Authorizing Emergency In-Stream Work

In Accordance with Vermont Law
10 V.S.A. § 1027

Vermont Environmental Protection
Rule Chapter 27
Permit Coverage for Work in Perennial Streams

Stream Alteration General Permit (SAGP)
Permit application

Next Flood Measure (NFM) Permit
Field Permit issued by River Management Engineer

Emergency Protective Measure (EPM) Permit
Emergency permit initiated by Municipality
Expedited Emergency Permitting

Emergency Protective Measure (EPM)

- Streamlined permitting initiated by municipalities

- Rapidly address imminent threats to life or property within the next 72 hours

- Projects may be initiated upon approval of local municipal government

If the work does not need to be completed within the next 72 hours then it is a Next Flood Measure (NFM)
Emergency Protective Measures

STEP ONE
MUNICIPAL APPROVAL

STEP TWO
CONDUCT WORK & PRELIMINARY AUTHORIZATION

STEP THREE
FINAL ANR AUTHORIZATION

Figure 1. The 3 Stage Emergency Protective Measure Authorization Process
Vermont Shoreland & Lake Encroachment Permitting

Municipal Day in Rutland
September 22, 2017
Jurisdictional Area & Permit Process

Jurisdictional Area on Lakes Greater than 10 Acres

Jurisdictional triggers: **new cleared area** or **new impervious surface**

Protected Shoreland Area
250’ from mean water level

Upland Zone
150’

Lakeside Zone
100’

horizontally measured
**Required Standards: 20, 20, 40, 100 & VPS**

- Project site must be located on an area with a **slope less than 20%**
- **No more than 20%** of the parcel within the PSA consists of impervious surface
- **No more than 40%** of the parcel within the PSA consists of cleared area
- **100’ new development setback** from mean water level
- **Vegetation Protection Standards** apply to all vegetated areas
Lake Encroachment; Jurisdiction and Permitting
29 V.S.A. Ch. 11 (1968)

Activities that occur beyond mean water level on all lakes that are public waters, including lakes and ponds >10 acres
- Docks (Lake Champlain, the CT River and their tributaries, up to first barrier to navigation)
- Shoreline stabilization including seawalls and other stone stabilization measures that involve work at the water edge and beyond mean water level
- Marina infrastructure, including docks

Exemptions:
- Private non-commercial docks not involving concrete, sheet piling or fill may be exempt, limited in length (50 ft) and square footage (500), and cannot unreasonably impede navigation.
- Buoys that do not unreasonably impede navigation
- Ordinary repairs and maintenance
Examples of Projects; Require an Encroachment Permit

Activities that occur beyond mean water level

- Dredging
- Boathouse Reconstruction
- Installing riprap at the shore
- Replacing a structural retaining wall
- Other shoreline stabilization projects

Applications available on the website

- 30-day public notice period
- Review time: 60-90 days
# Regional Lake and Shoreland Permitting Contacts

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Aquatic Nuisance Control

- Pesticides and chemicals other than pesticides
- Bottom barriers and powered mechanical devices
- Structural or biological controls

Contact Josh M: Josh.Mulhollem@vermont.gov
802-490-6121

Note: Aquatic nuisance control may require also the submittal of the control plan to the Wetlands Program for review and approval (not a wetland permit)
Vermont Wetlands Program

Municipal Day-Wetland Identification, Permitting and Zoning Guidance

Presented by Zapata Courage
State of VT Wetlands Program
All wetlands mapped or contiguous to wetlands shown on the Vermont Significant Wetland Inventory (VSWI) maps are presumed to be Class II wetlands. In addition, the following wetlands are presumed to be jurisdictional:

a. The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e.; open water emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or meadow; bog or fen; or greater than 0.5 acres.

b. The wetland contains woody vegetation and/or dense, persistent non-woody vegetation and is adjacent to a stream, river or open body of water.

d. The wetland is a vernal pool that provides amphibian breeding habitat.

e. The wetland is a headwater wetland, above 2500 feet elevation.

f. The wetland is adjacent to impaired waters and the impairment is related to wetland water quality functions.

g. The wetland contains an RTE species or natural community type

h. The wetland has been previously designated as a significant wetland.

i. It is within sixty (60) days after the landowner has received notice of a preliminary wetland determination pursuant to Section 8.1 of these rules.
Wetland Inventory Maps

Disclaimer: NOT accurate and 39-46 % of VT wetlands are not mapped but may be jurisdictional.

http://anrmaps.vermont.gov/websites/WetlandProjects/default.html
When Does the Activity Proposed Need a Permit?

- Activity occurs in a jurisdictional wetland or buffer zone and is not considered an allowed use:
  - Grading, filling, ditching or dredging
  - Removal of vegetation such as tree cutting or conversion
  - Construction of buildings, roads, buried utilities or infrastructure

**NOTE:** Upgrading existing infrastructure resulting in a larger footprint of greater than 250 sq. ft. than what previously existed may require a permit
Contact your District Wetland Ecologist

**Our Services are Free:**

- Desktop reviews
- Site Visits
- Pre-application material review for a wetland permit
- Building permit/Zoning permit application review
- Address violations
- Or just answer questions!