyams
Hinesburg, VT

Robert Hyams
Riverscape Ecology/HRS LLC
cell: 802/734-5630

From: Phillips, Bridget on behalf of Sinsigalli, Misty (she/her)
Sent: Wednesday, January 21, 2026 3:39 PM
To: ANR - Wetlands Rulemaking Comment
Subject: FW: [External] Proposed Wetland Rule Changes

From: Alice Chris Robbins <a.c.robbins73@gmail.com>
Sent: Sunday, January 11, 2026 9:13 PM
To: misty.sinsigalli@vermont.gov
Cc: Ruth Hardy <RHardy@leg.state.vt.us>; Amy Sheldon <ASheldon@leg.state.vt.us>; Jubilee McGill <JMcGill@leg.state.vt.us>; Robin Scheu <RScheu@leg.state.vt.us>
Subject: [External] Proposed Wetland Rule Changes

[External]

Dear Ms. Sinsigalli:

I have read the proposed rule changes and the executive order 06-25 that initiated them. The rules follow the executive order quite well, but unfortunately, there were no public hearings for that. In any case, I appreciate the opportunity to comment on the proposed rules. In my opinion, there is some justification for allowing a smaller buffer in downtown development districts and village centers, but the exemptions in the proposed rules are much too broad, encompassing large areas away from downtowns, such as growth centers, and even whole towns in some instances (opportunity zones).

In addition, the exclusion of unmapped wetlands is unwise. They can be just as important as mapped wetlands. Mapping by aerial photography captures many features of the landscape, but is much less accurate in some places, such as forested areas. Anyone who has delineated wetlands (as I did in a previous job in New York State) knows that for some wetlands, only on the ground can you really see their extent. A 25 ft. buffer, given the inaccuracy of wetland mapping, might really be nothing. Even when it is accurate, it doesn't leave much room for construction equipment and ground disturbance during construction of a home. Keep in mind also that wetlands overflow during prolonged heavy rains; another reason why a 50 ft. buffer is more protective.

The letter by Kate Kelly of the Lewis Creek Association describes very well what happens when there is development in wetlands. Often those houses flood, and downstream flooding is made worse because of the loss of water storage.

My major comment is that these rules do not comply with statute. These proposed changes are being made to comply with the executive order, which reduces wetland areas, but there are still more changes to be made to comply with Act 121, the Flood Safety Act, which requires the expansion of wetland areas. You should wait and make these changes together! How confusing to builders and developers if rules change and then change again.

Sincerely,
Chris Robbins
8 Gorham Ln.
Middlebury, VT 05753

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Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, Vermont 05620-3201

Vermont Wetland Rules

Vt. Code R. 12 004 056

Adopted February 7, 1990

(Amendments adopted January 23, 2023; Effective February 10, 2023)

Revision Effective Date:

<http://dec.vermont.gov/content/vermont-wetland-rules>

<http://dec.vermont.gov/>

Vermont Wetland Rules
CODE OF VERMONT RULES
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
VERMONT WETLAND RULES
ENVIRONMENTAL PROTECTION RULES CHAPTER 30

Vermont Wetland Rules

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SECTION 1: GENERAL

1.1 Purpose and Applicability

It is the policy of the State of Vermont to identify, protect and protect/restore significant wetlands and the values and functions which they serve in such a manner that ~~the goal of no-~~ net loss/gain of such wetlands and their functions is achieved.

These rules are adopted under the authority of the Secretary of Natural Resources (Secretary) pursuant to 10 V.S.A. § 905b(18). This statute limits the applicability of these rules to those wetlands which are so significant that they merit protection in this program. Wetlands that are not significant should be assumed to have public value, and therefore may merit protection under other statutory or regulatory authority.

Except as provided for below, these rules shall apply to all other land uses occurring within a significant wetland or its associated buffer zone that are commenced after February 23, 1990. These rules shall not apply to any land use for which:

- (1) a complete application for all local, state and federal permits related to either the regulation of land use or the protection of wetlands had been submitted as of February 23, 1990, and where the applicant does not subsequently file an application for a permit amendment in a way that would have an undue, adverse impact on a protected function of a significant wetland, and substantial construction of the project commences within two years of the date on which all such local, state and federal permits become final;
- (2) all local, state and federal permits related to either the regulation of land use or the protection of wetlands had been obtained as of February 23, 1990 and where substantial construction of the project commenced by February 23, 1992; or
- (3) no local, state or federal permits related to either the regulation of land use or the protection of wetlands are required and where substantial construction was commenced prior to February 23, 1990.

1.2 Enforcement

Violations of these rules are subject to enforcement under applicable Vermont law including, but not necessarily limited to, the provisions of 10 V.S.A. §§ 1272, 1274, 1275, 8001-8016, and 8221 and 3 V.S.A. § 2822.

SECTION 2: DEFINITIONS

For the purposes of these rules, the terms below shall have the following meanings unless a different meaning clearly appears from the context. Examples are illustrative only and not exhaustive.

21 Access Infrastructure Servicing Residential Housing means necessary access roads and driveways to provide access for the construction or use of the residential function of a residential housing project.

2122 Alpine Peatland means a peat-accumulating wetland occurring in small bedrock basins at or above 3,500 feet in elevation, on only a few of Vermont's highest summits. Typical species include alpine bilberry, leatherleaf, Labrador tea, black crowberry, cottongrass, Bigelow's sedge, and Sphagnum.

2223 Aquatic Life means all organisms that, as a part of their natural life cycle, live in or on waters. Aquatic life is synonymous with Aquatic Biota as defined in the Vermont Water Quality Standards.

2324 Board means the Natural Resources Board.

2425 Bog means an acidic wetland that is isolated from mineral-rich groundwater sources by deep peat accumulation and therefore receives most of its water and nutrients from precipitation. Typical species include Sphagnum, leatherleaf, bog laurel, small cranberry, stunted black spruce, pitcher plant, three-seeded sedge, and other sedges.

2526 Buffer zone means the area contiguous with a significant wetland which serves to protect those values and functions sought to be preserved by its designation, consistent with 10 V.S.A. § 902(9). The buffer zone for a Class I wetland shall extend at least 100 feet from the border of the wetland, unless the Department determines otherwise pursuant to 10 V.S.A. § 915. The buffer zone for a Class II wetland shall extend at least 50 feet from the border of the wetland unless the Secretary determines otherwise under section 914 of Title 10.

2627 Class I wetland means a wetland that:

- (A) is identified on the Vermont significant wetlands inventory maps as a Class I wetland;
- (B) the former Water Resources Board identified in rules of the Board as a Class I wetland; or
- (C) the Secretary determines, based on an evaluation of the extent to which the wetland serves the functions and values set forth at 10 V.S.A. § 905b(18)(A) and in Section 5 of these rules, is exceptional or irreplaceable in its contribution to Vermont's natural heritage, and therefore merits the highest level of protection. See 10 V.S.A. § 902(6).

2728 Class II wetland means a wetland other than a Class I or Class III wetland that:

- (A) is a wetland identified on the Vermont significant wetlands inventory maps; or
- (B) the Secretary determines merits protection, based on an evaluation of the extent to which the wetland serves the functions and values set forth at 10 V.S.A. § 905b(18)(A) and Section 5 of these rules, either taken alone or in conjunction with other wetlands. See 10 V.S.A. § 902(7).

2829 Class III wetland is a wetland that is neither a Class I nor a Class II wetland. See 10 V.S.A. § 902(8).

29210 Compensation means the mitigation of undue adverse impacts on the protected functions of significant wetlands by the replacement of those protected functions lost or impaired, through wetland creation, restoration, enhancement or preservation. Compensation may also include payment of fees to ~~a federal~~an “in-lieu fee” program or mitigation bank that has been approved by the Secretary.

210211 Contiguous means sharing a boundary or touching. This shall include situations where a structure, such as a road or railroad, divides a wetland and there is surface water connection over, through or under that structure.

211212 Dredge means lowering the bottom elevation or any cleaning, deepening, widening, or excavating, either temporarily or permanently.

212213 Emergent Vegetation means erect, rooted herbaceous (nonwoody) plants that maybe flooded at the base but do not tolerate prolonged inundation of the entire plant. Typical species include cattails, sedges, and bulrushes.

213214 Environmental notice bulletin means the website and e-mail notification system required by 3 V.S.A. § 2826.

214215 Fact sheet means a document that briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing a draft decision.

215216 Facultative Wetland Species means plant species that sometimes occur in wetlands, but which may also be found in uplands.

216217 Fen means a peat-accumulating wetland that receives mineral-rich groundwater, that is weakly acidic to slightly basic. Acidic (“poor”) fens are dominated by Sphagnum, and basic (“rich”) fens are dominated by brown mosses. Sedges and grasses are abundant in these open peatlands.

217218 Fill includes the placing of any material that raises, either temporarily or permanently, the surface elevation of any area.

218219 Headwater Wetland means a naturally occurring wetland that is above 2,500 feet in elevation and contributes to a stream.

219220 Hydric soils means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part (U.S.D.A. Soil Conservation Service 1987). For the purpose of these rules, hydric soils shall be synonymous with the terms saturated soils and seasonally saturated soils as used in 10 V.S.A. § 902(5).

~~220~~ **Hydrophytic Vegetation** means vegetation, including obligate wetland species_ and facultative wetland species, growing in water, soil or on a substrate that is at least

21221 periodically deficient in oxygen as a result of excessive water content. For the purposes of

these rules, hydrophytic vegetation shall be synonymous with the term significant vegetation as used in 10 V.S.A. § 902(5).

221222 Impaired Waters means surface waters which have been identified by the Secretary as impaired pursuant to Section 303(d) of the federal Clean Water Act and which have been listed on the most recent Vermont 303(d) list, approved by the federal Environmental Protection Agency, as waters which may need a Total Maximum Daily Load (TMDL).

222223 Impervious Surface[s] means manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates. See 10 V.S.A. § 1264(b)(6).

224 Linear Utility Servicing Residential Housing means corridor-type utility infrastructure constructed in a narrow alignment to provide utility service necessary for the construction or use of the residential function of a residential housing project. The term shall include sewer laterals, septic force mains, electric, gas, water, and communications lines.

223225 Marsh means any wetland that is seasonally or continually inundated and is dominated by herbaceous vegetation. Hydric mineral or organic soils may be present. Typical species include common cattail, bluejoint grass, tussock sedge, broad-leaved arrowhead, wild rice, and bulrush.

224226 Mitigation means a comprehensive effort to lessen impacts on wetlands through the application of a sequence of avoidance and minimization efforts, and when appropriate, compensation.

227 Mixed Use Project means a project that includes both residential uses and nonresidential uses provided that the nonresidential uses are limited to retail, office, services, artisan, and recreational or community facilities, do not include industrial uses, and not less than 40 percent of the total gross floor area of all buildings within the project is designated for dwelling units.

225228 Obligate Wetland Species means plant species that are almost always found in wetlands under natural conditions.

226229 Panel means the former Water Resources Panel of the Natural Resources Board.

227230 Person means any individual; partnership; company; corporation; association; joint venture; trust; municipality; agency, department or subdivision of the state or federal government, or any other legal or commercial entity.

228231 Practicable or practicably means available and capable of being done after taking into consideration logistics, existing technology, and cost in light of the overall project purpose.

229232 Prevalence of Vegetation means plants which are the dominant

species comprising more than 50 percent of the plant community or communities. This is determined by aerial cover.

230233 **Protected functions** means those functions identified in 10 V.S.A. § 905b(18)(A) and Section 5 of these rules that make a wetland so significant that it merits protection under these rules.

234 **Residential Housing Project** means a project located on a single tract or multiple contiguous tracts of land for the construction of one or more dwelling units and includes access and utility infrastructure necessary for construction or use of the residential function of the project. The term includes duplexes, emergency shelters, multiunit or multifamily dwellings; and mixed use projects.

234235 **Secretary** means the Secretary of the Agency of Natural Resources or their authorized representative.

232236 **Seep** means a naturally occurring common, small wetland type occurring on slopes or at the base of slopes in upland forests. It is fed by groundwater discharge and is typically the headwaters of a perennial stream. This narrow wetland type is often shaded by the adjacent upland forest. Typical species may include rough-stemmed sedge, slender mannagrass, golden saxifrage, and spotted touch-me-not.

233 **Significant Wetland** means any Class I or Class II wetland that merits protection under these rules, either alone or in conjunction with other wetlands, based upon an evaluation of the extent to which it serves one or more of the functions and values pursuant to 10

237 V.S.A. § 905b(18)(A) and section 5 these rules. In making this determination, consideration shall be given to the number of or the extent to which protected functions and values are provided by a wetland or wetland complex.

234238 **Silvicultural activities** means those activities associated with the sustained management of land for silvicultural purposes including the planting, harvesting, and removal of trees.

235239 **Source Protection Area** means a surface and subsurface area from or through which contaminants are reasonably likely to reach a public water source as designated by the Secretary pursuant to the Wastewater System and Water Supply Rules.

236240 **Surface Vegetation** means plants with vegetative parts principally on the water surface, including water lily and spatterdock, and is synonymous with floating-leaved vegetation.

237241 **Swamp** means any of the many wetland types that are dominated by woody vegetation, either trees or shrubs. Hydric mineral or organic soils may be present. Typical species include red maple, black ash, northern white cedar, hemlock, red or black spruce, tamarack, speckled alder, willow, sweet gale, and buttonbush.

238242 **Upland** means land that is not wetland.

239243 Vernal Pool means a small wetland in a shallow natural depression that typically fills with water during the spring and/or fall and may dry during the summer. Vernal pools have no permanent inlet stream and no viable populations of fish. Vernal pools are typically sparsely vegetated with herbaceous plants and are shaded by trees from the surrounding upland forest. Many vernal pools provide critical breeding habitat for amphibians.

240244 Waterfowl means all ducks, geese and swans.

241 Wetlands means those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that
_depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities. See 10 V.S.A. § 902(5).

242245 Wetland Hydrology means the sum total of wetness characteristics in areas that are inundated by water or which have hydric soils that are saturated or seasonally saturated for a sufficient duration to support significant vegetation or aquatic life. Wetness characteristics shall include the hydrologic cycle, water table levels, water chemistry, hydrologic budget, and ground water flow patterns. Typical indicators include: evidence of inundation, drift lines, sediment deposits, and morphological plant adaptations.

SECTION 3: EXEMPTIONS; IDENTIFICATION OF WETLANDS

3.1 Exemptions

The following shall not be regulated as wetlands under the Vermont Wetland Rules, but may be subject to regulation under federal law:

a. Farming Exemption

(1) Statutory guidance

Section 902(5) of 10 V.S.A. defines wetlands to exclude "such areas as grow food or crops in connection with farming activities." Section 905b(18)(C) of 10 V.S.A. requires that any rules "that restrain agricultural activities" must have the consent of the Secretary of the Agency of Agriculture, Food and Markets.

(2) Definition

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) Limitation on Exemption.

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.

b. Existing Constructed Features

The following man-made features, which when constructed in uplands may exhibit wetland characteristics:

- (1) Stormwater conveyance, treatment and/or control systems.
- (2) Wastewater treatment ponds and sludge lagoons.
- (3) Manure storage and treatment ponds.
- (4) Irrigation and active farming-related ponds.
- (5) Snowmaking ponds.
- (6) Other similar constructed ponds created in uplands.

c. Permitted Public Highway Projects

All public highway projects which have received an Act 250 permit prior to February 23, 1990 shall be exempt from the Vermont Wetland Rules.

3.2 Methodology for Identifying Wetlands

a. Wetland/Upland Boundary Delineation

The presence of a wetland and the boundary between a wetland and upland shall be delineated by the methodology set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended, and supplemental guidance documents issued by the U.S. Army Corps of Engineers. This methodology employs three parameters: vegetation, soils and hydrology. The National List of Plant Species That Occur in Wetlands: Vermont, as amended by the U.S. Army Corps of Engineers, shall be used to determine the frequency of hydrophytic vegetation occurrence in wetlands.

b. Map Interpretation

The Vermont Significant Wetland Inventory (VSWI) maps denote the approximate location and configuration of significant wetlands. The actual boundaries of wetlands shown on the VSWI maps shall be determined in the field in accordance with the methodology provided for in Section 3.2(a) and, where applicable, the following provisions:

(1) Lakes, Ponds and Reservoirs

When adjacent to any lake, pond or reservoir that is a public water a wetland's

boundary shall extend to the maximum extent of a prevalence of surface, emergent, or woody vegetation at any time during the growing season. For all other lakes, ponds or reservoirs, a wetland's boundary shall extend to a depth of two meters at mean water level.

(2) Rivers or Streams

For wetlands adjacent to a river or stream, the wetland shall extend to either the edge of the river or stream channel or to the maximum extent of a prevalence of surface, emergent or woody vegetation at any time during the growing season, whichever is greater.

SECTION 4: CLASSIFICATION OF SIGNIFICANT WETLANDS AND DESIGNATION OF BUFFER ZONES

4.1 Classification of Wetlands

For purposes of these rules wetlands in Vermont are classified as Class I, Class II, or Class III wetlands, as defined at 10 V.S.A. § 902 and Section 2 of these rules. The Secretary has the authority to reclassify wetlands, in general or on a case-by-case basis, based on an evaluation of the functions and values that the wetland serves.

Class I wetlands when designated pursuant to Section 7 shall be identified in Appendix A. All wetlands shown on the Vermont Significant Wetland Inventory maps are Class I or Class II wetlands, unless determined otherwise by the Secretary. Wetlands demonstrating the characteristics of a Categorical Class II wetland as identified by the Secretary pursuant to Section 4.6 of this Rule shall be protected as Class II wetlands, unless determined to be Class III through an individual wetland determination issued by the Secretary.

4.2 Buffer Zones

The purpose of a buffer zone is to protect those functions that make a wetland significant. The Secretary may designate a buffer zone contiguous to any Class I wetland and the Secretary may designate a buffer zone contiguous to any Class II wetland. Until otherwise designated by the Secretary, a one hundred (100) foot buffer zone is established contiguous to the boundaries of a Class I wetland. Until otherwise designated by the Secretary, a fifty (50) foot buffer zone is established contiguous to the boundaries of a Class II wetland.

4.3 Designations

a Class I Wetlands

The Secretary on their own motion or acting on a rulemaking petition filed in accordance with Section 7, shall determine whether to classify any wetland as a Class I wetland or to reclassify a Class I wetland pursuant to 10 V.S.A. § 915.

b Other Wetlands

The Secretary on their own motion or upon petition may, pursuant to 10 V.S.A. § 914:

1. Determine whether a wetland is a Class II or Class III wetland.

2. Determine which functions and values make a wetland significant.
3. Determine whether the size or configuration of a buffer zone adjacent to a Class II wetland should be increased or decreased.
4. Determine the boundaries of a significant wetland.
5. Determine whether an area shown as a wetland on the VSWI maps is not a wetland.

4.4 Vermont Significant Wetland Inventory Maps

All wetlands shown on the Vermont Significant Wetland Inventory (VSWI) maps or contiguous to wetlands shown on the VSWI maps are Class II wetlands, unless identified as Class I or Class III by the Secretary pursuant to Section 8 of this Rule. The VSWI maps should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Section 3.2). The VSWI maps are intended to denote the approximate location and configuration of wetlands. It is critical to note that wetland characteristics and boundaries are not static; wetland boundaries may change as a result of landscape and climatic changes. The Secretary shall revise the VSWI maps to reflect wetland determinations issued pursuant to 10 V.S.A. §§ 914 and 915, and mapping corrections pursuant to Section 8 of this Rule. The Secretary may also adjust the boundaries of wetlands shown on the VSWI maps to more accurately depict the location of a wetland, as determined by aerial photos, field visits, field delineations and other relevant information. The VSWI map layer is located on the Agency of Natural Resources Atlas and available for download through the Vermont Center for Geographic Information (VCGI).

4.5 Delineation of Wetland Boundaries

- a. The methodology for delineating the boundaries of any wetland is described in Section 3.2.
- b. Wetland boundaries shall be delineated in accordance with the provisions of these rules.
- c. Formal determinations of wetland boundaries are made by the Secretary pursuant to 10 V.S.A. §§ 914 and 915.

4.6 Categorical Class II Wetlands

All wetlands contiguous to wetlands shown on the Vermont Significant Wetland Inventory maps are presumed to be Class II wetlands, unless identified as Class I or III wetlands, or unless determined otherwise by the Secretary pursuant to Section 8. Likewise, any wetland that was determined to be Class II in a prior permitting action shall be considered Class II unless determined otherwise by the Secretary. In addition, the Secretary may determine that a general category of wetlands with certain defined characteristics is significant, based on an evaluation of the functions and values exhibited by this category of wetlands, pursuant to 10 V.S.A. §905b(18)(B). Notice of a proposed categorical wetland determination shall be provided according to Section 8.3 of this Rule.

Wetlands with the following characteristics have been determined by the Secretary to be

significant for one or more of the functions and values listed in Section 5 of these Rules, and have been determined to be categorical Class II wetlands. These categories of wetlands shall be regulated as Class II wetlands unless determined otherwise by the Secretary on a case-by-case basis:

- a. The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e.; open water (pond); emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or beaver meadow; bog or fen; and is greater than 0.5 acres in size.
- b. The wetland contains dense, persistent non-woody vegetation or a prevalence of woody vegetation; is adjacent to a stream, river, or open body of water; and is over 2,500 square feet in size.
- c. The wetland is a vernal pool that provides amphibian breeding habitat.
- d. The wetland is a headwater wetland.
- e. The wetland contains a species that appears in the Vermont Natural Heritage Inventory (VNHI) database as rare, threatened, endangered or uncommon; or is an exemplary natural community as mapped by VNHI.

Vegetated wetlands adjacent to streams, rivers, or any open body of water that do not meet the 2,500 square foot size threshold in subparagraph b above are often significant, and should be evaluated for significance by a wetland ecologist before work is done that would impact the wetland.

SECTION 5: FUNCTIONAL CRITERIA FOR EVALUATING A WETLAND'S SIGNIFICANCE

In evaluating whether any wetland is a Class II or a Class I wetland, the Secretary shall evaluate the functions that the wetland serves both as a discrete wetland and in conjunction with other wetlands by considering the following functional criteria. Consideration shall be given to the number of and/or extent to which protected functions and values are provided by a wetland or wetland complex.

5.1 Water Storage for Flood Water and Storm Runoff

Wetlands that provide for the temporary storage of floodwater or stormwater runoff to the extent that they make an important contribution to: reducing risks to public safety, reducing damage to public or private property reducing downstream erosion or enhancing the stability of habitat for aquatic life, are significant wetlands. Examples of wetlands that provide storage for floodwaters or stormwater runoff may include those that are located in the upper portion of the watershed, have a constricted outlet, are located in a relatively flat area with storage potential, densely vegetated, or are located in a watershed with a large amount of impervious surfaces.

In determining whether a wetland is significant for this function, the Secretary or Panel shall,

at a minimum, consider the extent to which it:

- a. Reduces either the magnitude or frequency of risks to public safety or of damage to public or private property due to flood water or stormwater runoff after considering:
 - (1) Its significance relative to other water storage capacity in its own watershed or in the watershed of any watercourse to which it is tributary. In particular, available water storage capacity upstream of the wetland should be considered.
 - (2) Whether it is contiguous to a lake or pond which would provide storage benefits independent of the wetland.
 - (3) The extent of development and impervious surface in the watershed.
 - (4) The history of damage to public and private property and economic loss due to flooding within the watershed downstream of the wetland.
 - (5) The characteristics of development and resources in or near the floodplain downstream of the wetland.
 - (6) The extent to which the wetland's water storage capacity is created by beaver dams and similar temporary conditions
- b. Attenuates flood peaks and reduces water velocities, thereby reducing scouring and erosion.
- c. Maintains the geomorphic stability of important habitat for aquatic life by attenuating peak flows of flood waters or stormwater runoff, or reducing the scouring and erosion of stream banks, or both.

Hydraulic and hydrologic analysis of the extent to which a wetland serves this function shall utilize average annual, 10-year, 50-year and 100-year storm frequencies in generating hydrographs for the wetland's inlet, outlet and at critical locations upstream and downstream.

5.2 Surface and Ground Water Protection

Wetlands that make an important contribution to the protection or enhancement of the quality of surface or of ground water are significant wetlands. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Recharges a drinking water source, such as a well head or source protection area.
- b. Reduces levels of contaminants in surface waters which recharge underlying or adjacent groundwaters.
- c. Contributes to the flows of Class A surface waters.

- d. Enhances or protects water quality through chemical action, by the removal of nutrients, by the retention or removal of sediments or organic matter, or by moderating the adverse water quality effects of soil erosion or stormwater runoff.
- e. Contributes to the protection or improvement of water quality of any impaired water.
- f. Is adjacent to surface waters, especially impaired waters.

5.3 Fish Habitat

Wetlands that are used for spawning by northern pike or that are important for providing fish habitat are significant wetlands. In determining whether a wetland is significant for fish habitat the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Provides spawning, nursery, feeding or cover habitat for fish.
- b. Lowers or moderates the temperature of surface waters due to the discharge of cold springs, the provision of shade or for other reasons.

5.4 Wildlife Habitat

Wetlands that support a significant number of breeding waterfowl, including all species of ducks, geese and swans, or broods of waterfowl or that provide important habitat for other wildlife and migratory birds are significant wetlands. Wetlands that provide wildlife habitat are extremely diverse and range from small isolated wetlands to large forested swamps. In determining whether a wetland is significant for wildlife habitat, the Secretary or Panel shall, at a minimum, consider the extent to which it:

a. Birds

- (1) Supports or provides the habitat to support one or more breeding pairs of waterfowl or one or more broods of waterfowl.
- (2) Supports or provides the resting, feeding, staging or roosting habitat to support waterfowl migration.
- (3) Supports a nest site, provides a buffer for a nest site, or is used as feeding habitat for wading birds, including: Great blue heron, black-crowned night-heron, snowy egret, cattle egret, or green heron.
- (4) Supports or has the habitat to support one or more breeding pairs of any migratory bird that requires wetland habitat for breeding, nesting, rearing of young, feeding, staging, roosting, or migration, including: Virginia rail, common snipe, marsh wren, American bittern, northern water thrush, northern harrier, spruce grouse, Cerulean warbler, and common loon.

b. Mammals

- (a) Supports winter habitat for white-tailed deer, based on an assessment of winter use. Typical indicators include browsing, bark stripping, worn trails, pellet piles, and softwood tree cover.
- (2) Provides important feeding habitat for black bear, bobcat, or moose, based on an assessment of use.
- (3) Supports or has the habitat to support muskrats, otter, or mink.
- (4) Supports an active beaver dam, one or more beaver lodges, or evidence of an adult population of beaver which have used the site in two or more consecutive years.

c. Amphibians

- (1) Supports or provides habitat to support the reproduction of uncommon Vermont amphibian species including: Jefferson salamander, blue-spotted salamander, spotted salamander, which are associated with vernal pools for breeding habitat; the Northern dusky salamander and the spring salamander, which are associated with headwater seeps, springs and streams; the four-toed salamander; Fowler's toad, Western chorus frog, and other amphibians found in Vermont of similar significance.
- (2) Supports or provides the habitat to support significant breeding populations of Vermont amphibian species including the species listed in subsection (c)(1); and pickerel frog, northern leopard frog, mink frog, and others found in Vermont of similar significance.

d. Reptiles

- (1) Provides habitat that supports or has the habitat to support uncommon Vermont reptile species, including: wood turtle, northern map turtle, eastern musk turtle, stinkpot turtle, spotted turtle, spiny softshell turtle, eastern ribbon snake, northern water snake, and others found in Vermont of similar significance.
- (2) Supports or provides the habitat to support significant populations of Vermont reptile species, including the species listed in subsection (d)(1), smooth green snake, DeKay's brown snake, and other more common wetland-associated species.

e. Landscape Considerations

- (1) Meets four or more of the following conditions indicative of wildlife habitat diversity:
 - (a) Three or more wetland vegetation classes (1/2 acre or greater in size) are present including: open water contiguous to but not necessarily part of the wetland, deep marsh, shallow marsh, shrub swamp, forested swamp, fen, or bog;

- (b) The dominant wetland vegetation class is one of the following types: deep marsh, shallow marsh, shrub swamp, or forested swamp;
 - (c) The wetland is located contiguous to a lake, pond, river, or stream;
 - (d) Fifty percent or more of the surrounding habitat types are any combination of one or more of the following types: forest, agricultural land, old field, or open land;
 - (e) Emergent or woody vegetation occupies 26 to 75 percent of the wetland area and open water occupies the remainder of the wetland area;
 - (f) The wetland falls into one of the following:
 - 1. Hydrologically connected to other wetlands of different dominant vegetation classes or open water bodies within 1 mile; or
 - 2. Hydrologically connected to other wetlands of the same dominant vegetation class within 1/2 mile; or
 - 3. Within 1/4 mile of other wetlands of different dominant vegetation classes or within 1/4 mile of open water bodies; but not hydrologically connected.
- (2) Is owned by the state or federal government in fee or through easement and managed for purposes of wildlife and habitat conservation as evidenced by a management plan filed and approved by the Secretary or other appropriate governing official;
- (3) Contains evidence that it is used by wetland-dependent wildlife species.

5.5 Exemplary Wetland Natural Community

Wetlands that make an important contribution to Vermont's natural heritage are significant wetlands. These include wetlands that are identified as high-quality examples of one of Vermont's recognized natural community types. There are over forty wetland natural community types recognized in Vermont by the Nongame and Natural Heritage Inventory of the Vermont Fish and Wildlife Department. These include rare types such as dwarf shrub bog, rich fen, alpine peatland, and red maple-black gum swamp, and more common types such as deep bulrush marsh, cattail marsh, northern white cedar swamp, spruce-fir-tamarack swamp, and red maple-black ash seepage swamp. In determining whether a wetland is significant for this function the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Is an example of a wetland natural community type that has been identified and mapped by or meets the ranking and mapping standards of the Natural Heritage Inventory of the Vermont Fish and Wildlife Department. When evaluating a wetland of a particular natural community type, the rarity of the type is a primary consideration in determining its importance to this function. More generally, larger wetlands in undisturbed condition and in unfragmented landscapes are ranked as the better examples.

- b. Contains ecological features that contribute to Vermont's natural heritage, including deep peat accumulations reflecting thousands of years of history of wetland formation, forested wetlands displaying very old trees and other old growth characteristics, a wetland natural community that is at the edge of the normal range for that type, a wetland mosaic containing examples of several to many wetland community types, or a large wetland complex containing examples of several wetland community types.

5.6 Rare, Threatened, and Endangered Species Habitat

Wetlands that contain rare, threatened, or endangered species of plants or animals are significant wetlands. In determining whether a wetland is significant for this function the Secretary or Panel shall consider whether:

- a. There is credible documentation that the wetland provides important habitat for any species on the federal or state threatened or endangered species list of animals or plants.
- b. There is credible documentation that the wetland has contained one or more threatened or endangered species on the federal or state list in the past 10 years.
- c. There is credible documentation that the wetland provides important habitat for any species listed as rare in Vermont (S1 or S2 ranks), state historic (SH rank), or rare to uncommon globally (G1, G2, or G3 ranks), by the Natural Heritage Inventory of the Vermont Fish and Wildlife Department.
- d. There is credible documentation that the wetland provides habitat for multiple uncommon species of species of plants or animals (S3 rank).

5.7 Education and Research in Natural Sciences

Wetlands that provide, or are likely to provide valuable resources for education or scientific research are significant wetlands. In determining whether a wetland is significant for this function the Secretary ~~or the Panel~~ shall, at a minimum, consider whether the wetland:

- a. is owned by a public entity dedicated to education or research or an easement for education or research has been conferred to a public entity.
- b. has a history of use for education or research.
- c. has one or more characteristics which make it unique or valuable for education or scientific research purposes.

5.8 Recreational Value and Economic Benefits

Wetlands that provide substantial recreational values or economic benefits are significant wetlands. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Is used for, or contributes to, recreational activities.
- b. Provides economic benefits.
- c. Provides important habitat for fish or wildlife which can be fished, hunted or trapped under applicable state law.
- d. Is used for the harvesting of wild foods.

5.9 Open Space and Aesthetics

Wetlands that contribute substantially to the open-space and aesthetic character of the landscape are significant wetlands. The aesthetic contribution must be specific to the wetland itself, and not attributable to an upland area. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Can be readily observed by the public.
- b. Possesses special or unique aesthetic qualities.
- c. Has prominence as a distinct feature in the surrounding landscape.
- d. Has been identified as important open space in a municipal, regional or state plan.

5.10 Erosion Control through Binding and Stabilizing the Soil

Wetlands that are important for erosion control are significant wetlands. Such wetlands are typically located along stream, river, pond or lake shorelines, where erosive forces are present. In determining whether a wetland is significant for this function, the Secretary shall, at a minimum, consider the extent to which it:

- a. Protects a shoreline, riverbank or streambank from excessive erosion by dissipation of wave and current energy or by binding and stabilizing the soil.
- b. Prevents erosion by binding or stabilizing the soil.
- c. Has been identified through fluvial geomorphic assessment using methods approved by the Secretary to be important in maintaining the natural condition of the stream or river corridor.

SECTION 6: ALLOWED USES

The following uses shall be allowed in a Class I or Class II wetland and in its buffer zone without a permit, provided that the configuration of the wetland's outlet or the flow of water into or out of the wetland is not altered and that no draining, dredging, filling, or grading occurs except as may be provided for in subsections 6.01, 6.02, 6.03, 6.04, 6.07, 6.08, 6.12, 6.13, 6.14, 6.15, 6.16, ~~and 6.22~~, and 6.26 below. Designation of allowed uses in these rules

shall not provide relief from liability for violations that commenced prior to the effective date of such
allowed use.

6.1 Silvicultural activities which:

- a. Comply with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont adopted pursuant to 10 V.S.A. § 1259;
- b. Comply with silvicultural standards for deer wintering yards, established jointly by the Departments of Fish and Wildlife and Forests, Parks and Recreation, when occurring in significant wetlands or adjacent buffer zones containing deer wintering yards mapped by the Fish and Wildlife Department; and
- c. Restrict equipment maintenance and the storing or changing of oil, grease, or other petroleum products to log landings; and
- d. Restrict log landings to uplands or buffer zones except that landings not requiring the placement of fill may be located within the wetland when the ground is frozen.

6.2 The restoration, reconstruction, rehabilitation, or upgrading of existing roads used solely for silvicultural purposes provided that such roads are not increased in width by more than 20%.

6.3 The construction of new roads used solely for silvicultural purposes in buffer zones.

6.4 The removal of beaver dams to the extent necessary to prevent impairment of the use of existing logging roads or ongoing silvicultural management practices.

6.5 Silvicultural activities including the uses allowed by subsections b, c and d above, when occurring in any Class I wetland, the buffer zone for any Class I wetland and in any Class II wetland specifically designated by the Secretary or Panel to protect habitat for any species on the state or federal list of threatened or endangered species, that comply with a plan approved in writing by the Commissioner of the Department of Forests, Parks and Recreation.

6.6. The growing of food or crops in connection with farming activities when

- a. Threatened or endangered species are protected; and
- b. No clearing of existing vegetation occurs in deer wintering yards mapped by the Vermont Fish and Wildlife Department; and
- c. In compliance with the most recent Required Agricultural Practices adopted by the Agency of Agriculture, Food and Markets.

6.7 The operation of existing hydroelectric facilities in accordance with all applicable requirements established by federal and state agencies. This use may involve dredging, draining and/or altering the flow of water into or out of a wetland.

- 68** The routine repair and maintenance of utility poles, lines and corridors in a manner which minimizes adverse impacts and is accordance with Best Management Practices developed by the Secretary.
- 69** Hunting, birdwatching, hiking, boating, trapping, fishing, horseback riding, swimming, snowshoeing, skiing, and similar outdoor recreational activities.
- 610** Snowmobiling on trails designated by the Vermont Association of Snow Travelers.
- 611** Scientific research and educational activities.
- 612** The maintenance, reconstruction, or routine repair of structures and facilities (including ski trails, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings) in compliance with the Vermont Wetland Rules in existence as of the date of their construction or in existence as of February 23, 1990 or additions to such structures or facilities which do not involve substantial expansion or modification in a wetland or buffer.
- 613** Emergency repair, cleanup, or maintenance of structures and facilities (including utility poles and lines, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings), or emergency actions required to provide for public health, safety and welfare for disaster relief in connection with a federal or state-designated disaster.
- 614** The routine maintenance and upkeep, including the removal of vegetation from, or maintenance dredging of constructed ponds in compliance with Best Management Practices developed by the Secretary. This use may involve dredging, temporary draining, and/or temporarily altering the flow of water into or out of a wetland.
- 615** Wildlife or fisheries management activities, including the removal of beaver dams which pose a significant hazard to public health or safety or to public or private property, conducted in accordance with a written plan or procedure adopted by the Secretary. This use may involve draining and/ or altering the flow of water into or out of a wetland.
- 616** The placement, maintenance or removal of duck blinds, ice fishing shanties, fences, catwalks, footbridges, observation decks, docks exempt similar structures, in compliance with Best Management Practices developed by the Secretary.
- 617** The harvesting of wild foods and the collecting of scientific specimens, not on the state or federal threatened or endangered species lists, for noncommercial purposes.
- 618** The control of non-native species of nuisance plants including Eurasian milfoil, water chestnut, purple loosestrife (*Lythrum salicaria*) and reed grass (*Phragmites australis*), where such control is by hand pulling of plants or according to a written plan approved by the Secretary and under any applicable state law.
- 619** Activities within existing lawns, including mowing, the placement of barbecue pits, sand

boxes, bird houses, and other similar activities incidental to ordinary residential use.

- 620** The use of pesticides or other biological agents to control mosquitoes when applied according to all applicable state law.
- 621** The operation of dams in accordance with the surface level rules for lakes and ponds adopted under 10 V.S.A. § 1424, provided that prior to the adoption the Panel finds in writing that the surface level rules will not result in any undue adverse effect on the protected wetland functions. This use may involve draining or altering the flow of water into or out of a wetland.
- 622** The installation of a new overhead utility line that does not involve extensive tree clearing, with three poles or fewer in the wetland or buffer zone, in compliance with Best Management Practices developed by the Secretary
- 623** Wetland restoration or stream restoration projects, including dam removals, in accordance with a plan approved by the Secretary.
- 624** Dry hydrants installed in constructed ponds, where the disturbance is limited to the pond and previously disturbed or managed areas, such as lawns and mowed fields.

625 Cleanup activities for spills of oil or hazardous materials.

626 Construction of residential housing projects and related required utilities, including draining, dredging, filling, grading, or vegetation clearing that meet the requirements of this subsection.

a. The residential housing project is located within an area:

- 1) Designated under 24 V.S.A. chapter 76A as a Downtown Development District, Village Center, New Town Center, Growth Center, or Neighborhood Development Area;
- 2) Outside of an area described in subdivision (a)(1) of this subsection, and located along the extension or terminus of a public sewer or water line available for connection that serves the designated area; or
- 3) Designated by the Land Use Review Board as Tier 1A or Tier 1B in accordance with 10 V.S.A §§ 6033-6034.

b. The residential housing project is served by public sewer infrastructure or located on soils adequate for wastewater disposal and capable of supporting one or more wastewater systems to serve all proposed residential connections.

c. No draining, dredging, filling, grading, or vegetation clearing will occur nor will the residential housing project be located:

- 1) Within a Class I wetland or its buffer zone; or
- 2) Within, or within 25 feet of, the mapped area of a Class II wetland shown on

the Vermont Significant Wetlands Inventory at the time of the residential housing project's registration under subdivision (e) of this subsection.

- d. Notwithstanding subdivision (c)(2) of this subsection, a linear utility or access infrastructure servicing residential housing may cross the mapped area of a Class II wetland or within 25 feet of the mapped area of a Class II wetland provided:
- (i) The crossing is practicably unavoidable;
 - (ii) The linear utility or access infrastructure would result in less than 5,000 square feet in permanent impact cumulatively, or, before project construction commences, offset credits have been purchased through the In Lieu Fee Program at a ratio following the U.S. Army Corps of Engineers' New England District Compensatory Mitigation Standard Operating Procedures (April 26, 2024); and
 - (iii) The linear utility or access infrastructure is designed, constructed, and maintained in compliance with the Best Management Practices for Installation of Linear Utilities and Access Infrastructure Servicing Residential Housing (Appendix B).
- e. The residential housing project is registered with the Secretary on or before January 1, 2030. The registrant shall notify the Secretary in writing within 30 days after construction commences.
- f. For the purposes of this subsection, development activities in pursuit of a common plan of development shall be considered a single residential housing project. A common plan of development means development that is completed in phases or stages when such phases or stages share a common state or local permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure.
- g. Notwithstanding Section 11 of this rule, a residential housing project registered with the Secretary in accordance with subdivision (e) of this subsection shall remain eligible to proceed as an allowed use after January 1, 2030, provided substantial construction of the project has commenced on or before September 1, 2030. All construction on a project under this subsection shall be completed and the site shall be stabilized no later than December 1, 2031. For the purposes of subdivision, substantial construction has commenced when:
- (i) All required State, local, and federal permits and authorizations for project construction have been issued; and
 - (ii) On-site physical construction of the residential housing project has begun and is proceeding in good faith, including construction of permanent project improvements, such as building foundations, necessary utility infrastructure, or access roads required to serve the project.

SECTION 7: RULEMAKING PETITIONS

7.1 General

Any person may petition the Secretary to classify any wetland as a Class I wetland, or to reclassify any Class I wetland to a lower classification, in accordance with the Vermont Administrative Procedures Act, 3 V.S.A. §§ 800-849 and these rules.

7.2 Content of Petitions

Any petition shall be in writing and must contain the following information unless waived in writing by the Secretary.

- a. The nature and purpose of the petition.
- b. A narrative providing a detailed summary of the circumstances prompting the petition and describing the specific action sought.
- c. A description of the specific location of the subject wetland or buffer zone and the location on a USGS topographic map or the relevant portion of the VSWI map.
- d. A detailed narrative of why the petitioner believes the action(s) sought by the petition is consistent with state and federal statute and these rules, including a discussion of each wetland function (see Section 5) at issue.
- e. Copies of all documents which the petitioner intends to rely upon in support of the petition;
- f. The names and complete mailing addresses of all persons owning property within or adjacent to the wetland and the existing and proposed buffer zone.
- g. The signature, printed name, and complete mailing address of each person signing the petition.
- h. The name, address, and telephone number of a designated representative.
- i. All determinations or decisions, if any, issued by the Secretary, Panel, or former Water Resources Board pertaining to the wetland or wetlands in question.
- j. Such other information as the Secretary may require.

7.3 Petition Distribution

The Petitioner shall file the petition with the Department of Environmental Conservation, Watershed Management Division. The Petitioner shall file a copy of the petition, as well as all supporting documents and exhibits. The petition and all supporting documents and exhibits, including any documents or exhibits filed to complete or supplement a petition, shall be accompanied by a certificate of service signed by the petitioner or a representative. Unless waived in writing by the Secretary, the petitioner shall also serve the petition upon each person owning property within or adjacent to the wetland and the existing and

proposed buffer zone.

7.4 Rulemaking Process

a. Notice

The Secretary shall consider petitions in accordance with the Administrative Procedure Act, 3 V.S.A. § 806. If the Secretary grants the petition, the Secretary shall commence rulemaking within 30 days of receiving the petition, pursuant to 3 V.S.A. Chapter 25.

b. Review Standards

The Secretary shall determine whether a wetland is a Class I wetland, on the basis of the criteria set forth in Section 5. The Secretary shall decide whether to modify the size or configuration of any buffer zone associated with any Class I wetland on the basis of the need to protect those values and functions sought to be preserved by the designation.

7.5 Emergency Rulemaking

Where the Secretary believes that there exists an imminent peril to public health, safety or welfare, it may adopt an emergency rule pursuant to 3 V.S.A. §844.

SECTION 8: WETLANDS DETERMINATIONS BY THE SECRETARY

8.1 General

The Secretary may, upon a petition or on their own motion, determine whether any wetland is a Class II Wetland or a Class III wetland, pursuant to 10 V.S.A. § 914 and these rules. Such determinations shall be based on an evaluation of the functions and values set forth in statute and these rules. The Secretary may establish the necessary width of a buffer zone of any Class II wetland as part of any wetland determination pursuant to these rules. Any wetland proposed by the Secretary to be designated as a Class II wetland shall be presumed to be a significant wetland until the Secretary determines otherwise. This presumption shall become effective upon receipt by the landowner of a registered letter from the Secretary giving notice of a preliminary wetland determination, and shall last sixty (60) days thereafter.

8.2 Contents of Petitions

Any request by a person for the Secretary to make a determination pursuant to Section 8.1 shall be in writing and must contain the following:

a.(a) a description of the specific location of the subject wetland or buffer zone

and the location on a USGS topographic map or the relevant portion of the VSWI map;

- ~~b.(b)~~ a detailed narrative of the action(s) sought by the petitioner and why the action(s) are consistent with these rules, including a description of the wetland and each wetland function and value (Section 5) at issue;
- ~~c.(c)~~ copies of all documents which the petitioner intends to rely upon in support of the request;
- ~~d.(d)~~ the names and complete mailing addresses of all persons owning property within or adjacent to the wetland area and buffer zone in question.
- ~~e.(e)~~ all determinations and decisions, if any, issued by the Secretary, Panel or former Water Resources Board, pertaining to the wetland or buffer at issue; and
- ~~f.(f)~~ such other information as the Secretary may require.

8.3 Petition and Determination Notice Requirements

- ~~a.(a)~~ A Petitioner shall provide written notice of a petition for a determination under this section to the owner of each parcel of land within or adjacent to the wetland area or buffer zone being considered, and shall certify to the Secretary in writing that such notice has been provided, and shall state in the written certification the name and address of each person notified and the date and manner that notice was provided.
- ~~b.(b)~~ The Secretary shall provide notice of a proposed wetland determination according to the provisions of 10 V.S.A. § 914(c).
- ~~c.(c)~~ The Secretary shall provide notice of a proposed categorical wetland determination through the Environmental Notice Bulletin, according to the requirements of 10 V.S.A. § 7714.
- ~~d.(d)~~ The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. When the Secretary issues the final decision, the Secretary shall provide a response to comments.

~~8.4 Reconsideration of Wetland Determinations~~

~~Within 15 days of the date of the decision, the applicant, any person entitled to notice under Section 8.3(a), or any person who filed written comments regarding the permit application may request in writing reconsideration by the Secretary. Such a request shall specify all action(s) for which reconsideration is sought and shall provide an explanation of the reason(s) why the request is filed. Where a request for reconsideration has been properly~~

~~filed, additional evidence may be submitted concerning the functions and values of the wetland, and any other material issue as deemed appropriate by the Secretary. The Secretary may appoint a designee who shall be at the Division Director level or higher to render a decision on the request for reconsideration. The Secretary's written reconsideration decision shall be issued as expeditiously as possible under the circumstances, and shall be distributed in accordance with Section 8.3(c). The Secretary's written reconsideration decision shall constitute a final act or decision of the Secretary, subject to appeal pursuant to 10 V.S.A. § 8504 and Section 10 of these Rules.~~

~~No request for reconsideration may be filed concerning or resulting from a request for reconsideration. If the Secretary fails to act on a request for reconsideration within 20 days of its filing, the request shall be deemed to be denied.~~

~~Filing a timely request for reconsideration with the Secretary tolls the 30-day period for filing an appeal with the Environmental Court. The full time for appeal shall commence to run and shall be computed from the date of the issuance of the Secretary's decision on the reconsideration request.~~

~~8.5 VSWI Mapping Corrections and Revisions~~

8.4 VSWI Mapping Corrections and Revisions

The Secretary shall have the authority to make the following mapping corrections, which are not wetland determinations pursuant to 10 V.S.A. § 914. The Secretary shall provide notice of such map corrections on the Environmental Notice Bulletin according to the requirements of 10 V.S.A. § 7714. The VSWI map layer is located on the Agency of Natural Resources Atlas and available for download through the Vermont Center for Geographic Information (VCGI).

- a. ~~The Secretary may, upon request or on their own motion, determine whether a polygon on the VSWI map is not a wetland. Such determinations shall be based on the methodology for identifying wetlands in Section 3.2.a of these rules. Section 8.3 notification requirements do not apply to such map corrections. The Secretary shall provide notice of such map corrections according to the requirements of 10 V.S.A. § 7714.~~

~~a.~~

- b. The Secretary may determine that a polygon on the VSWI map is inaccurate and may change the configuration of the polygon to more accurately reflect the location of a wetland, as determined from aerial photos, field visits, field delineations and other relevant information. Section 8.3 notification requirements shall not apply to such changes. These types of changes do not alter the classification of the wetland, but enhance the accuracy of the VSWI maps. ~~The Secretary shall provide notice of such map corrections according to the requirements of 10 VSA §7714. These map corrections generally fall into the following three categories:~~

- ~~i. Registration errors: Wetland polygons that do not line up with the underlying base layers. The most common error in this category are small ponds that do not line up with visible ponds on ortho-photos. A notice of map changes made based on these determinations will be sent to Town Clerk offices on a~~

~~periodic basis and to a list of interested parties, if any.~~

~~i. Corrections based on field verified contiguity: This type of mapping correction is based on field verified information of the general size and location of the wetland, and adjusts the wetland boundary of an already designated Class Two wetland. Wetland delineations that are not part of a permitting action are included in this category. A notice of map changes based on these determinations will be sent to Town Clerk offices, to the affected landowners and to a list of interested parties, if any.~~

~~i. Corrections based on wetland delineation associated with a permit action. This type of mapping correction is based on a field delineated wetland boundary location of an already designated Class Two wetland. The notice of map change will be included in notifications required under Sections 9.2, 9.3 and 9.8.~~

- c. The Secretary shall provide notice of map revisions associated with an individual wetland determination concurrently with the wetland determination, according to the provisions of 10 V.S.A. § 914(c).
- d. The Secretary may determine that a general category of wetlands is significant for one or more functions and values and therefore meets the definition of a Class II wetland according to Sections 4.1 and 4.6 of this rule. The Secretary shall revise the VSWI to identify those wetlands that have been categorically determined to be Class II, as determined from aerial photos, field visits, field delineations and other relevant information. ~~The Secretary shall provide notice of such statewide map revisions in accordance with 10 VSA §7714.~~

SECTION 9: PERMITS

9.1 General

Activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use or authorized by a permit, conditional use determination or order issued by the Secretary. The Secretary may impose any conditions in such a permit that are deemed necessary to achieve the purposes of these rules. The Secretary may issue a permit authorizing an activity occurring within a Class I wetland only to meet a compelling public need to protect public health or safety. A permit issued under these rules shall not relieve any person of the responsibility to comply with all other applicable federal, state or local laws. An individual wetland permit shall remain valid for one year from the date of issuance unless the Secretary specifies a longer period not to exceed five years.

The Secretary may extend a permit for up to a total of ten years beyond the date of issuance of the original permit if the permittee re-evaluates and re-delineates the wetland resources impacted by the authorized activity and the Secretary determines there will be no impact to Class I or Class II wetland or buffer beyond those impacts permitted under the original permit. If any additional wetland or buffer will be impacted, an amendment must be applied for, concurrent with a permit extension. An application for a permit extension is subject to

the same notice and comment requirements listed in Section 9.3 of these rules.

A permit shall not be required for:

1. Any activity that occurred before the effective date of 10 V.S.A. § 913 unless the activity occurred within:
 - ~~a.~~(a) an area identified as a wetland on the VSWI maps as they existed on the date the activity commenced;
 - ~~b.~~(b) a wetland that was contiguous to an area identified as a wetland on the VSWI maps; or
 - ~~c.~~(c) the buffer zone of a wetland referred to in a. or b. above.
2. Any construction within a wetland that is identified on the VSWI maps as they existed on the date the activity commenced, or within the buffer zone of such a wetland, provided that the construction was completed prior to February 23, 1992, and no action for which a permit or conditional use determination was required under these rules was taken or caused to be taken on or after February 23, 1992.

9.2 Individual Permit Application; Distribution

- a. The applicant shall, in addition to filing an original copy with the Secretary, file a complete copy of the application for an individual permit with the following:
 1. the clerk of each Vermont municipality in which the wetland or buffer zone is located,
 2. each regional planning commission serving the geographical area in which the wetland or buffer zone is located.
- b. In addition, copies of the location map, the description of the specific action(s) for which a permit is sought, the supporting narrative and a listing of where complete copies of the request have been filed shall be provided to the municipal planning commission and/or conservation commission and to all persons owning property within or adjacent to the affected wetland area or buffer zone in question.
- c. The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may deny the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request. Denials of an application shall be issued in writing, stating the reasons for the denial. If an application is denied for lack of technical or other information, the Secretary will provide appropriate information to help the applicant correct the deficiencies and re-apply for a permit.

- d. Revocation of an Individual Permit: The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, an individual permit for cause, including:
 - 1. violation of the terms or conditions of the individual permit;
 - 2. obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
 - 3. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.

9.3 Notice of Request for Public Comment on Individual Permit Application

- a) The applicant shall provide notice of their permit application to adjoining property owners. Adjoining property owner means a person who owns land in fee simple, if that land:
 - 1. Shares a property boundary with a tract of land where proposed or actual activity regulated by the Department is located; or
 - 2. Is adjacent to a tract of land where such activity is located and the two properties are separated only by a river, stream, or public highway.
- b) The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.
- c) The Secretary shall provide notice of a draft decision through the environmental notice bulletin and shall post the draft decision and a fact sheet to the bulletin.
- d) The Secretary shall provide a public comment period of no less than 30 days.
- e) Any person may request a public meeting on the draft decision issued under this section within 14 days of the issuance of the draft decision. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at their discretion.
- f) The Secretary shall provide at least 14 days' notice of the public meeting through the environmental notice bulletin. If the notice of the public meeting is not issued at the same time as the draft decision or draft general permit, the Secretary also shall provide notice of the public meeting in the same manner as required for the draft decision or permit.

9.4 Notice of Decision

The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision or permit to the bulletin. When the Secretary issues the final decision, the Secretary shall provide a response to comments.

9.5 Individual Permit Review Standards

a. Burden of Proof

Applicants for an individual wetland permit shall have the burden to show that a proposed activity in any Class I or Class II wetland or its buffer zone complies with these rules and will have no undue adverse effect on protected functions and values. In determining whether this burden has been met, the potential effect of any proposed activity shall be evaluated on the basis of both its direct and immediate effects as well as on the basis of any cumulative or on-going effects on the significant wetland.

b. Mitigation Sequencing

An adverse effect on any protected function, other than a minimal impact, shall be presumed to constitute an undue adverse effect unless the Applicant can demonstrate each of the following, sequentially:

- (1) The proposed activity cannot practicably be located outside the wetland or on another site owned or controlled by the applicant or reasonably available to satisfy the basic project purpose; and
- (2) If the proposed activity cannot practicably be located outside the wetland, all practicable measures have been taken to avoid adverse impacts on protected functions; and
- (3) If avoidance of adverse effects on protected functions cannot be practically achieved, the proposed activity has been planned to minimize adverse impacts on the protected functions and a plan has been developed for the prompt restoration of any adverse impacts on protected functions.

c. Compensation

~~Compensation may be considered only when full compliance with the requirements of subsection b (1-3) is insufficient to achieve no net undue adverse effect on any protected function. If the applicant has demonstrated compliance with Sections 9.2(b)(1)-(3) and the proposed project would result in unavoidable adverse impacts on the protected functions and values of a significant wetland, a permit shall not be issued unless the applicant also demonstrates that such unavoidable impacts will be compensated for in accordance with this subdivision.~~

(1) Compensation shall be required under the following circumstances:

- (a) When a proposed project would result in more than 5,000 square feet of adverse impacts to significant wetlands;
- (b) When a proposed project would result in adverse impacts to a wetland buffer that significantly affects the functions and values of the adjacent wetland, as determined by the Secretary; and
- (c) When a proposed project would result in adverse impacts to a significant wetland of 5,000 square feet or less and the Secretary

determines that compensation is necessary to avoid a loss of protected wetland functions and values.

Compensation will be allowed for impacts to either Class I or Class II wetlands only to reduce adverse impacts on those protected functions that are compensable. Such compensation measures may include establishing new wetlands or enlarging the boundaries of an existing wetland to compensate for the adverse impact of the proposed activity. The compensation may also include payment of fees to ~~a federal~~an “in-lieu fee” program or mitigation bank approved by the Secretary.

(2) Compensation ~~to avoid~~for undue adverse impacts on protected functions in Class I wetlands or their buffer zones may only be considered upon the showing that the adverse impacts are necessary in the course of meeting a compelling public need to protect public health or safety.

(3) When assessing the appropriate type and scale of compensatory mitigation for permittee-designed compensation projects, the Secretary shall consider the following factors:

- (e) The existing level of wetland functions and values currently provided at both the proposed project site and the compensation site, prior to any mitigation or restoration activities;
- (f) The amount of wetland acreage and function that would be lost as a result of a proposed project;
- (g) The method of wetland restoration at the proposed compensation site for lost acreage and functions;
- (h) The length of time necessary for the compensation site to be fully functional;
- (i) The likelihood that the compensation project may fail to achieve its intended objectives; and
- (j) The differences in location between the adversely impacted wetland and the compensation site, and how those differences may affect the ecological services and values provided.

(4) Compensation for permanent fill or drainage of significant wetlands shall be provided at a minimum 2:1 ratio of compensation acreage to wetland area lost when compensation is required under subdivision 9.5(c)(1)(a). Compensation for other wetland impacts shall be based on the factors listed under Section 9.5(c)(2) and the compensation ratios set forth in the U.S. Army Corps of Engineers’ New England District Compensatory Mitigation Standard Operating Procedures (April 26, 2024). The establishment of wetland buffer zones shall not substitute for restoration, enhancement, or creation of wetlands for compensation purposes.

(5) Where compensation for wetland buffer impacts is required, the Secretary shall determine the appropriate scale of compensation based on the factors identified under subdivision. The Secretary may develop and consider guidance identifying appropriate compensation ratios for categories of wetland buffer impacts.

~~Compensation will be allowed for impacts to either Class I or Class II wetlands only to reduce adverse impacts on those protected functions that are compensable.~~

(6) Compensation is presumed to be possible for adverse impacts on the functions specified in Sections 5.1, 5.2(d), 5.4(a)(1 and 2), and 5.9. For any of the remaining functions and values specified in Section 5, the applicant must show that compensation will be successful in achieving no net loss in compensating for adverse impacts to any protected function. Any compensation plan must demonstrate that:

(1)(a) there will be no net loss of the protected functions or acreage of significant wetlands, and that the compensation provided will achieve a net gain of wetlands acreage and protected functions to the extent required by 10 V.S.A. § 918 and this rule;

(2)(b) the compensation measures will be fully implemented prior to, or concurrently with, the proposed activity;

(3)(c) the compensation measures shall be monitored and managed for a period necessary to insure full replacement of the protected functions in question and any additional period that may be required by subsequent remedial measures but in no event for less than five years;

(4)(d) measures shall be designed to be self-sustaining following the period for which monitoring or management is required;

(5)(e) adequate financial surety is provided to carry out the proposed compensation including any necessary remedial measures; and

(6)(f) any replacement wetland will be permanently preserved by a conservation easement or deed restriction conveyed to a suitable party or by other appropriate means.

9.6 Reconsideration of Individual Wetland Permit Decisions

~~Within 15 days of the date of the decision, the applicant, any person entitled to notice under Section 9.2, or any person who filed written comments regarding the permit application may request in writing reconsideration by the Secretary. Such a request shall specify all action(s) for which reconsideration is sought and shall provide an explanation of the reason(s) why the request is filed. Where a request for reconsideration has been properly filed, additional evidence may be submitted concerning the adequacy of the permit application, the adequacy of mitigation measures, and any other material issue as deemed appropriate by the Secretary. The Secretary may appoint a designee who shall be at the Division Director level or higher to render a decision on the request for reconsideration. The Secretary's written reconsideration decision shall be issued as expeditiously as possible under the circumstances, and shall be distributed in accordance with Section 9.4. The Secretary's~~

~~written reconsideration decision shall constitute a final act or decision of the Secretary, subject to appeal pursuant to 10 V.S.A. § 8504 and Section 10 of these Rules.~~

~~No request for reconsideration may be filed concerning or resulting from a request for reconsideration. If the Secretary fails to act on a request for reconsideration within 20 days of its filing, the request shall be deemed to be denied.~~

~~Filing a timely request for reconsideration with the Secretary tolls the 30-day period for filing an appeal with the Environmental Court. The full time for appeal shall commence to run and shall be computed from the date of the issuance of the Secretary's decision on the reconsideration request.~~

9.79.6 Amending an Individual Wetland Permit Decision

A permittee shall notify the Secretary of any changes to the permitted project. The Secretary may authorize a major, minor, or administrative amendment to an individual wetland permit when the proposed amendment:

- (a) Does not involve a change to the overall project purpose
 - (b) Does not impact any additional properties, unless the applicant is applying for a major amendment, in which case impacts to additional properties may be permitted.
- (1) An administrative amendment may be granted for any proposed change to an individual permit that corrects typographical errors, changes the name or mailing address of a permittee, or makes other similar changes to a permit that do not require technical review of the permitted activity or any changes to conditions or requirements. The transfer of an individual wetland permit constitutes an administrative amendment. No notice and comment is required for an administrative amendment.
- (2) A minor amendment may be granted for any change to a proposed individual permit that entails a change to a condition or requirement, does not necessitate technical review, and is not an administrative amendment. Changes that meet all of the following criteria may constitute minor amendments to a permit:
- (a) Involve the same delineated wetland area
 - (b) Are within the same property
 - (c) Consist of no more additional impact
 - (d) Are within the same or lesser cover type in wetland or buffer
 - (e) Activity does not move from a managed area to a natural area
 - (f) Activity does not move to areas with rare, threatened or endangered species habitat or an exemplary wetland natural community
 - (g) Have no further encroachment into wildlife habitat, and
 - (h) Are no closer to surface water bodies

Before a minor amendment can be granted, the Secretary shall:

1. provide notice of an administratively complete minor amendment application through the environmental notice bulletin,
2. provide notice of the draft decision through the environmental notice bulletin and

- shall post the draft decision to the bulletin,
- 3. provide a public comment period of at least 14 days on the draft decision,
- 4. provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin, and
- 5. provide a response to all comments.

- (3) A major amendment may be granted for any proposed change to an individual permit that necessitates technical review. A major amendment shall be subject to the same individual permit review standards and public notice and comment requirements applicable to the original permit application.

To secure an amendment to a valid permit, the Permittee must submit to the Secretary an amendment application that includes a description of the proposed change, a site plan that depicts the amended project, any other information as required by the Secretary, and the Permittee must pay any applicable application fees, including fees covering any additional proposed impacts to wetlands or wetland buffer, according to the fee schedule established in 3 V.S.A. § 2822.

An amendment or modification to a project that does not meet the conditions described above requires the submittal of a new wetland permit application for all of the project activities.

9.89.7 General Permits

The Secretary may issue general permits for discrete categories of Class II wetlands and for discrete categories of activities or uses in accordance with the provisions of this section. A general permit shall be issued for a specified period of time not to exceed five (5) years from the date of issuance. Authorizations issued by the Secretary pursuant to a general permit shall be valid for a specified period of time not to exceed five (5) years.

a. Proposed General Permits

Any proposed general permit shall include the following information:

- (1) A detailed description of the activities or uses to be authorized.
- (2) Any conditions or limitations on the activities or uses authorized.
- (3) The expiration date of the general permit.
- (4) A detailed narrative explaining the rationale for the proposed general permit and the basis on which the Secretary has determined that activities eligible for authorization pursuant to the general permit will comply with these rules and will have no undue adverse effect on protected functions and values. In making this determination, the Secretary shall evaluate both the direct and immediate effects of any proposed activity as well as the cumulative or ongoing effects on the significant wetland. An adverse effect on protected functions, other than a minimal impact, shall be presumed to constitute an undue adverse effect unless:

- (a) The proposed activity cannot practicably be located outside the wetland or on another site owned, controlled or available to satisfy the basic project purpose; and
 - (b) If the proposed activity cannot practicably be located outside the wetland, all practicable measures have been taken to avoid adverse impacts on protected functions; and
 - (c) If avoidance of adverse effects on protected functions cannot be practically achieved, the proposed activity has been planned to minimize adverse impacts on the protected functions and a plan has been developed for the prompt restoration of any adverse impacts on protected functions.
- b. Copies of any documents which the Secretary has relied upon in the preparation of the proposed general permits shall be available to the public upon request unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317(c).

c. Notice

The Secretary shall provide notice of a draft general permit through the environmental notice bulletin and shall post the draft decision or permit to the bulletin. The notice shall:

- (1) accurately summarize the proposed general permit(s);
- (2) indicate where copies can be obtained; and
- (3) provide at least 30 days in which to file written comments and/or to file a written request that the Secretary hold a public meeting.

d. Public Meeting Requests

Within 14 days of issuance of the draft general permit, any person may request a public meeting on the draft general permit issued under this section. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at their discretion. The Secretary shall provide at least 14 days' notice of the public meeting through the environmental notice bulletin. If the notice of the public meeting is not issued at the same time as the draft general permit, the Secretary also shall provide notice of the public meeting in the same manner as required for the draft decision or permit under subsection (c) of this section.

e. Decision

The Secretary shall provide notice of the final decision or final general permit through the environmental notice bulletin and shall post the final decision or permit to the bulletin. When the Secretary issues the final decision or final general permit, the Secretary shall provide a response to comments.

f. Modification of General Permit

The Secretary may modify a general permit after providing an opportunity for public participation in the same manner as described in Section 9.8(c) and (d).

9.99.8 Application for Authorization Under a General Permit

a. Application.

An applicant for authorization under a general permit shall submit a completed Notice of Intent (NOI) form with all necessary attachments and fees, if any, and all other application information required by the general permit and the Secretary.

The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of an authorization under the general permit. The Secretary may deny coverage if the requested information is not provided within sixty (60) days of the Secretary's request.

b. Public Notice of Application

Once the Secretary determines that an application for authorization under a general permit is complete, the Secretary shall provide public notice through the Environmental Notice Bulletin.

For a period of fourteen (14) days following the Secretary's completion of the public notice requirements specified above, the Secretary shall provide an opportunity to the public to provide written comment regarding whether the application complies with the terms and conditions of the general permit.

The period for public comment may be extended at the sole discretion of the Secretary.

The applicant shall comply with any additional notice requirements specified in the general permit.

c. Issuance or Denial of Authorizations

If the Secretary determines that an application is complete and that the proposed activity meets the terms and conditions of the general permit, the Secretary shall issue an authorization unless the Secretary determines that an individual permit is required pursuant to Section 9.98(e). The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin. The Secretary shall provide a response to comments.

Denials of an authorization shall be issued in writing, stating the reasons for the denial. If an application is denied for lack of technical or other information, the Secretary will provide appropriate information to help the applicant correct the deficiencies and re-apply for an authorization.

d. Revocation of an Authorization

The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, an authorization under a general permit for cause, including:

1. violation of the terms or conditions of the general permit;
2. obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
3. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.

e. Requiring Coverage under an Individual Permit

The Secretary may require a person applying for an authorization under a general permit to apply for an individual permit. Cases where an individual permit may be required include the following:

1. the applicant is not in compliance with the terms and conditions of the general permit;
2. the activity does not qualify for authorization under a general permit taking into account the location of the activity, the size of the activity, or the impact of the activity on the functions of the wetland or buffer zone in question.

f. Requiring Authorization under a General Permit

The Secretary may require a person applying for an individual permit to apply for authorization under a general permit provided the Secretary finds that the activity complies with all conditions of the general permit and the activity is more appropriately covered under the general permit.

- g. Nonreporting General Permit. The Secretary may, at their discretion, issue a nonreporting general permit.

SECTION 10: APPEALS

Appeals from any act or decision of the Secretary under these rules are governed by 10 V.S.A. § 8504.

SECTION 11: REPEAL OF TEMPORARY PROVISIONS

Sections 2.1, 2.23, 2.26, 2.33, and 6.26 of these rules are repealed effective January 1, 2030.

APPENDIX A - Class One Wetlands

This appendix lists those wetlands that have been designated as Class I wetlands as provided for in Section 7 of the Vermont Wetland Rules. The relative locations of these wetlands are depicted on the Vermont Significant Wetlands Inventory maps.

Addison County

Beaver Meadows, Ripton, (44.041609, -73.057337). Established 2019, Wetland file 2017-396. The wetland buffer extends 400 feet from the delineated wetland boundary.

Bennington County

Dorset Marsh, Dorset, (43.23793, -73.09057), Established April 22, 1992, Wetland file 1990-03. The wetland buffer extends 100 feet from the delineated wetland boundary.

Caledonia County

Peacham Bog, Peacham, (44.297015, -72.239732), Wetland file 2017-009. The wetland buffer extends 500 feet from the delineated wetland boundary.

Chittenden County

Northshore Wetland, Burlington, (44.52465, -73.27132) Established September 18, 2009, Wetland file 2000-03. The wetland buffer extends 300 feet from the delineated wetland boundary except where the easterly side of such buffer would encroach upon the City of Burlington recreational path, in which areas the buffer shall extend from the delineated boundary parallel to, and 25 feet westerly from, the centerline of the City of Burlington recreational path as it existed September 18, 2000.

Sandbar Wetlands, Colchester and Milton, (44.61165, -73.23203 and; 44.62095, -73.23306). Established in 2017, Wetland file 2016-346. The wetland buffer extends 100 feet from the delineated wetland boundary.

LaPlatte River Wetlands, Shelburne, (44.396131, -73.232501), Wetland file 2016-699. The Class I wetland's extent is defined by the Class I map. The wetland buffer extends 100 feet from the mapped Class I area.

Essex County

Dennis Pond Wetlands, Brunswick, (44.73288, -71.66231). Established in 2017, Wetland file 2016-351. The wetland buffer extends 300 feet from the delineated wetland boundary.

Franklin County NONE

Grand Isle County NONE

Lamoille County

NONE

Orleans County

NONE

Rutland County

Tinmouth Channel Wetland, Tinmouth, (43.45911, -73.03860), Established December 13, 2001, Wetland file 2001-07, The wetland buffer extends 100 feet from the delineated wetland boundary except in the portion of the wetland which is north of route 140 where a 300 foot buffer is designated.

Wards Marsh, West Haven, (43.5767492, -73.3882424), Established in 2022, Wetland File 2018-787. The wetland buffer extends 100 feet from the delineated wetland boundary.

Washington County

Chickering Fen, Calais, (44.32453, -72.48114). Established in 2017, Wetland file 2016-209. The wetland buffer extends 300 feet from the delineated wetland boundary except where 300 feet extends past the watershed at a ridgeline to the northwest of the wetland.

Windham County

NONE

Windsor County

Eshqua Bog, Hartland (43.5961439, -72.4874471). Established in 2022, Wetland File 2020-214. The wetland buffer extends 200 feet from the delineated wetland boundary.

APPENDIX B - Best Management Practices for the Installation of Linear Utilities and Access Infrastructure Servicing Residential Housing

(a) General Practices. The following general practices are applicable to all activities eligible under subdivision (d) of subsection 6.26 of the Vermont Wetland Rules:

- (1) The crossing shall be in the least impactful location of the mapped area of Class II wetland and 25' buffer zone practicable. Please refer to section (c) of these best management practices for recommended avoidance and minimization practices that may assist in selecting an appropriate crossing location.**
- (2) A continuous line of orange snow fence or flagging tape shall be installed along the limits of disturbance within the mapped area of Class II wetland and 25' buffer zone prior to the start of construction.**
- (3) If a stormwater construction permit is required for the activity, the activity shall comply with the erosion prevention and control requirements of that permit. If no stormwater construction permit is required, the activity shall comply with the following minimum erosion prevention and sediment control requirements:**
 - (A) Prior to commencement of construction, a continuous line of silt fence shall be properly installed immediately upgradient of the snow fence or tape and shall be regularly maintained. Silt fence shall be installed on the contour and shall not be installed in areas of concentrated flow, including stream channels or ditches.**
 - (B) Accumulated sediment shall be removed from the silt fence before and after any significant storm event or whenever sediment reaches one-half of the height of the fence. Removed sediments shall be disposed of in a stable upland area outside the 50-foot buffer zone and at least 100 feet from waters of the State, as defined under 10 V.S.A. § 1251, and shall, at a minimum, be immediately stabilized with seed and mulch.**
 - (C) All other disturbed soils shall be seeded and mulched within 48 hours after final grading.**
 - (D) All sediment barriers and construction fencing shall be removed following the successful establishment of vegetation.**
- (4) If a stream alteration permit is required for activity, the activity shall comply with the requirements of that permit. If no stream alteration permit is required, the activity comply with the minimum following requirements:**
 - (A) In-stream work shall be conducted using the method that results in the least disturbance of stream flow and prevents any discharge of sediment downstream. Stream flow shall be diverted from the work area at all times.**
 - (B) All equipment used in or adjacent to a stream shall be clean, properly maintained, and free from fuel, hydraulic fluid, and gear oil leaks. There shall be no discharge of uncured concrete to the stream flow.**
 - (C) Pumping from excavation areas shall be discharged to an overland area or settling basin such that the effluent shall be essentially clarified before reentering the stream flow.**

- (D) All areas of stream bank disturbed during construction shall be suitably reshaped and stabilized using stone fill or a vegetative planting prior to completion of the project. The extent of stream bank disturbance shall be strictly limited, and all existing vegetation shall be maintained to the greatest degree practicable. Stream work shall be limited to the period from June 1 through October 1.
- (E) Culvert invert elevations shall be installed six inches below the stream bed level.
- (5) All equipment shall be cleaned prior to work in wetlands and buffer zones so that it contains no observable soil or vegetation, in order to prevent the spread of invasive species.
- (6) At the edge of any access road or driveway, where it crosses a mapped area of Class II wetland or its 25' buffer zone, markers consisting of split-rail fence, large boulders, or comparable alternative shall be installed at regular intervals no more than 30 feet apart. These markers shall be installed prior to sale or occupancy of any residential dwellings.
- (7) If the impact is temporary in nature, stockpiling of material shall be done on filter fabric or an equivalent barrier within the wetland and buffer zone. Temporarily removed wetland soils shall be returned in the reverse order that they were removed and restored to their prior condition to match the original soil profile.
- (8) Except as provided in subsection (7) of this section, removed and stockpiled materials shall be located outside of the wetlands and buffer zones and at least 50 feet from surface waters. Appropriate erosion controls measures described in subsection (3) of this section shall be used.
- (9) Impacts from equipment access to the site shall be minimized by using existing or other low impact routes. Equipment access methods shall be used in the following order of preference:
- (A) Accessing wetland areas with construction mats or during frozen or dry conditions. Winter construction under frozen conditions may minimize ground disturbance and reduce impacts to wildlife;
- (B) Delineating the limits of disturbance using a combination of silt fence, flagging, or snow fence;
- (C) Using low-ground pressure or tracked vehicles in wetlands to minimize compaction and rutting;
- (D) Minimizing equipment use in wetlands and limiting vehicle trips; and,
- (E) Restoring the project site to reverse soil compaction and stabilize the soil on the site and replanting the site if vegetation has been destroyed.
- (10) Activities shall maintain or mimic pre-existing drainage to avoid unnecessary ditching or concentration of flow. Crossings in low-lying or seasonally saturated areas shall be designed to accommodate subsurface drainage, including utilizing measures such as French mattresses or underdrains.
- (11) Where roadside ditches are required for new or upgraded roads, they shall be sized to accommodate anticipated runoff volumes and shall use vegetated swales and buffer strips whenever practicable.

(12) Where culverts are needed, they shall be installed in a number and size sufficient to equalize hydrology, avoiding lowering waters on one side of the crossing. Culverts shall also be designed and installed to allow for aquatic organism passage.

(13) Final earthwork shall restore wetlands and buffer zones to their original grade and vegetative cover utilizing native seed sources, except where earthwork establishes a permanent access feature.

(b) Activity-Specific Practices. The following practices apply to the corresponding activities identified below that are eligible under subdivision (d) of subsection 6.26 of the Vermont Wetland Rules:

(1) Placement, relocation, removal, or upgrade of overhead utility lines in wetland or buffer zone:

(A) Poles and wires shall be located to minimize clearing of vegetation to the extent practicable.

(B) Removal of woody vegetation in the wetland and buffer zone shall occur only within an existing or designated right-of-way ("ROW") for the utility, or for removal of danger trees outside the maintained ROW.

(C) Vegetation management shall be limited to clearing necessary to maintain the line in a safe and efficient manner:

(i) If cutting of wetland vegetation cannot be avoided, the work shall be performed by hand (e.g., chain or hand saw) rather than with heavy equipment to preserve wetland soils; and

(ii) Vegetation shall be cut at ground level, leaving root systems intact.

(2) Installation of underground utilities:

(A) Where feasible, trenchless construction methods shall be used to reduce or eliminate surface disturbance.

(B) Excavation trenches shall be limited in width, using the smallest feasible bucket or trenching equipment.

(C) Trenches shall be filled, mulched, and seeded immediately or upon final inspection of the line.

(D) If directional boring is used, the bore depth beneath the wetland shall not puncture any confining layer necessary to maintain wetland hydrology.

(E) If drilling or boring is utilized, drilling fluid shall be composed of bentonite clay, clean water, and any biodegradable drill soaps or polymers. No diesel fuel shall be used as an additive.

(3) Access roads and driveways:

(A) Access shall be limited to upland areas or existing maintained roads to the extent practicable.

- (B) Where access cannot be limited to upland areas or existing roads, access may be conducted on other existing primitive roads or existing managed areas in wetlands or buffer zones where practicable.
- (C) Where existing roads are unavailable for access, access shall be conducted in a manner that minimizes rutting and earth disturbing activities by meeting the practices under subsection (a)(9) of these best management practices.

(c) Avoidance and Minimization Recommendations. The following planning, pre-construction, post-construction, restoration, and maintenance practices are recommended where practicable to avoid and minimize wetland impacts.

(1) Project Planning:

- Site infrastructure away from low-lying and poorly drained areas.
- Minimize the width of typical access roads through wetlands or utilize existing crossings.
- Avoid both above- and below-ground wetland crossing impacts.
- Design with the grade of the land to avoid earthwork as much as possible and to maintain existing drainage characteristics.
- Target existing corridors or developed areas, such as easements, roads, roadway shoulders, bridges or old railroad beds, as the first alternative preference.
- Avoid disturbing stream beds; if they must be disturbed, utilize a straight and narrow section with low banks.
- Avoid construction access or work in organic soils.
- Consider spanning a wetland by locating utility poles on either side of the wetland, instead of disturbing the interior.
- If attaching utility lines to a bridge or other structure, be aware of possible floodplain constraints.
- If underground piping cannot be avoided, install it in a crack-proof casing so that the area above the piping can be replanted with vegetation.
- Co-locate all utilities and use trenchless methods when practicable
- Share driveways to limit wetland crossings in subdivisions or neighborhoods.
- Use boulders, gabions, or retaining walls where appropriate to reduce the amount of filling needed for slopes.
- Keep the size of cleared maintenance areas above and around utility lines to a minimum.
- For electric lines, consider suspending the wires above any wetland tree canopy or place over a lower cover type (shrubs or emergent marsh).
- Avoid diversion of surface water and groundwater sources, which could affect nearby wetlands. Sub- draining effects from trench installation must be guarded against.
- Use the Vermont Natural Heritage Inventory database to evaluate whether any Rare, Threatened, or Endangered Species wetland habitat exists or exemplary wetland natural communities exist on the site and avoid impacts to those areas.

(2) Before Construction:

- Administer pre-job briefings to ensure everyone is conducting work according to these best management practices.
- Ensure that soil erosion and sediment controls are properly installed and maintained, including silt fences, sediment basins, and other erosion controls to prevent sediment from leaving the work area.
- Have all necessary materials on hand before beginning work.
- Designate construction staging and vehicle access routes to avoid sensitive sites and minimize disturbance.

(3) During Construction within wetland and buffer:

- Limit construction to outside the breeding and migratory seasons of wetland wildlife.
- Limit construction activities to the low-flow periods, the appropriate time-of-year restrictions, or to when the soil is frozen.
- Preserve all low-growing varieties of vegetation adjacent to wetlands to the fullest extent possible in order to minimize erosion potential.
- Limit tree removal to only those trees necessary.
- During trenching and temporary earth disturbance, preserve and stockpile the top 6–12 inches of topsoil separately, then replace it after backfilling to support rapid restoration and reduce ecological impact.
- Use structures or devices to prevent sub-draining or groundwater movement along pipelines, such as anti-seepage collars, intermittent clay barriers, trench plugs or clay saddles.
- Conduct work manually, whenever feasible.
- For underground utilities through wetlands, install pipe sleeves that wires or smaller pipes can be placed within to allow for easy access for future utility maintenance and repair.
- If dewatering of trenches is necessary, pump water into an acceptable, properly designed dewatering basin.
- Stabilize disturbed soils as soon as possible through seeding, mulching, or planting—especially on banks and slopes.

(4) Site Restoration and Maintenance

- Begin site restoration (grading, erosion control, topsoil replacement) immediately following construction, aiming to stabilize the site within three days of completing work.
- Plan for restoration to be completed before the end of the growing season and as soon as possible after installing the utility or access.
- Remove all construction-related features from restoration areas and restore affected locations to their former condition.
- Stabilize all disturbed areas outside of the cleared maintenance zone with grasses and vegetation.

- Utilize a seed mix comprised of native species that is appropriate to the pre-construction site conditions, such as site-appropriate woody species, in all temporary wetland impact areas.
- Restore wetland soils and hydrology to existing conditions or grades, avoiding compaction.
- Restore disturbed stream channels to original width and substrate.
- Maintain the road shoulder by hand cutting or mowing.
- Include the maintenance schedule for standard utility projects and the entity responsible for post- construction stabilization and restoration.
- Include methods for completing regular and emergency repairs to utility lines.

(d) Recommendations for Residential Housing Projects. For all other components of a residential housing project qualifying as an allowed use under subsection 6.26 of the Vermont Wetland Rules, the following practices are recommended to help avoid and minimize impacts to affected wetlands and buffer zones, limit future disturbances, and support the protection of wetland functions and values. These recommendations may also assist in project planning where federal permitting is applicable.

- (1) Please be aware that federal Clean Water Act (section 404) regulations may apply to your project. Federal review would require a delineation of wetlands using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended, and supplemental guidance documents issued by the U.S. Army Corps of Engineers.
- (2) Evaluate whether practicable alternatives exist and document steps taken to avoid impacts entirely whenever possible. If not practicable, minimize the footprint and degree of impact. This often involves adjusting alignments, project scale, construction methods, or timing to limit disruptions.
- (3) Configure lots to completely avoid wetland encroachment. This includes providing adequate yard space for future homeowners to add a deck, shed or pool to their property without impacts to adjacent wetlands.
- (4) Site structures at least 10 feet from any buffer zone for maintenance and construction.
- (5) To reduce future homeowner encroachment, where residential areas are within 25' of the wetland buffer, include durable markers, such as split-rail fence, large boulders, or equivalent alternative, at regular intervals (30' or less) at the 50-foot buffer zone of the adjacent wetland or at the edge of wetland/buffer impacts.
- (6) Plan snow storage areas in uplands or parking lot areas that avoid wetland impacts. If space is limited, snow may need to be removed from the property to avoid pushing it into wetlands and surface waters.



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Vermont Wetland Rules

Vt. Code R. 12 004 056

Adopted February 7, 1990

(Amendments adopted January 23, 2023; Effective February 10, 2023)

Revision Effective Date: _____

<http://dec.vermont.gov/content/vermont-wetland-rules>

<http://dec.vermont.gov/>

Vermont Wetland Rules

CODE OF VERMONT RULES
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
VERMONT WETLAND RULES
ENVIRONMENTAL PROTECTION RULES CHAPTER 30

Vermont Wetland Rules

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SECTION 1: GENERAL

1.1 Purpose and Applicability

It is the policy of the State of Vermont to identify, protect and restore significant wetlands and the values and functions which they serve in such a manner that net gain of such wetlands and their functions is achieved.

These rules are adopted under the authority of the Secretary of Natural Resources (Secretary) pursuant to 10 V.S.A. § 905b(18). This statute limits the applicability of these rules to those wetlands which are so significant that they merit protection in this program. Wetlands that are not significant should be assumed to have public value, and therefore may merit protection under other statutory or regulatory authority.

Except as provided for below, these rules shall apply to all other land uses occurring within a significant wetland or its associated buffer zone that are commenced after February 23, 1990. These rules shall not apply to any land use for which:

- (1) a complete application for all local, state and federal permits related to either the regulation of land use or the protection of wetlands had been submitted as of February 23, 1990, and where the applicant does not subsequently file an application for a permit amendment in a way that would have an undue, adverse impact on a protected function of a significant wetland, and substantial construction of the project commences within two years of the date on which all such local, state and federal permits become final;
- (2) all local, state and federal permits related to either the regulation of land use or the protection of wetlands had been obtained as of February 23, 1990 and where substantial construction of the project commenced by February 23, 1992; or
- (3) no local, state or federal permits related to either the regulation of land use or the protection of wetlands are required and where substantial construction was commenced prior to February 23, 1990.

1.2 Enforcement

Violations of these rules are subject to enforcement under applicable Vermont law including, but not necessarily limited to, the provisions of 10 V.S.A. §§ 1272, 1274, 1275, 8001-8016, and 8221 and 3 V.S.A. § 2822.

SECTION 2: DEFINITIONS

For the purposes of these rules, the terms below shall have the following meanings unless a different meaning clearly appears from the context. Examples are illustrative only and not exhaustive.

- 21 Access Infrastructure Servicing Residential Housing** means necessary access roads and driveways to provide access for the construction or use of the residential function of a residential housing project.
- 22 Alpine Peatland** means a peat-accumulating wetland occurring in small bedrock basins at or above 3,500 feet in elevation, on only a few of Vermont's highest summits. Typical species include alpine bilberry, leatherleaf, Labrador tea, black crowberry, cottongrass, Bigelow's sedge, and Sphagnum.
- 23 Aquatic Life** means all organisms that, as a part of their natural life cycle, live in or on waters. Aquatic life is synonymous with Aquatic Biota as defined in the Vermont Water Quality Standards.
- 24 Board** means the Natural Resources Board.
- 25 Bog** means an acidic wetland that is isolated from mineral-rich groundwater sources by deep peat accumulation and therefore receives most of its water and nutrients from precipitation. Typical species include Sphagnum, leatherleaf, bog laurel, small cranberry, stunted black spruce, pitcher plant, three-seeded sedge, and other sedges.
- 26 Buffer zone** means the area contiguous with a significant wetland which serves to protect those values and functions sought to be preserved by its designation, consistent with 10 V.S.A. § 902(9). The buffer zone for a Class I wetland shall extend at least 100 feet from the border of the wetland, unless the Department determines otherwise pursuant to 10 V.S.A. § 915. The buffer zone for a Class II wetland shall extend at least 50 feet from the border of the wetland unless the Secretary determines otherwise under section 914 of Title 10.
- 27 Class I wetland** means a wetland that:
- (A) is identified on the Vermont significant wetlands inventory maps as a Class I wetland;
 - (B) the former Water Resources Board identified in rules of the Board as a Class I wetland; or
 - (C) the Secretary determines, based on an evaluation of the extent to which the wetland serves the functions and values set forth at 10 V.S.A. § 905b(18)(A) and in Section 5 of these rules, is exceptional or irreplaceable in its contribution to Vermont's natural heritage, and therefore merits the highest level of protection. See 10 V.S.A. § 902(6).
- 28 Class II wetland** means a wetland other than a Class I or Class III wetland that:
- (A) is a wetland identified on the Vermont significant wetlands inventory maps; or
 - (B) the Secretary determines merits protection, based on an evaluation of the extent to which the wetland serves the functions and values set forth at 10 V.S.A. § 905b(18)(A) and Section 5 of these rules, either taken alone or in conjunction with other wetlands. See 10 V.S.A. § 902(7).
- 29 Class III wetland** is a wetland that is neither a Class I nor a Class II wetland. See 10 V.S.A. § 902(8).

- 210 Compensation** means the mitigation of undue adverse impacts on the protected functions of significant wetlands by the replacement of those protected functions lost or impaired, through wetland creation, restoration, enhancement or preservation. Compensation may also include payment of fees to an “in-lieu fee” program or mitigation bank that has been approved by the Secretary.
- 211 Contiguous** means sharing a boundary or touching. This shall include situations where a structure, such as a road or railroad, divides a wetland and there is surface water connection over, through or under that structure.
- 212 Dredge** means lowering the bottom elevation or any cleaning, deepening, widening, or excavating, either temporarily or permanently.
- 213 Emergent Vegetation** means erect, rooted herbaceous (nonwoody) plants that maybe flooded at the base but do not tolerate prolonged inundation of the entire plant. Typical species include cattails, sedges, and bulrushes.
- 214 Environmental notice bulletin** means the website and e-mail notification system required by 3 V.S.A. § 2826.
- 215 Fact sheet** means a document that briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing a draft decision.
- 216 Facultative Wetland Species** means plant species that sometimes occur in wetlands, but which may also be found in uplands.
- 217 Fen** means a peat-accumulating wetland that receives mineral-rich groundwater, that is weakly acidic to slightly basic. Acidic (“poor”) fens are dominated by Sphagnum, and basic (“rich”) fens are dominated by brown mosses. Sedges and grasses are abundant in these open peatlands.
- 218 Fill** includes the placing of any material that raises, either temporarily or permanently, the surface elevation of any area.
- 219 Headwater Wetland** means a naturally occurring wetland that is above 2,500 feet in elevation and contributes to a stream.
- 220 Hydric soils** means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part (U.S.D.A. Soil Conservation Service 1987). For the purpose of these rules, hydric soils shall be synonymous with the terms saturated soils and seasonally saturated soils as used in 10 V.S.A. § 902(5).
- 221 Hydrophytic Vegetation** means vegetation, including obligate wetland species_ and facultative wetland species, growing in water, soil or on a substrate that is at least

periodically deficient in oxygen as a result of excessive water content. For the purposes of these rules, hydrophytic vegetation shall be synonymous with the term significant vegetation as used in 10 V.S.A. § 902(5).

- 222 Impaired Waters** means surface waters which have been identified by the Secretary as impaired pursuant to Section 303(d) of the federal Clean Water Act and which have been listed on the most recent Vermont 303(d) list, approved by the federal Environmental Protection Agency, as waters which may need a Total Maximum Daily Load (TMDL).
- 223 Impervious Surface[s]** means manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates. See 10 V.S.A. § 1264(b)(6).
- 224 Linear Utility Servicing Residential Housing** means corridor-type utility infrastructure constructed in a narrow alignment to provide utility service necessary for the construction or use of the residential function of a residential housing project. The term shall include sewer laterals, septic force mains, electric, gas, water, and communications lines.
- 225 Marsh** means any wetland that is seasonally or continually inundated and is dominated by herbaceous vegetation. Hydric mineral or organic soils may be present. Typical species include common cattail, bluejoint grass, tussock sedge, broad-leaved arrowhead, wild rice, and bulrush.
- 226 Mitigation** means a comprehensive effort to lessen impacts on wetlands through the application of a sequence of avoidance and minimization efforts, and when appropriate, compensation.
- 227 Mixed Use Project** means a project that includes both residential uses and nonresidential uses provided that the nonresidential uses are limited to retail, office, services, artisan, and recreational or community facilities, do not include industrial uses, and not less than 40 percent of the total gross floor area of all buildings within the project is designated for dwelling units.
- 228 Obligate Wetland Species** means plant species that are almost always found in wetlands under natural conditions.
- 229 Panel** means the former Water Resources Panel of the Natural Resources Board.
- 230 Person** means any individual; partnership; company; corporation; association; joint venture; trust; municipality; agency, department or subdivision of the state or federal government, or any other legal or commercial entity.
- 231 Practicable or practicably** means available and capable of being done after taking into consideration logistics, existing technology, and cost in light of the overall project purpose.

- 232 Prevalence of Vegetation** means plants which are the dominant species comprising more than 50 percent of the plant community or communities. This is determined by aerial cover.
- 233 Protected functions** means those functions identified in 10 V.S.A. § 905b(18)(A) and Section 5 of these rules that make a wetland so significant that it merits protection under these rules.
- 234 Residential Housing Project** means a project located on a single tract or multiple contiguous tracts of land for the construction of one or more dwelling units and includes access and utility infrastructure necessary for construction or use of the residential function of the project. The term includes duplexes, emergency shelters, multiunit or multifamily dwellings; and mixed use projects.
- 235 Secretary** means the Secretary of the Agency of Natural Resources or their authorized representative.
- 236 Seep** means a naturally occurring common, small wetland type occurring on slopes or at the base of slopes in upland forests. It is fed by groundwater discharge and is typically the headwaters of a perennial stream. This narrow wetland type is often shaded by the adjacent upland forest. Typical species may include rough-stemmed sedge, slender mannagrass, golden saxifrage, and spotted touch-me-not.
- 237 Significant Wetland** means any Class I or Class II wetland that merits protection under these rules, either alone or in conjunction with other wetlands, based upon an evaluation of the extent to which it serves one or more of the functions and values pursuant to 10 V.S.A. § 905b(18)(A) and section 5 these rules. In making this determination, consideration shall be given to the number of or the extent to which protected functions and values are provided by a wetland or wetland complex.
- 238 Silvicultural activities** means those activities associated with the sustained management of land for silvicultural purposes including the planting, harvesting, and removal of trees.
- 239 Source Protection Area** means a surface and subsurface area from or through which contaminants are reasonably likely to reach a public water source as designated by the Secretary pursuant to the Wastewater System and Water Supply Rules.
- 240 Surface Vegetation** means plants with vegetative parts principally on the water surface, including water lily and spatterdock, and is synonymous with floating-leaved vegetation.
- 241 Swamp** means any of the many wetland types that are dominated by woody vegetation, either trees or shrubs. Hydric mineral or organic soils may be present. Typical species include red maple, black ash, northern white cedar, hemlock, red or black spruce, tamarack, speckled alder, willow, sweet gale, and buttonbush.
- 242 Upland** means land that is not wetland.

243 Vernal Pool means a small wetland in a shallow natural depression that typically fills with water during the spring and/or fall and may dry during the summer. Vernal pools have no permanent inlet stream and no viable populations of fish. Vernal pools are typically sparsely vegetated with herbaceous plants and are shaded by trees from the surrounding upland forest. Many vernal pools provide critical breeding habitat for amphibians.

244 Waterfowl means all ducks, geese and swans.

Wetlands means those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities. See 10 V.S.A. § 902(5).

245 Wetland Hydrology means the sum total of wetness characteristics in areas that are inundated by water or which have hydric soils that are saturated or seasonally saturated for a sufficient duration to support significant vegetation or aquatic life. Wetness characteristics shall include the hydrologic cycle, water table levels, water chemistry, hydrologic budget, and ground water flow patterns. Typical indicators include: evidence of inundation, drift lines, sediment deposits, and morphological plant adaptations.

SECTION 3: EXEMPTIONS; IDENTIFICATION OF WETLANDS

3.1 Exemptions

The following shall not be regulated as wetlands under the Vermont Wetland Rules, but may be subject to regulation under federal law:

a. Farming Exemption

(1) Statutory guidance

Section 902(5) of 10 V.S.A. defines wetlands to exclude "such areas as grow food or crops in connection with farming activities." Section 905b(18)(C) of 10 V.S.A. requires that any rules "that restrain agricultural activities" must have the consent of the Secretary of the Agency of Agriculture, Food and Markets.

(2) Definition

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) Limitation on Exemption.

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.

b. Existing Constructed Features

The following man-made features, which when constructed in uplands may exhibit wetland characteristics:

- (1) Stormwater conveyance, treatment and/or control systems.
- (2) Wastewater treatment ponds and sludge lagoons.
- (3) Manure storage and treatment ponds.
- (4) Irrigation and active farming-related ponds.
- (5) Snowmaking ponds.
- (6) Other similar constructed ponds created in uplands.

c. Permitted Public Highway Projects

All public highway projects which have received an Act 250 permit prior to February 23, 1990 shall be exempt from the Vermont Wetland Rules.

3.2 Methodology for Identifying Wetlands

a. Wetland/Upland Boundary Delineation

The presence of a wetland and the boundary between a wetland and upland shall be delineated by the methodology set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended, and supplemental guidance documents issued by the U.S. Army Corps of Engineers. This methodology employs three parameters: vegetation, soils and hydrology. The National List of Plant Species That Occur in Wetlands: Vermont, as amended by the U.S. Army Corps of Engineers, shall be used to determine the frequency of hydrophytic vegetation occurrence in wetlands.

b. Map Interpretation

The Vermont Significant Wetland Inventory (VSWI) maps denote the approximate location and configuration of significant wetlands. The actual boundaries of wetlands shown on the VSWI maps shall be determined in the field in accordance with the methodology provided for in Section 3.2(a) and, where applicable, the following provisions:

(1) Lakes, Ponds and Reservoirs

When adjacent to any lake, pond or reservoir that is a public water a wetland's boundary shall extend to the maximum extent of a prevalence of surface, emergent, or woody vegetation at any time during the growing season. For all other lakes, ponds or reservoirs, a wetland's boundary shall extend to a depth of two meters at mean

water level.

(2) Rivers or Streams

For wetlands adjacent to a river or stream, the wetland shall extend to either the edge of the river or stream channel or to the maximum extent of a prevalence of surface, emergent or woody vegetation at any time during the growing season, whichever is greater.

SECTION 4: CLASSIFICATION OF SIGNIFICANT WETLANDS AND DESIGNATION OF BUFFER ZONES

4.1 Classification of Wetlands

For purposes of these rules wetlands in Vermont are classified as Class I, Class II, or Class III wetlands, as defined at 10 V.S.A. § 902 and Section 2 of these rules. The Secretary has the authority to reclassify wetlands, in general or on a case-by-case basis, based on an evaluation of the functions and values that the wetland serves.

Class I wetlands when designated pursuant to Section 7 shall be identified in Appendix A. All wetlands shown on the Vermont Significant Wetland Inventory maps are Class I or Class II wetlands, unless determined otherwise by the Secretary. Wetlands demonstrating the characteristics of a Categorical Class II wetland as identified by the Secretary pursuant to Section 4.6 of this Rule shall be protected as Class II wetlands, unless determined to be Class III through an individual wetland determination issued by the Secretary.

4.2 Buffer Zones

The purpose of a buffer zone is to protect those functions that make a wetland significant. The Secretary may designate a buffer zone contiguous to any Class I wetland and the Secretary may designate a buffer zone contiguous to any Class II wetland. Until otherwise designated by the Secretary, a one hundred (100) foot buffer zone is established contiguous to the boundaries of a Class I wetland. Until otherwise designated by the Secretary, a fifty (50) foot buffer zone is established contiguous to the boundaries of a Class II wetland.

4.3 Designations

a Class I Wetlands

The Secretary on their own motion or acting on a rulemaking petition filed in accordance with Section 7, shall determine whether to classify any wetland as a Class I wetland or to reclassify a Class I wetland pursuant to 10 V.S.A. § 915.

b Other Wetlands

The Secretary on their own motion or upon petition may, pursuant to 10 V.S.A. § 914:

1. Determine whether a wetland is a Class II or Class III wetland.
2. Determine which functions and values make a wetland significant.
3. Determine whether the size or configuration of a buffer zone adjacent to a Class II wetland should be increased or decreased.

4. Determine the boundaries of a significant wetland.
5. Determine whether an area shown as a wetland on the VSWI maps is not a wetland.

4.4 Vermont Significant Wetland Inventory Maps

All wetlands shown on the Vermont Significant Wetland Inventory (VSWI) maps or contiguous to wetlands shown on the VSWI maps are Class II wetlands, unless identified as Class I or Class III by the Secretary pursuant to Section 8 of this Rule. The VSWI maps should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Section 3.2). The VSWI maps are intended to denote the approximate location and configuration of wetlands. It is critical to note that wetland characteristics and boundaries are not static; wetland boundaries may change as a result of landscape and climatic changes. The Secretary shall revise the VSWI maps to reflect wetland determinations issued pursuant to 10 V.S.A. §§ 914 and 915, and mapping corrections pursuant to Section 8 of this Rule. The Secretary may also adjust the boundaries of wetlands shown on the VSWI maps to more accurately depict the location of a wetland, as determined by aerial photos, field visits, field delineations and other relevant information. The VSWI map layer is located on the Agency of Natural Resources Atlas and available for download through the Vermont Center for Geographic Information (VCGI).

4.5 Delineation of Wetland Boundaries

- a. The methodology for delineating the boundaries of any wetland is described in Section 3.2.
- b. Wetland boundaries shall be delineated in accordance with the provisions of these rules.
- c. Formal determinations of wetland boundaries are made by the Secretary pursuant to 10 V.S.A. §§ 914 and 915.

4.6 Categorical Class II Wetlands

All wetlands contiguous to wetlands shown on the Vermont Significant Wetland Inventory maps are presumed to be Class II wetlands, unless identified as Class I or III wetlands, or unless determined otherwise by the Secretary pursuant to Section 8. Likewise, any wetland that was determined to be Class II in a prior permitting action shall be considered Class II unless determined otherwise by the Secretary. In addition, the Secretary may determine that a general category of wetlands with certain defined characteristics is significant, based on an evaluation of the functions and values exhibited by this category of wetlands, pursuant to 10 V.S.A. §905b(18)(B). Notice of a proposed categorical wetland determination shall be provided according to Section 8.3 of this Rule.

Wetlands with the following characteristics have been determined by the Secretary to be significant for one or more of the functions and values listed in Section 5 of these Rules, and have been determined to be categorical Class II wetlands. These categories of wetlands shall be regulated as Class II wetlands unless determined otherwise by the Secretary on a

case-by-case basis:

- a. The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e.; open water (pond); emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or beaver meadow; bog or fen; and is greater than 0.5 acres in size.
- b. The wetland contains dense, persistent non-woody vegetation or a prevalence of woody vegetation; is adjacent to a stream, river, or open body of water; and is over 2,500 square feet in size.
- c. The wetland is a vernal pool that provides amphibian breeding habitat.
- d. The wetland is a headwater wetland.
- e. The wetland contains a species that appears in the Vermont Natural Heritage Inventory (VNHI) database as rare, threatened, endangered or uncommon; or is an exemplary natural community as mapped by VNHI.

Vegetated wetlands adjacent to streams, rivers, or any open body of water that do not meet the 2,500 square foot size threshold in subparagraph b above are often significant, and should be evaluated for significance by a wetland ecologist before work is done that would impact the wetland.

SECTION 5: FUNCTIONAL CRITERIA FOR EVALUATING A WETLAND'S SIGNIFICANCE

In evaluating whether any wetland is a Class II or a Class I wetland, the Secretary shall evaluate the functions that the wetland serves both as a discrete wetland and in conjunction with other wetlands by considering the following functional criteria. Consideration shall be given to the number of and/or extent to which protected functions and values are provided by a wetland or wetland complex.

5.1 Water Storage for Flood Water and Storm Runoff

Wetlands that provide for the temporary storage of floodwater or stormwater runoff to the extent that they make an important contribution to: reducing risks to public safety, reducing damage to public or private property reducing downstream erosion or enhancing the stability of habitat for aquatic life, are significant wetlands. Examples of wetlands that provide storage for floodwaters or stormwater runoff may include those that are located in the upper portion of the watershed, have a constricted outlet, are located in a relatively flat area with storage potential, densely vegetated, or are located in a watershed with a large amount of impervious surfaces.

In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Reduces either the magnitude or frequency of risks to public safety or of damage

to public or private property due to flood water or stormwater runoff after considering:

- (1) Its significance relative to other water storage capacity in its own watershed or in the watershed of any watercourse to which it is tributary. In particular, available water storage capacity upstream of the wetland should be considered.
 - (2) Whether it is contiguous to a lake or pond which would provide storage benefits independent of the wetland.
 - (3) The extent of development and impervious surface in the watershed.
 - (4) The history of damage to public and private property and economic loss due to flooding within the watershed downstream of the wetland.
 - (5) The characteristics of development and resources in or near the floodplain downstream of the wetland.
 - (6) The extent to which the wetland's water storage capacity is created by beaver dams and similar temporary conditions
- b. Attenuates flood peaks and reduces water velocities, thereby reducing scouring and erosion.
- c. Maintains the geomorphic stability of important habitat for aquatic life by attenuating peak flows of flood waters or stormwater runoff, or reducing the scouring and erosion of stream banks, or both.

Hydraulic and hydrologic analysis of the extent to which a wetland serves this function shall utilize average annual, 10-year, 50-year and 100-year storm frequencies in generating hydrographs for the wetland's inlet, outlet and at critical locations upstream and downstream.

5.2 Surface and Ground Water Protection

Wetlands that make an important contribution to the protection or enhancement of the quality of surface or of ground water are significant wetlands. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Recharges a drinking water source, such as a well head or source protection area.
- b. Reduces levels of contaminants in surface waters which recharge underlying or adjacent groundwaters.
- c. Contributes to the flows of Class A surface waters.
- d. Enhances or protects water quality through chemical action, by the removal of nutrients, by the retention or removal of sediments or organic matter, or by moderating the adverse

water quality effects of soil erosion or stormwater runoff.

- e. Contributes to the protection or improvement of water quality of any impaired water.
- f. Is adjacent to surface waters, especially impaired waters.

5.3 Fish Habitat

Wetlands that are used for spawning by northern pike or that are important for providing fish habitat are significant wetlands. In determining whether a wetland is significant for fish habitat the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Provides spawning, nursery, feeding or cover habitat for fish.
- b. Lowers or moderates the temperature of surface waters due to the discharge of cold springs, the provision of shade or for other reasons.

5.4 Wildlife Habitat

Wetlands that support a significant number of breeding waterfowl, including all species of ducks, geese and swans, or broods of waterfowl or that provide important habitat for other wildlife and migratory birds are significant wetlands. Wetlands that provide wildlife habitat are extremely diverse and range from small isolated wetlands to large forested swamps. In determining whether a wetland is significant for wildlife habitat, the Secretary or Panel shall, at a minimum, consider the extent to which it:

a. Birds

- (1) Supports or provides the habitat to support one or more breeding pairs of waterfowl or one or more broods of waterfowl.
- (2) Supports or provides the resting, feeding, staging or roosting habitat to support waterfowl migration.
- (3) Supports a nest site, provides a buffer for a nest site, or is used as feeding habitat for wading birds, including: Great blue heron, black-crowned night-heron, snowy egret, cattle egret, or green heron.
- (4) Supports or has the habitat to support one or more breeding pairs of any migratory bird that requires wetland habitat for breeding, nesting, rearing of young, feeding, staging, roosting, or migration, including: Virginia rail, common snipe, marsh wren, American bittern, northern water thrush, northern harrier, spruce grouse, Cerulean warbler, and common loon.

b. Mammals

- (a) Supports winter habitat for white-tailed deer, based on an assessment of winter use. Typical indicators include browsing, bark stripping, worn trails, pellet piles, and softwood tree cover.
- (2) Provides important feeding habitat for black bear, bobcat, or moose, based on

an assessment of use.

- (3) Supports or has the habitat to support muskrats, otter, or mink.
- (4) Supports an active beaver dam, one or more beaver lodges, or evidence of an adult population of beaver which have used the site in two or more consecutive years.

c. Amphibians

- (1) Supports or provides habitat to support the reproduction of uncommon Vermont amphibian species including: Jefferson salamander, blue-spotted salamander, spotted salamander, which are associated with vernal pools for breeding habitat; the Northern dusky salamander and the spring salamander, which are associated with headwater seeps, springs and streams; the four-toed salamander; Fowler's toad, Western chorus frog, and other amphibians found in Vermont of similar significance.
- (2) Supports or provides the habitat to support significant breeding populations of Vermont amphibian species including the species listed in subsection (c)(1); and pickerel frog, northern leopard frog, mink frog, and others found in Vermont of similar significance.

d. Reptiles

- (1) Provides habitat that supports or has the habitat to support uncommon Vermont reptile species, including: wood turtle, northern map turtle, eastern musk turtle, stinkpot turtle, spotted turtle, spiny softshell turtle, eastern ribbon snake, northern water_snake, and others found in Vermont of similar significance.
- (2) Supports or provides the habitat to support significant populations of Vermont reptile species, including the species listed in subsection (d)(1), smooth green_snake, DeKay's brown_snake, and other more common wetland-associated species.

e. Landscape Considerations

- (1) Meets four or more of the following conditions indicative of wildlife habitat diversity:
 - (a) Three or more wetland vegetation classes (1/2 acre or greater in size) are present including: open water contiguous to but not necessarily part of the wetland, deep marsh, shallow marsh, shrub swamp, forested swamp, fen, or bog;
 - (b) The dominant wetland vegetation class is one of the following types: deep marsh, shallow marsh, shrub swamp, or forested swamp;

- (c) The wetland is located contiguous to a lake, pond, river, or stream;
- (d) Fifty percent or more of the surrounding habitat types are any combination of one or more of the following types: forest, agricultural land, old field, or open land;
- (e) Emergent or woody vegetation occupies 26 to 75 percent of the wetland area and open water occupies the remainder of the wetland area;
- (f) The wetland falls into one of the following:
 - 1. Hydrologically connected to other wetlands of different dominant vegetation classes or open water bodies within 1 mile; or
 - 2. Hydrologically connected to other wetlands of the same dominant vegetation class within 1/2 mile; or
 - 3. Within 1/4 mile of other wetlands of different dominant vegetation classes or within 1/4 mile of open water bodies; but not hydrologically connected.
- (2) Is owned by the state or federal government in fee or through easement and managed for purposes of wildlife and habitat conservation as evidenced by a management plan filed and approved by the Secretary or other appropriate governing official;
- (3) Contains evidence that it is used by wetland-dependent wildlife species.

5.5 Exemplary Wetland Natural Community

Wetlands that make an important contribution to Vermont's natural heritage are significant wetlands. These include wetlands that are identified as high-quality examples of one of Vermont's recognized natural community types. There are over forty wetland natural community types recognized in Vermont by the Nongame and Natural Heritage Inventory of the Vermont Fish and Wildlife Department. These include rare types such as dwarf shrub bog, rich fen, alpine peatland, and red maple-black gum swamp, and more common types such as deep bulrush marsh, cattail marsh, northern white cedar swamp, spruce-fir-tamarack swamp, and red maple-black ash seepage swamp. In determining whether a wetland is significant for this function the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Is an example of a wetland natural community type that has been identified and mapped by or meets the ranking and mapping standards of the Natural Heritage Inventory of the Vermont Fish and Wildlife Department. When evaluating a wetland of a particular natural community type, the rarity of the type is a primary consideration in determining its importance to this function. More generally, larger wetlands in undisturbed condition and in unfragmented landscapes are ranked as the better examples.
- b. Contains ecological features that contribute to Vermont's natural heritage, including deep peat accumulations reflecting thousands of years of history of wetland formation, forested

wetlands displaying very old trees and other old growth characteristics, a wetland natural community that is at the edge of the normal range for that type, a wetland mosaic containing examples of several to many wetland community types, or a large wetland complex containing examples of several wetland community types.

5.6 Rare, Threatened, and Endangered Species Habitat

Wetlands that contain rare, threatened, or endangered species of plants or animals are significant wetlands. In determining whether a wetland is significant for this function the Secretary or Panel shall consider whether:

- a. There is credible documentation that the wetland provides important habitat for any species on the federal or state threatened or endangered species list of animals or plants.
- b. There is credible documentation that the wetland has contained one or more threatened or endangered species on the federal or state list in the past 10 years.
- c. There is credible documentation that the wetland provides important habitat for any species listed as rare in Vermont (S1 or S2 ranks), state historic (SH rank), or rare to uncommon globally (G1, G2, or G3 ranks), by the Natural Heritage Inventory of the Vermont Fish and Wildlife Department.
- d. There is credible documentation that the wetland provides habitat for multiple uncommon species of species of plants or animals (S3 rank).

5.7 Education and Research in Natural Sciences

Wetlands that provide, or are likely to provide valuable resources for education or scientific research are significant wetlands. In determining whether a wetland is significant for this function the Secretary shall, at a minimum, consider whether the wetland:

- a. is owned by a public entity dedicated to education or research or an easement for education or research has been conferred to a public entity.
- b. has a history of use for education or research.
- c. has one or more characteristics which make it unique or valuable for education or scientific research purposes.

5.8 Recreational Value and Economic Benefits

Wetlands that provide substantial recreational values or economic benefits are significant wetlands. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Is used for, or contributes to, recreational activities.

- b. Provides economic benefits.
- c. Provides important habitat for fish or wildlife which can be fished, hunted or trapped under applicable state law.
- d. Is used for the harvesting of wild foods.

5.9 Open Space and Aesthetics

Wetlands that contribute substantially to the open-space and aesthetic character of the landscape are significant wetlands. The aesthetic contribution must be specific to the wetland itself, and not attributable to an upland area. In determining whether a wetland is significant for this function, the Secretary or Panel shall, at a minimum, consider the extent to which it:

- a. Can be readily observed by the public.
- b. Possesses special or unique aesthetic qualities.
- c. Has prominence as a distinct feature in the surrounding landscape.
- d. Has been identified as important open space in a municipal, regional or state plan.

5.10 Erosion Control through Binding and Stabilizing the Soil

Wetlands that are important for erosion control are significant wetlands. Such wetlands are typically located along stream, river, pond or lake shorelines, where erosive forces are present. In determining whether a wetland is significant for this function, the Secretary shall, at a minimum, consider the extent to which it:

- a. Protects a shoreline, riverbank or streambank from excessive erosion by dissipation of wave and current energy or by binding and stabilizing the soil.
- b. Prevents erosion by binding or stabilizing the soil.
- c. Has been identified through fluvial geomorphic assessment using methods approved by the Secretary to be important in maintaining the natural condition of the stream or river corridor.

SECTION 6: ALLOWED USES

The following uses shall be allowed in a Class I or Class II wetland and in its buffer zone without a permit, provided that the configuration of the wetland's outlet or the flow of water into or out of the wetland is not altered and that no draining, dredging, filling, or grading occurs except as may be provided for in subsections 6.01, 6.02, 6.03, 6.04, 6.07, 6.08, 6.12, 6.13, 6.14, 6.15, 6.16, ~~and 6.22~~, and 6.26 below. Designation of allowed uses in these rules shall not provide relief from liability for violations that commenced prior to the effective date of such allowed use.

6.1 Silvicultural activities which:

- a. Comply with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont adopted pursuant to 10 V.S.A. § 1259;
- b. Comply with silvicultural standards for deer wintering yards, established jointly by the Departments of Fish and Wildlife and Forests, Parks and Recreation, when occurring in significant wetlands or adjacent buffer zones containing deer wintering yards mapped by the Fish and Wildlife Department; and
- c. Restrict equipment maintenance and the storing or changing of oil, grease, or other petroleum products to log landings; and
- d. Restrict log landings to uplands or buffer zones except that landings not requiring the placement of fill may be located within the wetland when the ground is frozen.

6.2 The restoration, reconstruction, rehabilitation, or upgrading of existing roads used solely for silvicultural purposes provided that such roads are not increased in width by more than 20%.

6.3 The construction of new roads used solely for silvicultural purposes in buffer zones.

6.4 The removal of beaver dams to the extent necessary to prevent impairment of the use of existing logging roads or ongoing silvicultural management practices.

6.5 Silvicultural activities including the uses allowed by subsections b, c and d above, when occurring in any Class I wetland, the buffer zone for any Class I wetland and in any Class II wetland specifically designated by the Secretary or Panel to protect habitat for any species on the state or federal list of threatened or endangered species, that comply with a plan approved in writing by the Commissioner of the Department of Forests, Parks and Recreation.

6.6. The growing of food or crops in connection with farming activities when

- a. Threatened or endangered species are protected; and
- b. No clearing of existing vegetation occurs in deer wintering yards mapped by the Vermont Fish and Wildlife Department; and
- c. In compliance with the most recent Required Agricultural Practices adopted by the Agency of Agriculture, Food and Markets.

67 The operation of existing hydroelectric facilities in accordance with all applicable requirements established by federal and state agencies. This use may involve dredging, draining and/or altering the flow of water into or out of a wetland.

68 The routine repair and maintenance of utility poles, lines and corridors in a manner which minimizes adverse impacts and is accordance with Best Management Practices developed by the Secretary.

- 609** Hunting, birdwatching, hiking, boating, trapping, fishing, horseback riding, swimming, snowshoeing, skiing, and similar outdoor recreational activities.
- 610** Snowmobiling on trails designated by the Vermont Association of Snow Travelers.
- 611** Scientific research and educational activities.
- 612** The maintenance, reconstruction, or routine repair of structures and facilities (including ski trails, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings) in compliance with the Vermont Wetland Rules in existence as of the date of their construction or in existence as of February 23, 1990 or additions to such structures or facilities which do not involve substantial expansion or modification in a wetland or buffer.
- 613** Emergency repair, cleanup, or maintenance of structures and facilities (including utility poles and lines, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings), or emergency actions required to provide for public health, safety and welfare for disaster relief in connection with a federal or state-designated disaster.
- 614** The routine maintenance and upkeep, including the removal of vegetation from, or maintenance dredging of constructed ponds in compliance with Best Management Practices developed by the Secretary. This use may involve dredging, temporary draining, and/or temporarily altering the flow of water into or out of a wetland.
- 615** Wildlife or fisheries management activities, including the removal of beaver dams which pose a significant hazard to public health or safety or to public or private property, conducted in accordance with a written plan or procedure adopted by the Secretary. This use may involve draining and/ or altering the flow of water into or out of a wetland.
- 616** The placement, maintenance or removal of duck blinds, ice fishing shanties, fences, catwalks, footbridges, observation decks, docks exempt similar structures, in compliance with Best Management Practices developed by the Secretary.
- 617** The harvesting of wild foods and the collecting of scientific specimens, not on the state or federal threatened or endangered species lists, for noncommercial purposes.
- 618** The control of non-native species of nuisance plants including Eurasian milfoil, water chestnut, purple loosestrife (*Lythrum salicaria*) and reed grass (*Phragmites australis*), where such control is by hand pulling of plants or according to a written plan approved by the Secretary and under any applicable state law.
- 619** Activities within existing lawns, including mowing, the placement of barbecue pits, sand boxes, bird houses, and other similar activities incidental to ordinary residential use.
- 620** The use of pesticides or other biological agents to control mosquitoes when applied according to all applicable state law.

- 621** The operation of dams in accordance with the surface level rules for lakes and ponds adopted under 10 V.S.A. § 1424, provided that prior to the adoption the Panel finds in writing that the surface level rules will not result in any undue adverse effect on the protected wetland functions. This use may involve draining or altering the flow of water into or out of a wetland.
- 622** The installation of a new overhead utility line that does not involve extensive tree clearing, with three poles or fewer in the wetland or buffer zone, in compliance with Best Management Practices developed by the Secretary
- 623** Wetland restoration or stream restoration projects, including dam removals, in accordance with a plan approved by the Secretary.
- 624** Dry hydrants installed in constructed ponds, where the disturbance is limited to the pond and previously disturbed or managed areas, such as lawns and mowed fields.
- 625** Cleanup activities for spills of oil or hazardous materials.
- 626** Construction of residential housing projects and related required utilities, including draining, dredging, filling, grading, or vegetation clearing that meet the requirements of this subsection.
- a. The residential housing project is located within an area:
 - 1) Designated under 24 V.S.A. chapter 76A as a Downtown Development District, Village Center, New Town Center, Growth Center, or Neighborhood Development Area;
 - 2) Outside of an area described in subdivision (a)(1) of this subsection, and located along the extension or terminus of a public sewer or water line available for connection that serves the designated area; or
 - 3) Designated by the Land Use Review Board as Tier 1A or Tier 1B in accordance with 10 V.S.A §§ 6033-6034.
 - b. The residential housing project is served by public sewer infrastructure or located on soils adequate for wastewater disposal and capable of supporting one or more wastewater systems to serve all proposed residential connections.
 - c. No draining, dredging, filling, grading, or vegetation clearing will occur nor will the residential housing project be located:
 - 1) Within a Class I wetland or its buffer zone; or
 - 2) Within, or within 25 feet of, the mapped area of a Class II wetland shown on the Vermont Significant Wetlands Inventory at the time of the residential housing project's registration under subdivision (e) of this subsection.
 - d. Notwithstanding subdivision (c)(2) of this subsection, a linear utility or access infrastructure servicing residential housing may cross the mapped area of a Class II

wetland or within 25 feet of the mapped area of a Class II wetland provided:

- (i) The crossing is practicably unavoidable;
 - (ii) The linear utility or access infrastructure would result in less than 5,000 square feet in permanent impact cumulatively, or, before project construction commences, offset credits have been purchased through the In Lieu Fee Program at a ratio following the U.S. Army Corps of Engineers' New England District Compensatory Mitigation Standard Operating Procedures (April 26, 2024); and
 - (iii) The linear utility or access infrastructure is designed, constructed, and maintained in compliance with the Best Management Practices for Installation of Linear Utilities and Access Infrastructure Servicing Residential Housing (Appendix B).
- e. The residential housing project is registered with the Secretary on or before January 1, 2030. The registrant shall notify the Secretary in writing within 30 days after construction commences.
- f. For the purposes of this subsection, development activities in pursuit of a common plan of development shall be considered a single residential housing project. A common plan of development means development that is completed in phases or stages when such phases or stages share a common state or local permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure.
- g. Notwithstanding Section 11 of this rule, a residential housing project registered with the Secretary in accordance with subdivision (e) of this subsection shall remain eligible to proceed as an allowed use after January 1, 2030, provided substantial construction of the project has commenced on or before September 1, 2030. All construction on a project under this subsection shall be completed and the site shall be stabilized no later than December 1, 2031. For the purposes of subdivision, substantial construction has commenced when:
 - (i) All required State, local, and federal permits and authorizations for project construction have been issued; and
 - (ii) On-site physical construction of the residential housing project has begun and is proceeding in good faith, including construction of permanent project improvements, such as building foundations, necessary utility infrastructure, or access roads required to serve the project.

SECTION 7: RULEMAKING PETITIONS

7.1 General

Any person may petition the Secretary to classify any wetland as a Class I wetland, or to reclassify any Class I wetland to a lower classification, in accordance with the Vermont Administrative Procedures Act, 3 V.S.A. §§ 800-849 and these rules.

7.2 Content of Petitions

Any petition shall be in writing and must contain the following information unless waived in writing by the Secretary.

- a. The nature and purpose of the petition.
- b. A narrative providing a detailed summary of the circumstances prompting the petition and describing the specific action sought.
- c. A description of the specific location of the subject wetland or buffer zone and the location on a USGS topographic map or the relevant portion of the VSWI map.
- d. A detailed narrative of why the petitioner believes the action(s) sought by the petition is consistent with state and federal statute and these rules, including a discussion of each wetland function (see Section 5) at issue.
- e. Copies of all documents which the petitioner intends to rely upon in support of the petition;
- f. The names and complete mailing addresses of all persons owning property within or adjacent to the wetland and the existing and proposed buffer zone.
- g. The signature, printed name, and complete mailing address of each person signing the petition.
- h. The name, address, and telephone number of a designated representative.
- i. All determinations or decisions, if any, issued by the Secretary, Panel, or former Water Resources Board pertaining to the wetland or wetlands in question.
- j. Such other information as the Secretary may require.

7.3 Petition Distribution

The Petitioner shall file the petition with the Department of Environmental Conservation, Watershed Management Division. The Petitioner shall file a copy of the petition, as well as all supporting documents and exhibits. The petition and all supporting documents and exhibits, including any documents or exhibits filed to complete or supplement a petition, shall be accompanied by a certificate of service signed by the petitioner or a representative. Unless waived in writing by the Secretary, the petitioner shall also serve the petition upon each person owning property within or adjacent to the wetland and the existing and proposed buffer zone.

7.4 Rulemaking Process

- a. Notice

The Secretary shall consider petitions in accordance with the Administrative Procedure Act, 3 V.S.A. § 806. If the Secretary grants the petition, the Secretary shall commence rulemaking within 30 days of receiving the petition, pursuant to 3 V.S.A. Chapter 25.

b. Review Standards

The Secretary shall determine whether a wetland is a Class I wetland, on the basis of the criteria set forth in Section 5. The Secretary shall decide whether to modify the size or configuration of any buffer zone associated with any Class I wetland on the basis of the need to protect those values and functions sought to be preserved by the designation.

7.5 Emergency Rulemaking

Where the Secretary believes that there exists an imminent peril to public health, safety or welfare, it may adopt an emergency rule pursuant to 3 V.S.A. §844.

SECTION 8: WETLANDS DETERMINATIONS BY THE SECRETARY

8.1 General

The Secretary may, upon a petition or on their own motion, determine whether any wetland is a Class II Wetland or a Class III wetland, pursuant to 10 V.S.A. § 914 and these rules. Such determinations shall be based on an evaluation of the functions and values set forth in statute and these rules. The Secretary may establish the necessary width of a buffer zone of any Class II wetland as part of any wetland determination pursuant to these rules. Any wetland proposed by the Secretary to be designated as a Class II wetland shall be presumed to be a significant wetland until the Secretary determines otherwise. This presumption shall become effective upon receipt by the landowner of a registered letter from the Secretary giving notice of a preliminary wetland determination, and shall last sixty (60) days thereafter.

8.2 Contents of Petitions

Any request by a person for the Secretary to make a determination pursuant to Section 8.1 shall be in writing and must contain the following:

- (a) a description of the specific location of the subject wetland or buffer zone and the location on a USGS topographic map or the relevant portion of the VSWI map;
- (b) a detailed narrative of the action(s) sought by the petitioner and why the action(s) are consistent with these rules, including a description of the wetland and each wetland function and value (Section 5) at issue;

- (c) copies of all documents which the petitioner intends to rely upon in support of the request;
- (d) the names and complete mailing addresses of all persons owning property within or adjacent to the wetland area and buffer zone in question.
- (e) all determinations and decisions, if any, issued by the Secretary, Panel or former Water Resources Board, pertaining to the wetland or buffer at issue; and
- (f) such other information as the Secretary may require.

8.3 Petition and Determination Notice Requirements

- (a) A Petitioner shall provide written notice of a petition for a determination under this section to the owner of each parcel of land within or adjacent to the wetland area or buffer zone being considered, and shall certify to the Secretary in writing that such notice has been provided, and shall state in the written certification the name and address of each person notified and the date and manner that notice was provided.
- (b) The Secretary shall provide notice of a proposed wetland determination according to the provisions of 10 V.S.A. § 914(c).
- (c) The Secretary shall provide notice of a proposed categorical wetland determination through the Environmental Notice Bulletin, according to the requirements of 10 V.S.A. § 7714.
- (d) The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. When the Secretary issues the final decision, the Secretary shall provide a response to comments.

8.4 VSWI Mapping Corrections and Revisions

The Secretary shall have the authority to make the following mapping corrections, which are not wetland determinations pursuant to 10 V.S.A. § 914. The Secretary shall provide notice of such map corrections on the Environmental Notice Bulletin according to the requirements of 10 V.S.A. § 7714. The VSWI map layer is located on the Agency of Natural Resources Atlas and available for download through the Vermont Center for Geographic Information (VCGI).

- a. The Secretary may, upon request or on their own motion, determine whether a polygon on the VSWI map is not a wetland. Such determinations shall be based on the methodology for identifying wetlands in Section 3.2.a of these rules.
- b. The Secretary may determine that a polygon on the VSWI map is inaccurate and may change the configuration of the polygon to more accurately reflect the location of a wetland, as determined from aerial photos, field visits, field delineations and other relevant information. Section 8.3 notification requirements shall not apply to such

changes. These types of changes do not alter the classification of the wetland, but enhance the accuracy of the VSWI maps—

- c. The Secretary shall provide notice of map revisions associated with an individual wetland determination concurrently with the wetland determination, according to the provisions of 10 V.S.A. § 914(c).
- d. The Secretary may determine that a general category of wetlands is significant for one or more functions and values and therefore meets the definition of a Class II wetland according to Sections 4.1 and 4.6 of this rule. The Secretary shall revise the VSWI to identify those wetlands that have been categorically determined to be Class II, as determined from aerial photos, field visits, field delineations and other relevant information.

SECTION 9: PERMITS

9.1 General

Activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use or authorized by a permit, conditional use determination or order issued by the Secretary. The Secretary may impose any conditions in such a permit that are deemed necessary to achieve the purposes of these rules. The Secretary may issue a permit authorizing an activity occurring within a Class I wetland only to meet a compelling public need to protect public health or safety. A permit issued under these rules shall not relieve any person of the responsibility to comply with all other applicable federal, state or local laws. An individual wetland permit shall remain valid for one year from the date of issuance unless the Secretary specifies a longer period not to exceed five years.

The Secretary may extend a permit for up to a total of ten years beyond the date of issuance of the original permit if the permittee re-evaluates and re-delineates the wetland resources impacted by the authorized activity and the Secretary determines there will be no impact to Class I or Class II wetland or buffer beyond those impacts permitted under the original permit. If any additional wetland or buffer will be impacted, an amendment must be applied for, concurrent with a permit extension. An application for a permit extension is subject to the same notice and comment requirements listed in Section 9.3 of these rules.

A permit shall not be required for:

1. Any activity that occurred before the effective date of 10 V.S.A. § 913 unless the activity occurred within:
 - (a) an area identified as a wetland on the VSWI maps as they existed on the date the activity commenced;
 - (b) a wetland that was contiguous to an area identified as a wetland on the VSWI maps; or

- (c) the buffer zone of a wetland referred to in a. or b. above.
- 2. Any construction within a wetland that is identified on the VSWI maps as they existed on the date the activity commenced, or within the buffer zone of such a wetland, provided that the construction was completed prior to February 23, 1992, and no action for which a permit or conditional use determination was required under these rules was taken or caused to be taken on or after February 23, 1992.

9.2 Individual Permit Application; Distribution

- a. The applicant shall, in addition to filing an original copy with the Secretary, file a complete copy of the application for an individual permit with the following:
 - 1. the clerk of each Vermont municipality in which the wetland or buffer zone is located,
 - 2. each regional planning commission serving the geographical area in which the wetland or buffer zone is located.
- b. In addition, copies of the location map, the description of the specific action(s) for which a permit is sought, the supporting narrative and a listing of where complete copies of the request have been filed shall be provided to the municipal planning commission and/or conservation commission and to all persons owning property within or adjacent to the affected wetland area or buffer zone in question.
- c. The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may deny the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request. Denials of an application shall be issued in writing, stating the reasons for the denial. If an application is denied for lack of technical or other information, the Secretary will provide appropriate information to help the applicant correct the deficiencies and re-apply for a permit.
- d. Revocation of an Individual Permit: The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, an individual permit for cause, including:
 - 1. violation of the terms or conditions of the individual permit;
 - 2. obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
 - 3. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.

9.3 Notice of Request for Public Comment on Individual Permit Application

- a) The applicant shall provide notice of their permit application to adjoining property owners. Adjoining property owner means a person who owns land in fee simple, if that land:
 - 1. Shares a property boundary with a tract of land where proposed or actual activity regulated by the Department is located; or
 - 2. Is adjacent to a tract of land where such activity is located and the two properties are separated only by a river, stream, or public highway.
- b) The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.
- c) The Secretary shall provide notice of a draft decision through the environmental notice bulletin and shall post the draft decision and a fact sheet to the bulletin.
- d) The Secretary shall provide a public comment period of no less than 30 days.
- e) Any person may request a public meeting on the draft decision issued under this section within 14 days of the issuance of the draft decision. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at their discretion.
- f) The Secretary shall provide at least 14 days' notice of the public meeting through the environmental notice bulletin. If the notice of the public meeting is not issued at the same time as the draft decision or draft general permit, the Secretary also shall provide notice of the public meeting in the same manner as required for the draft decision or permit.

9.4 Notice of Decision

The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision or permit to the bulletin. When the Secretary issues the final decision, the Secretary shall provide a response to comments.

9.5 Individual Permit Review Standards

a. Burden of Proof

Applicants for an individual wetland permit shall have the burden to show that a proposed activity in any Class I or Class II wetland or its buffer zone complies with these rules and will have no undue adverse effect on protected functions and values. In determining whether this burden has been met, the potential effect of any proposed activity shall be evaluated on the basis of both its direct and immediate effects as well as on the basis of any cumulative or on-going effects on the significant wetland.

b. Mitigation Sequencing

An adverse effect on any protected function, other than a minimal impact, shall be presumed to constitute an undue adverse effect unless the Applicant can demonstrate each of the following, sequentially:

- (1) The proposed activity cannot practicably be located outside the wetland or on another site owned or controlled by the applicant or reasonably available to satisfy the basic project purpose; and
- (2) If the proposed activity cannot practicably be located outside the wetland, all practicable measures have been taken to avoid adverse impacts on protected functions; and
- (3) If avoidance of adverse effects on protected functions cannot be practically achieved, the proposed activity has been planned to minimize adverse impacts on the protected functions and a plan has been developed for the prompt restoration of any adverse impacts on protected functions.

c. Compensation

If the applicant has demonstrated compliance with Sections 9.2(b)(1)-(3) and the proposed project would result in unavoidable adverse impacts on the protected functions and values of a significant wetland, a permit shall not be issued unless the applicant also demonstrates that such unavoidable impacts will be compensated for in accordance with this subdivision.

- (1) Compensation shall be required under the following circumstances:
 - (a) When a proposed project would result in more than 5,000 square feet of adverse impacts to significant wetlands;
 - (b) When a proposed project would result in adverse impacts to a wetland buffer that significantly affects the functions and values of the adjacent wetland, as determined by the Secretary; and
 - (c) When a proposed project would result in adverse impacts to a significant wetland of 5,000 square feet or less and the Secretary determines that compensation is necessary to avoid a loss of protected wetland functions and values.
- (2) Compensation will be allowed for impacts to either Class I or Class II wetlands only to reduce adverse impacts on those protected functions that are compensable. Such compensation measures may include establishing new wetlands or enlarging the boundaries of an existing wetland to compensate for the adverse impact of the proposed activity. The compensation may also include payment of fees to an “in-lieu fee” program or mitigation bank approved by the Secretary. Compensation for undue adverse impacts on protected functions in Class I wetlands or their buffer zones may only be considered upon the showing that the adverse impacts are necessary in the course of meeting a compelling public need to protect public health or safety.
- (3) When assessing the appropriate type and scale of compensatory mitigation for permittee-designed compensation projects, the Secretary shall consider the following factors:

- (e) The existing level of wetland functions and values currently provided at both the proposed project site and the compensation site, prior to any mitigation or restoration activities;
 - (f) The amount of wetland acreage and function that would be lost as a result of a proposed project;
 - (g) The method of wetland restoration at the proposed compensation site for lost acreage and functions;
 - (h) The length of time necessary for the compensation site to be fully functional;
 - (i) The likelihood that the compensation project may fail to achieve its intended objectives; and
 - (j) The differences in location between the adversely impacted wetland and the compensation site, and how those differences may affect the ecological services and values provided.
- (4) Compensation for permanent fill or drainage of significant wetlands shall be provided at a minimum 2:1 ratio of compensation acreage to wetland area lost when compensation is required under subdivision 9.5(c)(1)(a). Compensation for other wetland impacts shall be based on the factors listed under Section 9.5(c)(2) and the compensation ratios set forth in the U.S. Army Corps of Engineers' New England District Compensatory Mitigation Standard Operating Procedures (April 26, 2024). The establishment of wetland buffer zones shall not substitute for restoration, enhancement, or creation of wetlands for compensation purposes.
- (5) Where compensation for wetland buffer impacts is required, the Secretary shall determine the appropriate scale of compensation based on the factors identified under subdivision. The Secretary may develop and consider guidance identifying appropriate compensation ratios for categories of wetland buffer impacts.
- (6) Compensation is presumed to be possible for adverse impacts on the functions specified in Sections 5.1, 5.2(d), 5.4(a)(1 and 2), and 5.9. For any of the remaining functions and values specified in Section 5, the applicant must show that compensation will be successful in compensating for adverse impacts to any protected function. Any compensation plan must demonstrate that:
- (a) there will be no net loss of the protected functions or acreage of significant wetlands, and that the compensation provided will achieve a net gain of wetlands acreage and protected functions to the extent required by 10 V.S.A. § 918 and this rule;
 - (b) the compensation measures will be fully implemented prior to, or concurrently with, the proposed activity;
 - (c) the compensation measures shall be monitored and managed for a period necessary to insure full replacement of the

protected functions in question and any additional period that may be required by subsequent remedial measures but in no event for less than five years;

- (d) measures shall be designed to be self-sustaining following the period for which monitoring or management is required;
- (e) adequate financial surety is provided to carry out the proposed compensation including any necessary remedial measures; and
- (f) any replacement wetland will be permanently preserved by a conservation easement or deed restriction conveyed to a suitable party or by other appropriate means.

9.6 Amending an Individual Wetland Permit Decision

A permittee shall notify the Secretary of any changes to the permitted project. The Secretary may authorize a major, minor, or administrative amendment to an individual wetland permit when the proposed amendment:

- (a) Does not involve a change to the overall project purpose
 - (b) Does not impact any additional properties, unless the applicant is applying for a major amendment, in which case impacts to additional properties may be permitted.
- (1) An administrative amendment may be granted for any proposed change to an individual permit that corrects typographical errors, changes the name or mailing address of a permittee, or makes other similar changes to a permit that do not require technical review of the permitted activity or any changes to conditions or requirements. The transfer of an individual wetland permit constitutes an administrative amendment. No notice and comment is required for an administrative amendment.
- (2) A minor amendment may be granted for any change to a proposed individual permit that entails a change to a condition or requirement, does not necessitate technical review, and is not an administrative amendment. Changes that meet all of the following criteria may constitute minor amendments to a permit:
- (a) Involve the same delineated wetland area
 - (b) Are within the same property
 - (c) Consist of no more additional impact
 - (d) Are within the same or lesser cover type in wetland or buffer
 - (e) Activity does not move from a managed area to a natural area
 - (f) Activity does not move to areas with rare, threatened or endangered species habitat or an exemplary wetland natural community
 - (g) Have no further encroachment into wildlife habitat, and
 - (h) Are no closer to surface water bodies

Before a minor amendment can be granted, the Secretary shall:

1. provide notice of an administratively complete minor amendment application

- through the environmental notice bulletin,
2. provide notice of the draft decision through the environmental notice bulletin and shall post the draft decision to the bulletin,
3. provide a public comment period of at least 14 days on the draft decision,
4. provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin, and
5. provide a response to all comments.

- (3) A major amendment may be granted for any proposed change to an individual permit that necessitates technical review. A major amendment shall be subject to the same individual permit review standards and public notice and comment requirements applicable to the original permit application.

To secure an amendment to a valid permit, the Permittee must submit to the Secretary an amendment application that includes a description of the proposed change, a site plan that depicts the amended project, any other information as required by the Secretary, and the Permittee must pay any applicable application fees, including fees covering any additional proposed impacts to wetlands or wetland buffer, according to the fee schedule established in 3 V.S.A. § 2822.

An amendment or modification to a project that does not meet the conditions described above requires the submittal of a new wetland permit application for all of the project activities.

9.7 General Permits

The Secretary may issue general permits for discrete categories of Class II wetlands and for discrete categories of activities or uses in accordance with the provisions of this section. A general permit shall be issued for a specified period of time not to exceed five (5) years from the date of issuance. Authorizations issued by the Secretary pursuant to a general permit shall be valid for a specified period of time not to exceed five (5) years.

a. Proposed General Permits

Any proposed general permit shall include the following information:

- (1) A detailed description of the activities or uses to be authorized.
- (2) Any conditions or limitations on the activities or uses authorized.
- (3) The expiration date of the general permit.
- (4) A detailed narrative explaining the rationale for the proposed general permit and the basis on which the Secretary has determined that activities eligible for authorization pursuant to the general permit will comply with these rules and will have no undue adverse effect on protected functions and values. In making this determination, the Secretary shall evaluate both the direct and immediate effects of any proposed activity as well as the cumulative or ongoing effects on the significant wetland. An adverse effect on protected functions, other than a minimal

impact, shall be presumed to constitute an undue adverse effect unless:

- (a) The proposed activity cannot practicably be located outside the wetland or on another site owned, controlled or available to satisfy the basic project purpose; and
 - (b) If the proposed activity cannot practicably be located outside the wetland, all practicable measures have been taken to avoid adverse impacts on protected functions; and
 - (c) If avoidance of adverse effects on protected functions cannot be practically achieved, the proposed activity has been planned to minimize adverse impacts on the protected functions and a plan has been developed for the prompt restoration of any adverse impacts on protected functions.
- b. Copies of any documents which the Secretary has relied upon in the preparation of the proposed general permits shall be available to the public upon request unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317(c).

c. Notice

The Secretary shall provide notice of a draft general permit through the environmental notice bulletin and shall post the draft decision or permit to the bulletin. The notice shall:

- (1) accurately summarize the proposed general permit(s);
- (2) indicate where copies can be obtained; and
- (3) provide at least 30 days in which to file written comments and/or to file a written request that the Secretary hold a public meeting.

d. Public Meeting Requests

Within 14 days of issuance of the draft general permit, any person may request a public meeting on the draft general permit issued under this section. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at their discretion. The Secretary shall provide at least 14 days' notice of the public meeting through the environmental notice bulletin. If the notice of the public meeting is not issued at the same time as the draft general permit, the Secretary also shall provide notice of the public meeting in the same manner as required for the draft decision or permit under subsection (c) of this section.

e. Decision

The Secretary shall provide notice of the final decision or final general permit through the environmental notice bulletin and shall post the final decision or permit to the bulletin. When the Secretary issues the final decision or final general permit, the Secretary shall provide a response to comments.

f. Modification of General Permit

The Secretary may modify a general permit after providing an opportunity for public participation in the same manner as described in Section 9.8(c) and (d).

9.8 Application for Authorization Under a General Permit

a. Application.

An applicant for authorization under a general permit shall submit a completed Notice of Intent (NOI) form with all necessary attachments and fees, if any, and all other application information required by the general permit and the Secretary.

The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of an authorization under the general permit. The Secretary may deny coverage if the requested information is not provided within sixty (60) days of the Secretary's request.

b. Public Notice of Application

Once the Secretary determines that an application for authorization under a general permit is complete, the Secretary shall provide public notice through the Environmental Notice Bulletin.

For a period of fourteen (14) days following the Secretary's completion of the public notice requirements specified above, the Secretary shall provide an opportunity to the public to provide written comment regarding whether the application complies with the terms and conditions of the general permit.

The period for public comment may be extended at the sole discretion of the Secretary.

The applicant shall comply with any additional notice requirements specified in the general permit.

c. Issuance or Denial of Authorizations

If the Secretary determines that an application is complete and that the proposed activity meets the terms and conditions of the general permit, the Secretary shall issue an authorization unless the Secretary determines that an individual permit is required pursuant to Section 9.98(e). The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin. The Secretary shall provide a response to comments.

Denials of an authorization shall be issued in writing, stating the reasons for the denial. If an application is denied for lack of technical or other information, the Secretary will provide appropriate information to help the applicant correct the deficiencies and re-apply for an authorization.

d. Revocation of an Authorization

The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, an authorization under a general permit for cause, including:

1. violation of the terms or conditions of the general permit;
2. obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
3. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.

e. Requiring Coverage under an Individual Permit

The Secretary may require a person applying for an authorization under a general permit to apply for an individual permit. Cases where an individual permit may be required include the following:

1. the applicant is not in compliance with the terms and conditions of the general permit;
2. the activity does not qualify for authorization under a general permit taking into account the location of the activity, the size of the activity, or the impact of the activity on the functions of the wetland or buffer zone in question.

f. Requiring Authorization under a General Permit

The Secretary may require a person applying for an individual permit to apply for authorization under a general permit provided the Secretary finds that the activity complies with all conditions of the general permit and the activity is more appropriately covered under the general permit.

g. Nonreporting General Permit. The Secretary may, at their discretion, issue a nonreporting general permit.

SECTION 10: APPEALS

Appeals from any act or decision of the Secretary under these rules are governed by 10 V.S.A. § 8504.

SECTION 11: REPEAL OF TEMPORARY PROVISIONS

Sections 2.1, 2.23, 2.26, 2.33, and 6.26 of these rules are repealed effective January 1, 2030.

APPENDIX A - Class One Wetlands

This appendix lists those wetlands that have been designated as Class I wetlands as provided for in Section 7 of the Vermont Wetland Rules. The relative locations of these wetlands are depicted on the Vermont Significant Wetlands Inventory maps.

Addison County

Beaver Meadows, Ripton, (44.041609, -73.057337). Established 2019, Wetland file 2017-396. The wetland buffer extends 400 feet from the delineated wetland boundary.

Bennington County

Dorset Marsh, Dorset, (43.23793, -73.09057), Established April 22, 1992, Wetland file 1990-03. The wetland buffer extends 100 feet from the delineated wetland boundary.

Caledonia County

Peacham Bog, Peacham, (44.297015, -72.239732), Wetland file 2017-009. The wetland buffer extends 500 feet from the delineated wetland boundary.

Chittenden County

Northshore Wetland, Burlington, (44.52465, -73.27132) Established September 18, 2009, Wetland file 2000-03. The wetland buffer extends 300 feet from the delineated wetland boundary except where the easterly side of such buffer would encroach upon the City of Burlington recreational path, in which areas the buffer shall extend from the delineated boundary parallel to, and 25 feet westerly from, the centerline of the City of Burlington recreational path as it existed September 18, 2000.

Sandbar Wetlands, Colchester and Milton, (44.61165, -73.23203 and; 44.62095, -73.23306). Established in 2017, Wetland file 2016-346. The wetland buffer extends 100 feet from the delineated wetland boundary.

LaPlatte River Wetlands, Shelburne, (44.396131, -73.232501), Wetland file 2016-699. The Class I wetland's extent is defined by the Class I map. The wetland buffer extends 100 feet from the mapped Class I area.

Essex County

Dennis Pond Wetlands, Brunswick, (44.73288, -71.66231). Established in 2017, Wetland file 2016-351. The wetland buffer extends 300 feet from the delineated wetland boundary.

Franklin County NONE

Grand Isle County NONE

Lamoille County

NONE

Orleans County

NONE

Rutland County

Tinmouth Channel Wetland, Tinmouth, (43.45911, -73.03860), Established December 13, 2001, Wetland file 2001-07, The wetland buffer extends 100 feet from the delineated wetland boundary except in the portion of the wetland which is north of route 140 where a 300 foot buffer is designated.

Wards Marsh, West Haven, (43.5767492, -73.3882424), Established in 2022, Wetland File 2018-787. The wetland buffer extends 100 feet from the delineated wetland boundary.

Washington County

Chickering Fen, Calais, (44.32453, -72.48114). Established in 2017, Wetland file 2016-209. The wetland buffer extends 300 feet from the delineated wetland boundary except where 300 feet extends past the watershed at a ridgeline to the northwest of the wetland.

Windham County

NONE

Windsor County

Eshqua Bog, Hartland (43.5961439, -72.4874471). Established in 2022, Wetland File 2020-214. The wetland buffer extends 200 feet from the delineated wetland boundary.

APPENDIX B - Best Management Practices for the Installation of Linear Utilities and Access Infrastructure Servicing Residential Housing

(a) **General Practices.** The following general practices are applicable to all activities eligible under subdivision (d) of subsection 6.26 of the Vermont Wetland Rules:

1. The crossing shall be in the least impactful location of the mapped area of Class II wetland and 25' buffer zone practicable. Please refer to section (c) of these best management practices for recommended avoidance and minimization practices that may assist in selecting an appropriate crossing location.
2. A continuous line of orange snow fence or flagging tape shall be installed along the limits of disturbance within the mapped area of Class II wetland and 25' buffer zone prior to the start of construction.
3. If a stormwater construction permit is required for the activity, the activity shall comply with the erosion prevention and control requirements of that permit. If no stormwater construction permit is required, the activity shall comply with the following minimum erosion prevention and sediment control requirements:
 - (A) Prior to commencement of construction, a continuous line of silt fence shall be properly installed immediately upgradient of the snow fence or tape and shall be regularly maintained. Silt fence shall be installed on the contour and shall not be installed in areas of concentrated flow, including stream channels or ditches.
 - (B) Accumulated sediment shall be removed from the silt fence before and after any significant storm event or whenever sediment reaches one-half of the height of the fence. Removed sediments shall be disposed of in a stable upland area outside the 50-foot buffer zone and at least 100 feet from waters of the State, as defined under 10 V.S.A. § 1251, and shall, at a minimum, be immediately stabilized with seed and mulch.
 - (C) All other disturbed soils shall be seeded and mulched within 48 hours after final grading.
 - (D) All sediment barriers and construction fencing shall be removed following the successful establishment of vegetation.
4. If a stream alteration permit is required for activity, the activity shall comply with the requirements of that permit. If no stream alteration permit is required, the activity comply with the minimum following requirements:
 - (A) In-stream work shall be conducted using the method that results in the least disturbance of stream flow and prevents any discharge of sediment downstream. Stream flow shall be diverted from the work area at all times.
 - (B) All equipment used in or adjacent to a stream shall be clean, properly maintained, and free from fuel, hydraulic fluid, and gear oil leaks. There shall be no discharge of uncured concrete to the stream flow.
 - (C) Pumping from excavation areas shall be discharged to an overland area or settling basin such that the effluent shall be essentially clarified before reentering the stream flow.

- (D) All areas of stream bank disturbed during construction shall be suitably reshaped and stabilized using stone fill or a vegetative planting prior to completion of the project. The extent of stream bank disturbance shall be strictly limited, and all existing vegetation shall be maintained to the greatest degree practicable. Stream work shall be limited to the period from June 1 through October 1.
- (E) Culvert invert elevations shall be installed six inches below the stream bed level.
- 5. All equipment shall be cleaned prior to work in wetlands and buffer zones so that it contains no observable soil or vegetation, in order to prevent the spread of invasive species.
- 6. At the edge of any access road or driveway, where it crosses a mapped area of Class II wetland or its 25' buffer zone, markers consisting of split-rail fence, large boulders, or comparable alternative shall be installed at regular intervals no more than 30 feet apart. These markers shall be installed prior to sale or occupancy of any residential dwellings.
- 7. If the impact is temporary in nature, stockpiling of material shall be done on filter fabric or an equivalent barrier within the wetland and buffer zone. Temporarily removed wetland soils shall be returned in the reverse order that they were removed and restored to their prior condition to match the original soil profile.
- 8. Except as provided in subsection (7) of this section, removed and stockpiled materials shall be located outside of the wetlands and buffer zones and at least 50 feet from surface waters. Appropriate erosion controls measures described in subsection (3) of this section shall be used.
- 9. Impacts from equipment access to the site shall be minimized by using existing or other low impact routes. Equipment access methods shall be used in the following order of preference:
 - (A) Accessing wetland areas with construction mats or during frozen or dry conditions. Winter construction under frozen conditions may minimize ground disturbance and reduce impacts to wildlife;
 - (B) Delineating the limits of disturbance using a combination of silt fence, flagging, or snow fence;
 - (C) Using low-ground pressure or tracked vehicles in wetlands to minimize compaction and rutting;
 - (D) Minimizing equipment use in wetlands and limiting vehicle trips; and,
 - (E) Restoring the project site to reverse soil compaction and stabilize the soil on the site and replanting the site if vegetation has been destroyed.
- (10) Activities shall maintain or mimic pre-existing drainage to avoid unnecessary ditching or concentration of flow. Crossings in low-lying or seasonally saturated areas shall be designed to accommodate subsurface drainage, including utilizing measures such as French mattresses or underdrains.
- (11) Where roadside ditches are required for new or upgraded roads, they shall be sized to accommodate anticipated runoff volumes and shall use vegetated swales and buffer strips whenever practicable.

(12) Where culverts are needed, they shall be installed in a number and size sufficient to equalize hydrology, avoiding lowering waters on one side of the crossing. Culverts shall also be designed and installed to allow for aquatic organism passage.

(13) Final earthwork shall restore wetlands and buffer zones to their original grade and vegetative cover utilizing native seed sources, except where earthwork establishes a permanent access feature.

(b) **Activity-Specific Practices.** The following practices apply to the corresponding activities identified below that are eligible under subdivision (d) of subsection 6.26 of the Vermont Wetland Rules:

(1) Placement, relocation, removal, or upgrade of overhead utility lines in wetland or buffer zone:

- (A) Poles and wires shall be located to minimize clearing of vegetation to the extent practicable.
- (B) Removal of woody vegetation in the wetland and buffer zone shall occur only within an existing or designated right-of-way ("ROW") for the utility, or for removal of danger trees outside the maintained ROW.
- (C) Vegetation management shall be limited to clearing necessary to maintain the line in a safe and efficient manner:
 - (i) If cutting of wetland vegetation cannot be avoided, the work shall be performed by hand (e.g., chain or hand saw) rather than with heavy equipment to preserve wetland soils; and
 - (ii) Vegetation shall be cut at ground level, leaving root systems intact.

(2) Installation of underground utilities:

- (A) Where feasible, trenchless construction methods shall be used to reduce or eliminate surface disturbance.
- (B) Excavation trenches shall be limited in width, using the smallest feasible bucket or trenching equipment.
- (C) Trenches shall be filled, mulched, and seeded immediately or upon final inspection of the line.
- (D) If directional boring is used, the bore depth beneath the wetland shall not puncture any confining layer necessary to maintain wetland hydrology.
- (E) If drilling or boring is utilized, drilling fluid shall be composed of bentonite clay, clean water, and any biodegradable drill soaps or polymers. No diesel fuel shall be used as an additive.

(3) Access roads and driveways:

- (A) Access shall be limited to upland areas or existing maintained roads to the extent practicable.

- (B) Where access cannot be limited to upland areas or existing roads, access may be conducted on other existing primitive roads or existing managed areas in wetlands or buffer zones where practicable.
- (C) Where existing roads are unavailable for access, access shall be conducted in a manner that minimizes rutting and earth disturbing activities by meeting the practices under subsection (a)(9) of these best management practices.

(c) **Avoidance and Minimization Recommendations.** The following planning, pre-construction, post-construction, restoration, and maintenance practices are recommended where practicable to avoid and minimize wetland impacts.

(1) Project Planning:

- Site infrastructure away from low-lying and poorly drained areas.
- Minimize the width of typical access roads through wetlands or utilize existing crossings.
- Avoid both above- and below-ground wetland crossing impacts.
- Design with the grade of the land to avoid earthwork as much as possible and to maintain existing drainage characteristics.
- Target existing corridors or developed areas, such as easements, roads, roadway shoulders, bridges or old railroad beds, as the first alternative preference.
- Avoid disturbing stream beds; if they must be disturbed, utilize a straight and narrow section with low banks.
- Avoid construction access or work in organic soils.
- Consider spanning a wetland by locating utility poles on either side of the wetland, instead of disturbing the interior.
- If attaching utility lines to a bridge or other structure, be aware of possible floodplain constraints.
- If underground piping cannot be avoided, install it in a crack-proof casing so that the area above the piping can be replanted with vegetation.
- Co-locate all utilities and use trenchless methods when practicable
- Share driveways to limit wetland crossings in subdivisions or neighborhoods.
- Use boulders, gabions, or retaining walls where appropriate to reduce the amount of filling needed for slopes.
- Keep the size of cleared maintenance areas above and around utility lines to a minimum.
- For electric lines, consider suspending the wires above any wetland tree canopy or place over a lower cover type (shrubs or emergent marsh).
- Avoid diversion of surface water and groundwater sources, which could affect nearby wetlands. Sub- draining effects from trench installation must be guarded against.
- Use the Vermont Natural Heritage Inventory database to evaluate whether any Rare, Threatened, or Endangered Species wetland habitat exists or exemplary wetland natural communities exist on the site and avoid impacts to those areas.

(2) Before Construction:

- Administer pre-job briefings to ensure everyone is conducting work according to these best management practices.
- Ensure that soil erosion and sediment controls are properly installed and maintained, including silt fences, sediment basins, and other erosion controls to prevent sediment from leaving the work area.
- Have all necessary materials on hand before beginning work.
- Designate construction staging and vehicle access routes to avoid sensitive sites and minimize disturbance.

(3) During Construction within wetland and buffer:

- Limit construction to outside the breeding and migratory seasons of wetland wildlife.
- Limit construction activities to the low-flow periods, the appropriate time-of-year restrictions, or to when the soil is frozen.
- Preserve all low-growing varieties of vegetation adjacent to wetlands to the fullest extent possible in order to minimize erosion potential.
- Limit tree removal to only those trees necessary.
- During trenching and temporary earth disturbance, preserve and stockpile the top 6–12 inches of topsoil separately, then replace it after backfilling to support rapid restoration and reduce ecological impact.
- Use structures or devices to prevent sub-draining or groundwater movement along pipelines, such as anti-seepage collars, intermittent clay barriers, trench plugs or clay saddles.
- Conduct work manually, whenever feasible.
- For underground utilities through wetlands, install pipe sleeves that wires or smaller pipes can be placed within to allow for easy access for future utility maintenance and repair.
- If dewatering of trenches is necessary, pump water into an acceptable, properly designed dewatering basin.
- Stabilize disturbed soils as soon as possible through seeding, mulching, or planting—especially on banks and slopes.

(4) Site Restoration and Maintenance

- Begin site restoration (grading, erosion control, topsoil replacement) immediately following construction, aiming to stabilize the site within three days of completing work.
- Plan for restoration to be completed before the end of the growing season and as soon as possible after installing the utility or access.
- Remove all construction-related features from restoration areas and restore affected locations to their former condition.
- Stabilize all disturbed areas outside of the cleared maintenance zone with grasses and vegetation.

- Utilize a seed mix comprised of native species that is appropriate to the pre-construction site conditions, such as site-appropriate woody species, in all temporary wetland impact areas.
- Restore wetland soils and hydrology to existing conditions or grades, avoiding compaction.
- Restore disturbed stream channels to original width and substrate.
- Maintain the road shoulder by hand cutting or mowing.
- Include the maintenance schedule for standard utility projects and the entity responsible for post- construction stabilization and restoration.
- Include methods for completing regular and emergency repairs to utility lines.

(d) **Recommendations for Residential Housing Projects.** For all other components of a residential housing project qualifying as an allowed use under subsection 6.26 of the Vermont Wetland Rules, the following practices are recommended to help avoid and minimize impacts to affected wetlands and buffer zones, limit future disturbances, and support the protection of wetland functions and values. These recommendations may also assist in project planning where federal permitting is applicable.

- (1) Please be aware that federal Clean Water Act (section 404) regulations may apply to your project. Federal review would require a delineation of wetlands using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended, and supplemental guidance documents issued by the U.S. Army Corps of Engineers.
- (2) Evaluate whether practicable alternatives exist and document steps taken to avoid impacts entirely whenever possible. If not practicable, minimize the footprint and degree of impact. This often involves adjusting alignments, project scale, construction methods, or timing to limit disruptions.
- (3) Configure lots to completely avoid wetland encroachment. This includes providing adequate yard space for future homeowners to add a deck, shed or pool to their property without impacts to adjacent wetlands.
- (4) Site structures at least 10 feet from any buffer zone for maintenance and construction.
- (5) To reduce future homeowner encroachment, where residential areas are within 25' of the wetland buffer, include durable markers, such as split-rail fence, large boulders, or equivalent alternative, at regular intervals (30' or less) at the 50-foot buffer zone of the adjacent wetland or at the edge of wetland/buffer impacts.
- (6) Plan snow storage areas in uplands or parking lot areas that avoid wetland impacts. If space is limited, snow may need to be removed from the property to avoid pushing it into wetlands and surface waters.

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 10 : Conservation and Development

Chapter 037 : Wetlands Protection and Water Resources Management

Subchapter 003 : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(Cite as: 10 V.S.A. § 905b)

§ 905b. Duties; powers

The Department shall protect and manage the water resources of the State in accordance with the provisions of this subchapter and shall:

(1) Study and investigate the streams in the State and their basins, and cooperate with federal agencies in mapping them and in collecting and compiling data relating to run off and stream flow.

(2) Cooperate with natural resources conservation districts.

(3) Have supervision over and act as the State's agency in all matters affecting flood control, channel clearing, and river bank protection. To discharge this responsibility, the Department shall:

(A) Develop flood control policies and a flood control program that balances the need to protect the environment with the need to protect public and private property. The policy and program shall direct appropriate remedial measures following significant flooding events and shall define appropriate flood hazard mitigation measures. These measures may include:

(i) flood debris removal and streambed and stream bank maintenance and restoration practices;

(ii) identification of disaster-prone areas;

(iii) land use planning assistance to minimize future damage from flooding;

(iv) flood proofing measures for existing vulnerable private or public structures;

(v) acquisition and relocation of structures away from hazard-prone areas;

(vi) development of State standards to protect public infrastructure from disaster damage;

(vii) structural hazard control, such as debris basins or floodwalls to protect critical facilities; and

(viii) educating the public regarding the availability of flood insurance and the advisability of obtaining flood insurance.

(B) Develop and implement steps to incorporate into other programs administered by the Department measures that decrease the likelihood and impact of future flooding incidents.

(4) Make studies and investigations or demonstrations of problems relating to water quality with respect to pollution and causes, prevention, control, and abatement thereof as it may deem advisable, and when appropriate propose remedies to the Legislature.

(5) Encourage the construction of sewage disposal plants by municipalities and encourage the construction of septic tanks and other proper methods of waste and sewage disposal in rural and industrial areas.

(6) After the construction or major reconstruction of sewage disposal plants and attendant facilities, and at least once every three years, and once in any 12-month period upon petition by 10 or more people in interest from the municipality or an adjacent municipality, inspect the facilities so constructed, and similar facilities constructed for the purpose, to determine the efficiency of operation and maintenance, and submit a report to the appropriate municipal officials.

(7) Foster and encourage recreational uses of the waters of the State and for this and other purposes cooperate with municipalities of the State and with agencies of the State concerned.

(8) Accept and acquire in the name of the State by purchase, gift, or donation property rights in the waters of the State and facilities or improvements therein and for the purposes aforesaid improve and maintain the same.

(9) Administer loans, grants, and contracts from the federal, State, and local governments and from other sources, public and private, with the approval of the Governor, for furthering the water resources program of the State as embodied in the statutes.

(10), (11) [Repealed.]

(12) Make available to any municipality in the State, to the extent funds are available, assistance relating to surveys, studies, and plans for pollution abatement works.

(13) Undertake a continuing study and investigation of the groundwater in the State and cooperate with other governmental agencies in collecting and compiling data relating to the quantity, quality, and location of groundwater.

(14) Subject to the approval of the Governor, enter into contracts and agreements with the United States as are considered necessary and advisable to provide, subject to legislative authority, assurances of State and local cooperation

when those assurances are required by the United States for the purpose of providing protection against floods under federal flood protection projects.

(15) In order to adequately protect the interests of the State in its water resources, and subject to limitations of duties otherwise provided by law, cooperate with the appropriate agencies of the federal and Canadian governments or of this or other states, or any interstate bureau, group, division, or agency with respect to the use of water from lakes and ponds, which are without or wholly or partially contained within this State, and to endeavor to harmonize any conflicting claims that might arise therefrom.

(16) Assist municipalities in the development of water supplies and in the construction of facilities for storage, distribution, and treatment of potable water supplies and approve all plans for the construction of such facilities. The Department may provide planning and engineering assistance as requested in matters relating to preliminary surveys, studies, and plans, if such assistance is not otherwise available.

(17) Adopt in accord with the Administrative Procedure Act those rules necessary for the proper administration of its duties.

(18) Study and investigate the wetlands of the State and cooperate with municipalities, the general public, other agencies, and the Board in collecting and compiling data relating to wetlands; propose to the Board specific wetlands to be designated as Class I wetlands; issue or deny permits pursuant to section 913 of this title and the rules authorized by this subdivision; issue wetland determinations pursuant to section 914 of this title; issue orders pursuant to section 1272 of this title; and in accordance with 3 V.S.A. chapter 25, adopt rules to address the following:

(A) The identification of wetlands that are so significant they merit protection. 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:

(i) provides temporary water storage for flood water and storm runoff;

(ii) contributes to the quality of surface and groundwater through chemical action;

(iii) naturally controls the effects of erosion and runoff, filtering silt, and organic matter;

(iv) contributes to the viability of fisheries by providing spawning, feeding, and general habitat for freshwater fish;

(v) provides habitat for breeding, feeding, resting, and shelter to both game and nongame species of wildlife;

(vi) provides stopover habitat for migratory birds;

(vii) contributes to an exemplary wetland natural community, in accordance with the rules of the Secretary;

(viii) provides for threatened and endangered species habitat;

(ix) provides valuable resources for education and research in natural sciences;

(x) provides direct and indirect recreational value and substantial economic benefits; and

(xi) contributes to the open-space character and overall beauty of the landscape.

(B) The ability to reclassify wetlands, in general, or on a case-by-case basis.

(C) The protection of wetlands that have been determined under subdivision (A) or (B) of this subdivision (18) to be significant, including rules that provide for the issuance or denial of permits and the issuance of wetland determinations by the Department under this chapter; provided, however, that the rules may only protect the values and functions sought to be preserved by the designation. The Department shall not adopt rules that restrain agricultural activities without the consent of the Secretary of Agriculture, Food and Markets and shall not adopt rules that restrain silvicultural activities without the consent of the Commissioner of Forests, Parks and Recreation.

(19) Cooperate with the agencies of the federal government and of the province of Quebec, adjoining states, and states through which water from Vermont streams flow in all matters relating to interstate streams.

(20) [Repealed.]

(21) Act as the Vermont Secretary of Natural Resources mentioned in the act of Congress, entitled “An act authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes,” approved December 22, 1944. In this connection, the Department shall carry out the policy of the State as defined by section 1100 of this title. (Added 1981, No. 222 (Adj. Sess.), § 11; amended 1983, No. 173 (Adj. Sess.), § 1; 1985, No. 188 (Adj. Sess.), § 3; 1987, No. 76, § 9; 1989, No. 88, § 1; 1997, No. 51, § 1; 1997, No. 137 (Adj. Sess.), § 2, eff. July 1, 1999; 2001, No. 143 (Adj. Sess.), § 55; 2003, No. 115 (Adj. Sess.), § 17, eff. Jan. 31, 2005; 2009, No. 31, §§ 4, 14(b); 2011, No. 138 (Adj. Sess.), § 20, eff. May 14, 2012; 2023, No. 53, § 13, eff. June 8, 2023; 2023, No. 85 (Adj. Sess.), § 5, eff. July 1, 2024.)

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Title 10 : Conservation and Development

Chapter 037 : Wetlands Protection and Water Resources Management

Subchapter 005 : WATER QUALITY RESTORATION AND IMPROVEMENT

(Cite as: 10 V.S.A. § 930)

§ 930. Rulemaking

The Secretary may adopt rules to implement the requirements of this subchapter.
(Added 2019, No. 76, § 1.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Jan 14, 2026

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	25P040
Title:	Vermont Wetland Rules.
Type:	Standard
Status:	Proposed
Agency:	Department of Environmental Conservation, Agency of Natural Resources
Legal Authority:	10 V.S.A. §§ 905b(18) and 930; and 3 V.S.A. § 801(b)(11)
Summary:	This rule amendment to the Vermont Wetland Rules (VWR) will provide that housing projects are an allowed use in unmapped Class II wetlands located within appropriate locations; specifically growth areas, Tier 1A or 1B designations under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from an Act 250 permit or

amendment. It will also provide greater flexibility to allow housing construction to occur within the buffer of a mapped Class II wetland within the areas listed above. The elimination of the reconsideration process removes an interim step between permit issuance and appeal which typically takes a month. This will reduce permit and appeal processing time for housing projects throughout the state. The amendments related to the wetland maps will streamline edits. Wetland maps provide notice and regulatory certainty for developers.

Persons Affected:

This rule will affect: Vermonters seeking housing in designated areas; Landowners with Class II wetlands located on their property within designated areas that wish to develop housing projects or multi-use projects with a housing component; engineers, architects, consultants, designers, developers, and contractors hired to evaluate develop, construct on, or otherwise conduct activities related to housing development on properties with Class II wetlands located in the designated areas; wetland consultants working in Vermont; municipalities seeking to promote housing development within designated areas; and the public at large, with an interest in housing issues as well as wetland regulations.

Economic Impact:

Wetlands provide important environmental and economic functions. This rule will negatively impact some wetlands and their functions in designated areas. However, the extent of those impacts will be limited and balanced by facilitating home building and densification in designated areas reducing sprawl and its associated environmental and climate-related impacts.

Vermont has a statewide shortage of affordable homes. Half of Vermonters pay a high percent of income for housing, and 25 pay more than 50 for housing. Options are most limited for low-income renters, but all renters struggle to find affordable housing. Further, lack of housing is linked to the inability to recruit workers for local businesses. New home construction is not keeping pace with demand, reducing vacancy rates and inventories, and increasing the cost of living. In order to meet the 2025 to 2029 demand and address these issues, home building must increase to 24,000-36,000 additional homes.

Posting date:

Nov 12,2025

Hearing Information

Information for Hearing # 1

Hearing date: 12-15-2025 5:00 PM [ADD TO YOUR CALENDAR](#)

Location: Springfield State Office Building, 1st Floor
Conference Room

Address: 100 Mineral Street

City: Springfield

State: VT

Zip: 05156

Hearing Notes: Also virtually via MS Teams at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

Information for Hearing # 2

Hearing date: 12-15-2025 5:00 PM [ADD TO YOUR CALENDAR](#)

Location: Virtually via MS Teams

Address: Link at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

City: n/a

State: VT

Zip: n/a

Hearing Notes: Also virtually via MS Teams at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

Information for Hearing # 3

Hearing date: 12-16-2025 1:00 PM [ADD TO YOUR CALENDAR](#)

Location: Dewey 1st Floor Conference Room

Address: 1 National Life Drive, Davis 2

City: Montpelier

State: VT

Zip: 05620-3522

Hearing Notes: Also virtually via MS Teams at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

Information for Hearing # 4

Hearing date: 12-16-2025 1:00 PM [ADD TO YOUR CALENDAR](#)

Location: Virtually via MS Teams

Address: Link at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

City: n/a

State: VT

Zip: n/a

Hearing Notes: Also virtually via MS Teams at: <https://events.gcc.teams.microsoft.com/event/7cd1a7f4-2436-4b30-a38d-1b88be3b80f8@20b4933b-baad-433c-9c02-70edcc7559c6>

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary

Name: Misty Sinsigalli, Commissioner

Agency: Department of Environmental Conservation, Agency of Natural Resources

Address: 1 National Life Drive, Davis 2

City: Montpelier

State: VT

Zip: 05620-3522

Telephone: 802-490-6137

Fax: 802-828-1544

Email: misty.sinsigalli@vermont.gov

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Website <https://dec.vermont.gov/watershed/wetlands/rulemaking>

Address: [VIEW WEBSITE](#)

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary

Name: Catherine J. Gessing

Agency: Agency of Natural Resources

Address: 1 National Life Drive, Davis 2

City: Montpelier

State: VT

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Keyword Information

Keywords:

Wetland
buffer
Class II
Tiers 1A and 1B
Act 250
interim exemption
housing

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	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: April 8, 2026

RE: The "Proposed State Rules " ad copy to run on

November 20, 2025

PAGES INCLUDING THIS COVER MEMO:

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***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Vermont Wetland Rules.

Vermont Proposed Rule: 25P040

AGENCY: Agency of Natural Resources, Environmental Conservation

CONCISE SUMMARY: This rule amendment to the Vermont Wetland Rules (VWR) will provide that housing projects are an allowed use in unmapped Class II wetlands located within appropriate locations; specifically growth areas, Tier 1A or 1B designations under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from an Act 250 permit or amendment. It will also provide greater flexibility to allow housing construction to occur within the buffer of a mapped Class II wetland within the areas listed above. The elimination of the reconsideration process removes an interim step between permit issuance and appeal which typically takes a month. This will reduce permit and appeal processing time for housing projects throughout the state. The amendments related to the wetland maps will streamline edits. Wetland maps provide notice and regulatory certainty for developers.

FOR FURTHER INFORMATION, CONTACT: Misty Sinsigalli, Commissioner, Department of Environmental Conservation, Agency of Natural Resources, 1 National Life Drive, Davis 2, Montpelier, VT 05620-3522 Tel: 802-490-6137 Fax: 802-828-1544 E-mail: misty.sinsigalli@vermont.gov URL: <https://dec.vermont.gov/watershed/wetlands/rulemaking>.

FOR COPIES: Catherine Gjessing, Vermont Agency of Natural Resources, 1 National Life, Davis 2 Montpelier, VT 05620-3522 Tel: 802-595-3331 Fax: 802-828-5144 E-mail: catherine.gjessing@vermont.gov.