



Ravi Venkataraman &lt;rvenkataraman@richmondvt.gov&gt;

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## Development within Wetlands?

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To: Ravi Venkataraman <rvenkataraman@richmondvt.gov>

Wed, Dec 2, 2020 at 11:31 AM

Hello Ravi,

Permits are required under Section 404 of the Clean Water Act (33 U.S.C. 1344) for those activities involving the discharge of dredged and/or fill material, excavation, or mechanized landclearing in all waters of the United States, including not only navigable waters of the United States, but also inland rivers, lakes, streams and wetlands. In interior waters, our jurisdiction under the Clean Water Act extends landward to the ordinary high water mark of a waterbody or the landward limit of any wetlands.

USACE is separate from the State of Vermont's jurisdiction and does not classify wetlands into three categories, as they do. If there is a discharge of fill into a wetland (classified by using the Regional Supplemental Corps of Engineers Wetland Delineation Manual) we ask that the town contacts USACE. If the fill is below 5,000 sq. ft. the project MAY fall into our Self-Verification (SV) process (meaning no application needed and no notification to USACE). I said MAY in capital letters because to fall within SV all the General Conditions must be met that starts on page 26 of our General Permit (attached). If impacts are greater than 5,000 sq. ft. to wetlands or impacts are small (below 5,000 sq. ft.) but all General Conditions cannot be met then a Pre-Construction Notification should be filled out (attached). Applications that fall within our General Permit have no application fees. However, there are In-Lieu fees (ILF) for projects with large impacts. ILF is a fee to offset the wetland impacts and will go towards funding mitigation sites. I have attached the current pricing sheet and a summary of ILF. Generally, we say that any impacts over 10,000 sq. ft. of impacts to wetlands will require this ILF. However, the applicant must show avoidance and minimization has occurred or the ILF could be applied to any level of impact.

If the project purposes to impact more than an acre of wetland then the project would fall into an Individual Permit and I can explain more about that process, but it may be easier to talk over the phone about.

Impacts are also looked at cumulatively, so if today someone was to impact 2,000 sq. ft. of wetland and then 3 years from now impact another 4,000 sq. ft. on the same parcel then a Pre-Construction Application is needed. The total impacts for that parcel would be 6,000 sq. ft. and could possibly need ILF in the future (like I mentioned above). Also, if a parcel was subdivided after 10/5/1984 cumulative impacts are looked at for the entire original parcel.

I also wanted to add that USACE also regulates Section 10 waters of the Rivers and Harbors Act. The Town of Richmond has the Winooski River that is jurisdictional under the Rivers and Harbors Act of 1899. The Winooski River is listed as a Traditional Navigable Water (TNWs). A permit is required under Section 10 for all work in, over or under TNWs.

Does this answer your questions?

Please call if you want clarification or email with any questions.

Best Regards,

Amanda L. T. Sayles

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**3 attachments**



**GP updated 2017.pdf**

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**ENGF0RM 4345\_2019Fillable Form.pdf**

42K



**2020 ILF Pricing Rate LTR (002).pdf**

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