



Vermont Wetland Rules – Comments to LCAR for 1/19/23:

The purpose of the Vermont Wetland Rule Change is to improve the State's wetland mapping, to better identify, protect and avoid unintentional impact to these valuable resources. The wetland mapping data will advance our statewide understanding as to the location, shape and composition of wetlands, and their connectivity to other surface water features (lakes, streams, and floodplains).

In the face of climate change we need to invest in land management practices that improve flood resilience and provide clean water to communities. The Vermont Climate Action Plan emphasizes the important role wetlands play as sponge for floods, filter for pollutants, and biodiversity hot spot in a rapidly changing planet. Today more than ever we need to amplify the importance of protecting intact wetlands, floodplains, and rivers systems for a healthy Vermont.

To achieve improved wetland mapping and better protection of wetlands, the rule WILL:

- Use the best available science to update the wetland dataset. The wetland mapping data (referred to as the VT Significant Wetlands Inventory or VSWI) is a georeferenced dataset like other GIS layers we manage for Vermont streams, forest blocks, prime farmland, floodplains and hydric soil. This information allows Vermonters to make informed land management decisions related to both development, conservation, environmental science, agriculture and forestry. The accuracy of the new mapping updates is much improved from the current VSWI.
- Provide more information to Vermonters. The improved maps will provide developers, landowners, farmers, municipalities, realtors, scientists, and utility companies with more accurate information to anticipate what permits are required for a project. It will simultaneously provide more regulatory certainty and better protection of wetlands.
- Standardize the notification process to include ANR's Environmental Notice Bulletin. Accurate and up-to-date maps provide the most benefit to landowners. Formerly, there has been an administrative burden on the part of ANR to contact individual landowners to notify them of map edits. This resulted in infrequent updates, an inaccurate data set, and a deficient way of identifying wetlands. The update includes a categorical wetland determination through ANR's Environmental Notice Bulletin. The [Bulletin](#) is the public notice platform where most ANR regulatory notices are made. This bulk edit to the mapping and notification process will provide greater clarity on jurisdictional areas.
- Empower community members to actively participate in the mapping updates using a successful community volunteer science model. The public can participate using the cell phone app tool known as iNaturalist – "Vermont Wetland Mapping Project". Using iNaturalist, members of the public can take a photo of a wetland plant at a specific location which is then submitted to the app. This notifies the Wetlands Program to review

the location and, if accurate, update the wetlands map. The link to the iNaturalist Tutorial can be found here: https://youtu.be/yh-DbdAQ_X8. The Program has already received many public comments stating landowner's excitement to include their wetland in the dataset.

The mapping updates to the wetland rule **WILL NOT**:

- Transform Class III wetlands to Class II status. The wetlands have not suddenly appeared or changed in shape and size. They have always been there, they weren't properly documented by the State before.
- Be the only tool that identifies or characterizes a Class II wetland. While the science is improving, the VSWI mapping process is a planning tool to approximate the presence of significant wetlands. It is not precise, wetlands are not static, errors can exist, and it should not be considered definitive or comprehensive. Even with the new updates not all wetlands will be identified or classified and those that do appear on the map are always subject to revision. The map will always be and has always been superseded by the presence/absence of wetlands as observed in the field.
- Replace the need for a professional wetland delineation by a qualified consultant. When wetland boundaries come into question, hiring a wetland consultant to delineate the extent of wetlands on a property continues to be the best way to confirm a wetlands size, shape, and classification. This practice is not new, it has been in used for over 50 years since the beginnings of the Federal Clean Water Act. The delineation can serve as a planning tool to further identify and help avoid impact. Wetland delineation is similar to hiring a septic designer to identify where to build your system, or a forester to protect and enhance your timber stand.
- Be a moneymaker for the Agency nor will it cost landowners more money. There is no fee for site visits with the Wetlands Program staff to discuss a project and or jurisdiction. There is also no fee to petition for a map edit.
- Change the consequences or procedure of unauthorized wetland violation. Unauthorized activity or construction in a significant wetland prior to its mapping remains a violation to the Wetland Rules. The enhancement of the wetlands map through this rule will make it easier to identify wetlands and should help to reduce inadvertent unauthorized activity or wetland violations.
- Does not alter the exemptions existing before the Wetland Rules were established for land used to grow food or crops. These agricultural areas are considered exempt, even in areas of mapped wetland.

Thank you for our opportunity to provide these comments, we support the proposed amendments to the VT Wetland Rules.

Vermont Natural Resources Council
Connecticut River Conservancy
Conservation Law Foundation
Lake Champlain Committee
Vermont Conservation Voters
Connecticut River Valley Chapter of Trout Unlimited