

NOTICE OF DRAFT WETLAND GENERAL PERMIT #3-9026

The Secretary of the Agency of Natural Resources is issuing a draft Wetland General Permit for public comment pursuant to 10 V.S.A. §905b and §9.7 of the Vermont Wetland Rules (VWR). The General Permit is for certain specified water quality improvement projects conducted within Class II wetlands and associated buffer zones. Activities eligible for coverage under this general permit are limited to specific practices that are intended to improve water quality either by mitigating known pollution sources, or by reducing flood hazards. Eligible activities are limited by square footage thresholds, and by the type of impacted wetland. Project proponents may self-verify coverage and must register the activity with the Vermont Wetlands Program, except for farm practices described in the permit. The specific water quality improvement projects include stream crossing structure replacement, failed wastewater system replacement, retrofits for Stormwater treatment practices, and Vermont Natural Resources Conservation Services Conservation Practice Standards on farms for access roads, heavy use protection areas, stream crossings, trails and walkways, and artificial wetlands. The NRCS Practice Standards can be found at:

https://efotg.sc.egov.usda.gov/references/public/VT/TABLE_OF_CONSERVATION_PRACTICES.pdf. The Secretary is issuing a General Permit in order to more effectively and efficiently regulate and protect Vermont's significant wetlands. The Secretary reserves the right to require an individual permit or different general permit if deemed necessary to protect wetlands.

Although individuals may self-verify their project's eligibility, Wetlands Program Staff are available to consult. This consultation is particularly helpful for determining if the wetland is a bog, fen, or vernal pool which would need to be avoided for permit coverage.

This General Permit does not supersede any existing Vermont Wetland Rule exemptions or allowed uses. Below is a list of activities which would not be eligible for this proposed general permit because the activities do not need any permit for the activities:

Food and Crop Area Exemption: wetland areas used to grow food or crops in connection with farming activities that have been in ordinary rotation since February 23, 1990 are *excluded* from regulation under the VWR. From February 23, 1990 to present, all new farming activities within significant wetlands or their buffer zones fall under the Vermont Wetland Rules. This exclusion expires when the area is no longer used to grow food or crops, or is no longer in ordinary rotation. When the exclusion expires, the area may then be considered a Class II wetland, and therefore will then also be subject to the 50 foot buffer zone again. For example, this exemption expires whenever a pasture or hayfield wetland will be turned into a walkway or access road because the structure is not growing food or crop.

Allowed Use §6.12 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.

Allowed Use §6.13 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.

Complete copies of the draft permit can be obtained by writing to the address below, or by clicking on the following link: <https://enb.vermont.gov/> Any person may file comments in writing on the draft Wetland General Permit through May 23, 2018 with:

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