VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
WETLANDS PROGRAM

Vermont Wetlands Program Guidance #6:

Wetland Project Review

Introduction:

District Wetlands Ecologists (DWE) are required to review wetland related projects for technical guidance, jurisdictional determinations, and review under the Vermont Wetland Rules (VWR). Projects come in various forms such as phone calls by individual landowners, 250 agendas, ACOE email notifications, etc. This guidance is provided to ensure consistency and efficiency in reviews across districts.

A. Inquiry Intake:

Site Visit Determination

Use this process to determine whether a site visit is needed or not. The purposes of site visits may be to assess wetland presence/absence, determine classification, locate or approve wetland boundaries, provide technical assistance, and provide general wetland information.

Site visits use a significant amount of staff time and may not be necessary. Many questions can be answered without a visit and a consultant visit may be a better option for some projects. If the question is for a different DEC program, the Permit Navigator lookup tool is a good place to find the correct contact to refer them to.

For direct requests from developers, landowners, consultants and others, 75% of new inquiry reviews and responses are expected be completed within a week of the request – this includes phone requests. Responses should include information about wetland jurisdiction, and whether a site visit is needed. DWE should contact their supervisor to troubleshoot issues when responses are no longer within the week timeframe. The following decision tree is intended to outline bare minimum DWE site visits. Staff may use professional judgement to deviate from the guidance when there are safety concerns, grey areas, and can elect to do more site visits if they are keeping up with permit application lists and project responses.

1. Is the inquiry wetland related?
   a. No refer to appropriate Program.
   b. Yes. Conduct a desktop review and prepare a response to the inquiry with approximate wetland map when appropriate. Use template language wherever

applicable and always provide language explaining that Class II wetlands and buffers are protected.

2. Does your project meet one of the following types: Project likely meets NRGP or Allowed Use criteria, consultant attests that there are no wetlands or wetlands are far from project area, desktop review does not indicate wetlands or project can avoid probable wetlands.
   a. Yes. Provide a desktop review and jurisdictional/technical information. No site visit requested by DWE.
   b. No. Determine if the site visit is better done by DWE or Wetland Consultant in **Step 3**.
3. Does your project meet one of the following types:
   - landowner/potential landowner looking for presence/absence to avoid;
   - education/protection/restoration assistance; new consultant/company that needs wetland training;
   - underserved community or economically disadvantaged;
   - willing to wait; willing to avoid;
   - site looks to have a violation and would be best to get eyes on it before sending directives.

   Note: If desktop review indicates a consultant delineation will be required (ie wetland crossing is unavoidable, school building expansion, etc), then skip to 3b.
   a. **Yes.** DWE requests a site visit and will make it clear that they have the option of hiring a wetland consultant if the site visit is scheduled out more than 2 weeks. DWE may suggest a drive by review or unaccompanied visit if the inquiry can be resolved by that method and it will result in a quicker response.
   b. **No.** Recommend that they hire a wetland consultant and either request that the applicant provide the DWE desktop review to the consultant or provide it directly to the consultant if the consultant is known. Request any follow up information needed by the consultant to provide an answer to the original inquiry if one is needed by the Program. Provide whether a follow-up visit is needed by DWE. See template below for recommended response language. Determine if a follow-up site visit is needed in **Step 4.**
      i. for a delineation review site visit – request plans or a sketch ahead of time, request flagging, for disturbed sites request no-mow when

> DWE may request to assign the site visit to temporary regulatory staff if the project is basic (presence/absence, education, straightforward delineation check), does not require an investigation. DWE may request temp. regulatory staff assistance if the project involves many wetlands and you could use a hand with the documentation. Requests for assistance will be made directly to the temporary staff and they will work with their supervisor to determine if they have capacity to take the task.

scheduling the visit. Inform them that if you do not receive the info the day ahead of time you may reschedule the visit, and reschedule as needed. Getting all the information together helps streamline your review and allows you to answer them. It also helps you prioritize getting back to people who are cooperating. There is a template phrase for this.

4. After receiving the consultant's data (delineation map, site clearance), does the project meet the following types: Consultant's information looks accurate and project avoids all Class II/I impacts; Consultant found no wetlands in the project area;
   a. **Yes.** Provide a desktop approval/analysis with the new information. Request additional information from consultant if needed.
   b. **No.** Request a DWE site visit to review, consultant information, or any missing information. Include the consultant's client in the email exchange so it is clear that we are waiting on information from them.

Site Visit Scheduling

Because DWE's have other job priorities besides site visits, they are expected to limit field days to two per week or 20 hrs. Staff may work with supervisor to set up a 0/40 schedule to allow for field days up to 10 hrs long. Having regularly scheduled field days helps with scheduling logistics (obtaining a vehicle, reducing travel time) and makes it simpler for colleagues to know what days you can be more easily contacted. Voicemail messages, out-of-office replies, and calendar should include the DWE's field schedule.

DWE should prioritize site visits by date of request with older requests serviced first. Organize field days by geography for efficiency. Projects with immediate health, safety or environmental concerns should be prioritized. Deviations in priority may be requested by the Manager. Site visits are expected to be scheduled within 3-4 weeks of the request, dependent on the season.

Site Visit Report Checklist:

- Date of visit
- People Present
- Wetlands present, Classification, Presumption
- Sketch map or delineation map from consultant
- Project comments, preapp guidance notes.
- Addition information needed: site plan, data forms, permit application, etc
- Preliminary classification report for unmapped wetlands

Site Visit Report

Within 30 days of your visit, send a summary email to the client with the below list of information. If you need additional information to provide preapp feedback or make a class determination, request that information from the consultant and applicant within 2 weeks of visit or inquiry. For presumptive wetlands and distant contiguous, include the email classification report. You are not required to include a classification report for other wetlands, but you may choose to for a clear record. This report can come before you provide pre-application guidance or happen concurrently.

When possible, request that consultants summarize site visit findings and decisions for your concurrence. This can save a lot of time and reduce your response time significantly.

B. 250/248 Review:

Scan the weekly list within a week. Provide comments to OPLA on those where you have wetland concerns. Refer project to consultant if on site wetland assessment is needed. Only those projects with wetland impacts or wetland concerns need to be entered into the database.

C. Filing:

New Project File Number Creation

Project files ideally should be created as soon as possible when it is clear there is site specific information that is being conveyed (anything other than general questions). Blocking out time each week to catch up on file creation and management should help to keep current, but file management may be caught up outside of the growing season. Creating project files within the email system can also be useful (see below).

New Projects Folders should be created, rather than adding to an existing file when any of the following circumstances are true:

1. The last project activity was over five years ago (unless there is an expired permit in place that is being re-applied for without substantial changes)
2. New ownership
3. There is a new project on the same property, meaning new project purpose and different project location
4. New violations

If starting a new project number be sure to cross reference older projects somewhere in the project description so that cumulative impacts can be referenced.

Old Project Folders should be added to and/or permits amended under the following circumstances:

1. A property is for sale with multiple inquires.
2. A permit is being renewed, altered, or changes owners with the same project purpose and areas of impact.
3. Non-impact or allowed use inquires with the same project and owner
4. Violations to permit conditions for active permits

Emails

Include emails in the file of the request and the outcome, these are all decisions. No need to include all the site visit scheduling emails, unless it is an investigation. Recommended best practice for filing is to create an outlook folder when setting up database so emails can be dropped in real time and exported with two clicks.

D. Field Season Prioritization

During the field season inquiries and requests can surpass DWE capacity. DWE are encouraged to use temporary staff, template phrases, and limit their field visits to free up time. DWE tasks are listed by priority below. Other tasks not on the list are lower priority and may be worked on when 1-5 are satisfied, unless otherwise determined with your supervisor.

1. Permit application review & Freedom of Information Act (FOIA) requests. Technical review of applications must take place within 30 days of the application becoming administratively complete.
2. Initial inquiry responses and responses that notify people of their wetlands and the wetland regulations.
3. 250/248 agenda review
4. Scheduling *necessary* site visits (including investigations) as determined using the key above.
5. Site visit reports and NOAV reminders