

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WATERSHED MANAGEMENT DIVISION

VERMONT WETLANDS PROGRAM PLAN 2023-2028



Version 1, April 2023

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The Vermont Wetland Program Plan (“the Plan”) provides the Vermont Department of Environmental Conservation (DEC) and its partners a framework and direction over the next five years to strengthen and improve the state’s Wetland Program to better protect wetlands and aquatic resources statewide. The Plan should be considered a work in progress that will be revisited and revised as needed. The previous Plan was for a five-year period from 2017-2021. This Plan is for a future timeframe, but does include some ongoing initiatives from the last plan.

The Vermont Wetlands Program (“the Program”) is a part of the Watershed Management Division of the Department of Environmental Conservation of the Agency of Natural Resources. The Watershed Management Division (“the Division”) is responsible for **protecting, maintaining, enhancing** and **restoring** the quality of Vermont's surface water resources, including the 300,000+ acres of wetlands in Vermont. The main objective of this plan is to build and refine the core elements of the Vermont Wetlands Program to achieve the Program’s mission.

The Vermont Wetlands Program administers the Vermont Wetland Rules which are a distinct State **regulation** for activities within significant wetlands or their buffer zone. The Rules were first adopted in 1990 to protect mapped wetlands, updated in 2010 to allow the Agency to protect un-mapped significant wetlands, and updated early in 2023 to allow for bulk updates to the maps. Regulatory staff are assigned a district to provide technical service, process permits, and enforce. In early 2023, the Program has hired and is shifting to having a staff member specialized in compliance and enforcement to first help coordinate efforts and later to take on all larger compliance/investigation projects statewide.

After six years of added capacity for our **biomonitoring program**, we have been able to develop a conditional gradient for categories of wetland types and will continue to develop the concept as we collect more data. The state is also working to better integrate wetlands with other water and lands programs and to use the wetland monitoring and assessment data gathered thus far.

DEC now has several years of a updating the **VT Water Quality Standards** and has an updated **Anti-Degradation Policy**, both of which include wetlands and can be improved upon in future edits. The federal Farm Bill and the state’s second Regional Conservation Partnership Program (RCPP) grant provides Vermont with the continued opportunity to work with partners to increase the number of restored wetlands. Wetland restoration and protection is a part of the Lake Champlain TMDL clean-up plan, and with more funds

available, there is a growing number of entities interested in implementing wetland restoration projects. The Wetlands Program is taking the lead in coordinating **wetland restoration and conservation** efforts.

## WETLANDS PROGRAM MISSION AND GOALS

Working within the Mission of the Agency of Natural Resources and the Department of Conservation, and under the Agency's guiding principles and comprehensive goals, the Mission of the Wetlands Program within the Water Quality Division is:

*“To identify, inventory, monitor, and protect wetlands that provide significant functions and values; to encourage the restoration and enhancement of degraded wetlands; and to provide the citizens of Vermont with information and assistance to allow them to be fully informed of wetland issues and to practice sound wetland stewardship.”*

The Goals are:

- To manage the program effectively and efficiently to protect Vermont's significant wetlands;
- To achieve no net loss of wetland functions and values;
- To identify and map wetlands;
- To monitor and assess wetlands at the watershed scale, the landscape scale, and individually (Level 1, 2, and 3); and to use the resulting data to inform regulatory decisions and guide restoration projects;
- To provide a sustained level of outreach and education to the public, targeted consultants, and other governmental agencies, regarding the values and functions of wetlands and the programs designed to manage and protect them;
- To promote sound wetland stewardship on both public and private lands;
- To uphold the Vermont Wetland Rules through project review, permitting decisions and compliance; and
- To make changes to the Vermont Wetland Rules aligned with Program goals.

The Wetlands Program achieves its goals by working within the framework of the Vermont Wetlands Rules and with partner agencies, including: the Vermont Departments of Fish and Wildlife, Environmental Conservation, and Forests, Parks and Recreation; the Natural Resources Board and the Act 250 Land Use Permit program; the US Environmental Protection Agency; the US Army Corps of Engineers, the Natural Resources Conservation Service (NRCS), US Fish and Wildlife, and the Green Mountain National Forest.

## CORE ELEMENTS OF THE VERMONT WETLANDS PROGRAM PLAN

The four core elements of a wetland program that have been identified by the U.S. Environmental Protection Agency as part of their Enhancing State and Tribal Wetlands Program (ESTP) Initiative, have been used to organize this plan. The tables that follow list goals, objectives and activities under each element and reflect the work needed in the coming years to meet the goals. Detailed annual work plans will be developed to reflect available staffing resources from year to year.

The four core elements are:

1. Monitoring and Assessment
2. Regulatory
3. Voluntary Restoration and Protection
4. Water Quality Standards for Wetlands

CORE ELEMENT #1: MONITORING AND ASSESSMENT

**Goals:** *To identify and map wetlands; To monitor and assess wetlands at the watershed scale, the landscape scale, and individually (Level 1, 2, and 3); and to use the resulting data to inform regulatory decisions and guide restoration projects;*

**Phase 2: Monitoring, Data Collection, and Assessments Considerations**

<b>Action (b): Monitor wetland resources as specified in strategy</b>					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Participate in the National Wetlands Condition Assessment (NWCA); field sampling of 7-9 sites				X	
Rotational Basin Wetlands Assessment; select and assess at minimum 10 wetlands per year as part of basin assessment	X	X	X	X	X
Develop and conduct probabilistic sampling of Wetlands using new NWI maps, when available.	X	X	X	X	X
Revise approved (2014) Quality Assurance Project Plan as needed.	X	X	X	X	X
Improve repeatable plot sampling methodology (sentinel sites)		X		X	
Encourage partner use of VRAM	X	X	X	X	X
Refine biocriteria under development					X

- Focus of wetland sampling to include beaver vs human disturbance, and black ash swamps.

**Action (d)** Track monitoring data in a system that is accessible, updated on a timely basis, and integrated with other state or tribal water quality data

Activity	2023	2024	2025	2026	2027
Revise Vermont's Water Quality Monitoring Strategy to include updated information on the wetland monitoring and assessment activities	X		X		X
Share wetland monitoring data with Watershed Management Division Staff	X	X	X	X	X
Collaborate with VT Fish and Wildlife's Natural Heritage Inventory for data collection efficiencies and to reach common goals	X	X	X	X	X
Develop standard guidance for Basin Plan use of wetland data.		X	X		

**Action (e):** Analyze monitoring data to evaluate wetlands extent and conditions/function or to inform decision-making

Activity	2023	2024	2025	2026	2027
Complete NWI mapping for Otter Creek, Pike, and Winooski, and portions of the Lamoille watersheds	X				
Create process to update VSWI based on NWI, consultant shapefiles, and program staff input. Update yearly at a minimum.	X	X	X	X	X
Complete functional assessments for NWI+ mapping (Level 1)	X	X	X	X	
Complete NWI mapping for Northern Lake Champlain and Connecticut River Basin		X			
Complete NWI map update for the entire state: Lake Memphremagog basin, S. Lake Champlain basin, Rock River watershed, Batten Kill-			X		

Walloomsac-Hoosic basin, and remainder of Lamoille.			
Develop process for continuing watershed-wide updates, starting with Missisquoi Basin	X	X	X
Assess Status and Trends of VT wetlands			X

## CORE ELEMENT #2: REGULATORY

**Goal:** *To manage the program effectively and efficiently to protect Vermont’s significant wetlands and to achieve no net loss of wetland functions and values*

### Phase 3: Regulatory Refinement and Wetland Management Decision-Making Considerations

Action: Refine and support Rules					
Activity	2023	2024	2025	2026	2027
Revise and create new General Permits	X				X
Continue refinement of Functions and Values Checklist	X	X	X	X	X
Revise Wetland Rules to include new Class I wetlands as Petitions are made available.	X	X	X	X	X
Revise Wetland Rules for improved clarity, efficiency and protection		X			
Develop a system to ensure regular compliance monitoring of permit conditions and mitigation projects.	X	X			
Improve NRCS/ACOE coordination for the agricultural community	X	X	X	X	X
Produce internal guidance documents with updated rules and associated work flows	X	X	X	X	X

<b>Action (e): Perform public education and outreach about wetland protection, regulated waters and activities, and authorization process</b>					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Create policy for water quality restoration projects and potential encroachment in wetlands	X	X			
Create new guidance documents and update existing guidance documents	X		X	X	
Hold workshops for consultants and the regulated community	X	X	X	X	X
Hold a series of regional workshops for interested municipalities, organizations and citizens describing the new Rules, as needed		X	X	X	
Conduct outreach for non-regulated stakeholders	X	X	X	X	X
Improve website and interactive map display	X	X	X	X	X
Provide clear ongoing guidance to public on how to identify jurisdictional wetlands.	X	X	X	X	X
Create annual report of wetland losses/gains	X	X	X	X	X
Create 5 year report of wetland losses/gains					X
Fine tune tracking losses and gains to meet objective of no net loss			X		
Continue to improve project database for internal tracking and public communication, including connecting to other DEC databases	X	X	X	X	X

Guidance document work to include restoration of ponds back to wetland, stream types, and updating existing guidance to include plain language for accessibility.



**Action (c):** Ensure impact assessments and mitigation crediting lead to replacement of aquatic resources with similar structural, functional or condition attributes

Activity	2023	2024	2025	2026	2027
In-lieu fee Interagency Review team participation for project approval and site selection.	X	X	X	X	X
Evaluate effectiveness of In-Lieu fee program			X	X	X
Refine compensation review to ensure functions and values are being mitigated/restored responsibly				X	
Develop in-lieu fee compensation mechanism for wetland buffers.		X			

**Action (b):** Enforce aquatic resource protections

Activity	2023	2024	2025	2026	2027
Develop standard investigation protocol	X	X			
Create directive tracking system			X	X	
Continue to develop standard response language and timeframes for compliance.	X	X	X	X	X
Develop protocol for the use of aerial interpretation in investigations and court cases		X	X	X	X
Consider ways to reach compliance for low income respondents	X	X	X	X	X

CORE ELEMENT #3: VOLUNTARY RESTORATION AND PROTECTION

**Goal:** Increase wetland acreage through restoration and promote sound wetland stewardship on both public and private lands

**Phase 2: Voluntary Restoration and Protection Data Collection, and Assessments Considerations**

<b>Action (a &amp; b):</b> Increase wetland acreage through restoration (reestablishment); Improve natural wetland conditions and functions through restoration (rehabilitation)					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Continue to meet with restoration partners and provide technical assistance	X	X	X	X	X
Project identification: <i>working with rivers program and watershed planners, and federal partners, identify opportunities for voluntary restoration</i>	X	X	X	X	X
Implement the Natural Resource Conservation Service’s (NRCS) Regional Conservation Partnership Program (RCPP) Wetland Reserve Easement (WRE) supplemental funding and support agreement	X	X	X		
Seek new RCPP, or RCPP-like funding			X	X	X
Create restoration guidance worksheets for partners	X	X			
Assist Clean Water Service Provider Network in establishing a wetland restoration funding system.		X	X		

**Phase 3: Voluntary Restoration and Protection Refinement and Management Decision-making**

<b>Action (a):</b> Track restoration/protection projects over time using short-term and long-term benchmarks of success					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Update restoration tracking database		X			
Improve partner participation in restoration tracking			X	X	X
Conduct restoration site monitoring	X	X	X	X	X

**CORE ELEMENT #4: WATER QUALITY STANDARDS FOR WETLANDS**

**Goal:** *Understand and address the relationship between wetlands and the Vermont Water Quality Standards*

**Phase 2: Wetland-specific Water Quality Standards Data Collection and Assessment Considerations**

<b>Action (h):</b> Better define Tribal and State antidegradation policies for wetlands, requiring full protection of existing uses (functions and/or condition), maintenance of functions/condition in high quality wetlands, and a prohibition against lowering functions/conditions in outstanding national resource waters					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Include wetlands in antidegradation policies	X				
Include restoration potential of wetlands in antidegradation policies				X	X

<b>Action (i): Draft and finalize water quality standard regulations</b>					
<b>Activity</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Consider EPA's 1990 recommendations for state wetland water quality regulations; consider the draft regulations in Appendices A and B of the templates	X	X			
Refine wetland portions of water quality standards					X