

AGENCY OF NATURAL RESOURCES POLICY

Riparian Area Management on ANR Lands

Philosophy:

ANR, through its three departments, manages nearly 350,000 acres of state owned land for various conservation and recreation purposes. Additionally, ANR holds conservation and public access easements on close to 150,000 acres of private lands. These diverse holdings encompass a multitude of water features including streams, rivers, lakes, ponds, and wetlands and associated adjacent riparian areas. Collectively, these resources provide significant ecological, economic, and recreation benefits to the State.

Maintaining the health and resilience of aquatic ecosystems requires a comprehensive approach to protect and enhance water quality, natural hydrology and physical habitat quality and connectivity. In Vermont, these efforts involve influencing practices associated with adjacent land use, the direct and indirect discharges to surface waters, floodplain, river corridor and channel management, flow alteration, stormwater management, aquatic organism passage and riparian area function. (Riparian area functions and values are outlined in the attached Riparian Management Guidelines). While this policy focuses on the management of riparian areas on ANR lands, it is understood that these and other factors including upland and headwater forest management are interrelated and of equal importance.

Riparian areas can be defined as a zone of interaction and influence between aquatic and terrestrial ecosystems along streams, rivers, lakes, wetlands and other waterbodies. These areas perform important ecological functions which link aquatic and terrestrial ecosystems and thereby support unique habitats, natural communities and high biological diversity. Riparian areas along streams and rivers include those lands directly associated with undeveloped headwater areas, associated with the upper most part of the watershed of streams and rivers, small to medium sized streams with small floodplains, and extensive floodplain areas adjacent to large rivers. For purposes of this policy, riparian areas are not limited to rivers and streams but also include lands directly associated and adjacent to lakes and ponds, wetlands, vernal pools and seeps.

Intact and fully functioning riparian areas on ANR lands provide both ecological and public benefits for water quality, aquatic and terrestrial wildlife habitat, unique natural communities, improved resiliency to flood and ice flow damages, and maintenance of stream equilibrium. Riparian areas are unique in this regard and warrant special management considerations. Through intelligent land management decisions, public benefits and ecological functions of riparian areas on ANR lands will be protected, enhanced and restored while providing for compatible public uses and allowing for appropriate management activities.

Like all state lands management activities, management of riparian areas should be based on the best available science, be practical to implement, and reflective of the diversity of ANR lands and the full range of public uses and management objectives for these lands. Riparian area management should be developed and implemented in a consistent and intelligent manner across districts and guided by clear Agency policy and associated guidelines. At the same time, given the diversity of ANR lands and the

unique challenges and opportunities associated with individual sites, ANR land managers and natural resource professionals must have the ability to apply their professional expertise to accommodate site-specific needs and other land management objectives and collaborate on new or alternative strategies which protect and enhance desired riparian functions.

Policy:

To protect and enhance the ecological functions and public benefits of riparian areas on ANR lands, the Agency believes that special management considerations for riparian areas are necessary and appropriate. The Agency must fully assess and consider riparian areas so that their functions and values are maintained and where possible, enhanced on ANR lands. This includes management of riparian areas on ANR lands as demonstration projects to demonstrate exemplary riparian area management.

Specifically, management of riparian areas on ANR lands will:

1. Maximize riparian function and values by maintaining or enhancing desired riparian conditions.
2. Provide for public access infrastructure and other water and land-based recreation facilities (e.g., fish culture stations, boating access areas, swimming areas, trails, etc.) that are designed and operated to maximize retention of riparian functions and values and minimize negative impacts.

Riparian area management will be based on guidance provided in the attached Riparian Management Guidelines for ANR Lands. For the Agency's more extensive and undeveloped holdings (which represents the vast majority of its acreage), it is the policy of the Agency to provide and maintain fully functioning riparian areas on ANR lands by delineating riparian management zones that are managed to protect, enhance, or restore riparian area functions and values in accord with the attached Riparian Management Guidelines for ANR Lands. This policy applies to ANR lands owned in fee by the State including lands leased or licensed to other entities for other approved uses.

To the extent that it is feasible and practical, this policy shall also apply to ANR lands where the timber rights are held by other entities. While the Agency's ability to manage such lands is limited, the Agency shall work proactively with the holder of these timber rights to further the intent of this policy and should consider acquiring these timber rights from the holder if and when such rights become available.

Additionally, riparian areas on private lands that are subject to conservation easements held by the Agency shall comply with the attached guidelines where feasible and shall be protected, enhanced and restored through the terms of the easements.

Restoration and Enhancement of Riparian Areas: Certain ANR facilities, including some roads, trails, and other improvements eventually outlive their useful lives and may become obsolete. Facilities that no longer serve an important management or public access need, if located within riparian areas may continue to impact water resources and are prime candidates for restoration. Additionally, there may be opportunities for relocating certain roads or trails outside of established riparian areas while still providing meaningful access. ANR will proactively assess opportunities for

decommissioning or relocating roads, trails and other facilities located within riparian areas on ANR lands and restoring these sites to their former natural condition to enhance the functions and values of associated riparian areas. Enhancement of riparian areas that may be relatively intact and undisturbed may also be warranted in certain areas on ANR lands. ANR will actively pursue management activities designed to enhance riparian area functions and values where feasible and appropriate.

Water-Based Facilities: Many of the developed sites on ANR's lands such as fishing access areas, some state parks, and fish hatcheries are located within or may intersect riparian areas. While such development undoubtedly impacts riparian areas, it also provides an important opportunity for the public to access state lands and waters for a variety of purposes including outdoor recreation, education, and scientific research and monitoring. Existing and proposed ANR facilities that may be located adjacent to water bodies and/or are within riparian areas that are intended to provide recreational access to water as their primary management goal will as a matter of Agency policy demonstrate exemplary management so that impacts on riparian area functions and values are minimized. Such areas may provide useful demonstration projects. ANR will actively explore opportunities for reducing or mitigating the impact such development and infrastructure has on aquatic resources and where feasible, will work to enhance riparian area functions and values in these areas.

New built infrastructure and land management activities within riparian areas associated with intensely developed ANR lands including developed state parks, fishing access areas, ski lease areas, etc. shall where possible, adhere to the attached Riparian Management Guidelines. Projects on ANR lands requiring Act 250 permits should at a minimum comply with the Agency's Act 250 and Section 248 riparian buffer guidance document. Additionally, new development on ANR lands within 250' of the mean water level on lakes greater than 10 acres in size must comply with the provisions of Vermont's Shoreland Protection Act (T. 10, Ch. 49A, §1441 et seq). Activities adjacent to rivers and streams must also comply with applicable rules and procedures related to river corridors as required by the Department of Environmental Conservation's Flood Hazard Area and River Corridor Rule and associated Flood Hazard Area and River Corridor Protection Procedures.

Given the diversity of ANR's land holdings and the various purposes and uses associated with these holdings, the Agency recognizes that a "one size fits all" approach to riparian area management will not always provide for the desired outcomes. Consequently, an efficient and meaningful process for addressing proposed exceptions to the riparian management zone guidelines is essential. At the same time, the Agency shall avoid making exceptions to the riparian management zone guidelines where possible and shall insure that this policy is implemented in a consistent manner through the uniform application of the procedure outlined below.

Procedure for Implementation:

Long-Range Management Planning for ANR Lands: Management strategies for specific riparian areas should be clearly articulated in LRMPs. For those ANR lands that typically do not have formally developed long range management plans (such as Access Areas, Streambank parcels, certain State Parks, etc.) riparian management goals shall be outlined within appropriate site or development plans. In either case, protection, conservation, and restoration of riparian areas begins with identification of such resources and opportunities in the field. ANR District Stewardship Teams and other ANR lands staff as necessary will support and incorporate when possible DEC's "Lake Wise" assessments for appropriate state parks, fishing access areas and other lakeshore properties and will

identify, assess, and monitor other riparian area resources through the Agency's long-range management planning process. The assessment of riparian areas and their associated values will be incorporated into the development of all long-range management plans for ANR lands and will be carefully considered in the development of appropriate land use classifications for these areas. Capturing and showcasing good riparian management practices should be an important consideration in LRMP development and implementation. Additionally, the assessment process shall consider the potential for restoration and enhancement of riparian areas on ANR lands and will identify opportunities for decommissioning or relocation of roads, trails or other facilities that are located within riparian areas that are significantly impacting riparian area functions and values. DEC Basin Planners shall coordinate closely with District Stewardship Teams on this effort and shall provide information and technical assistance as needed.

Annual Stewardship Plans: Long-range management plans for ANR lands are implemented via the activities identified in the Annual Stewardship Plans prepared by each district stewardship team which outline all planned management activities for all ANR lands in the district for the coming year. The Annual Stewardship Plans shall include restoration activities and other planned improvements to riparian management zones on ANR lands including plantings, replacement of inadequate stream crossing structures, use of "green infrastructure", road and trail closures or rerouting, and other activities intended to enhance the functions and values of riparian areas..

Riparian Management Guidelines for ANR Lands: Riparian areas on ANR lands will be protected, conserved, enhanced, and where necessary and feasible, restored in accord with the attached Riparian Management Guidelines for ANR Lands. These guidelines provide a general framework for achieving desired riparian goals and objectives and shall be applied by each ANR District Stewardship Team in developing and implementing their respective Annual Stewardship Plan for ANR lands in their region.

Exceptions to the Riparian Management Guidelines for ANR Lands: It is recognized and accepted that there may be instances where certain management activities within a riparian management zone may be appropriate and warranted, even if such activities do not enhance riparian area values and functions. Examples of such situations are described in the attached guidelines. In such cases it may be necessary or desirable to deviate from the riparian management zone guidelines. All proposed exceptions shall be evaluated on a case-by-case basis using criteria provided in the attached Riparian Management Guidelines, by District Stewardship Teams and reported within the districts' Annual Stewardship Plans which are subject to review and approval by the ANR Lands Stewardship Team. For site specific exceptions to these guidelines where advance notification via the Annual Stewardship Plans may not always be possible (such as laying out a specific timber sale on the ground), the proposed exceptions shall be presented to and evaluated by the District Stewardship Team prior to the start of any management activity in the riparian area. Exceptions to riparian management zone guidelines shall be reported in timber sale prescriptions on ANR lands where feasible. Additionally, the ANR Lands Stewardship Team shall be notified of all such exceptions approved by the District Stewardship Team. In the event a District Stewardship Team cannot reach consensus on a proposed exception to the riparian management zone guidelines, the matter shall be referred to the ANR Lands Stewardship Team which will evaluate the matter and issue a decision.

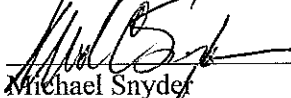
Leases, Licenses on ANR Lands: In negotiating all new lease or license agreements for uses of ANR lands, the ANR Lands Director shall insure that the Riparian Management Guidelines for ANR Lands are followed where feasible and appropriate. Lease or license proposals for ANR lands that

provide for exceptions to these riparian management guidelines may be referred to the appropriate district stewardship team or the ANR Lands Stewardship Team for resolution and decision.

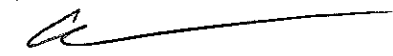
Development Projects on ANR Lands: Development projects on ANR lands that require Act 250, Section 248, Vermont Shoreland Protection permits, Flood Hazard Area and River Corridor permits, or require other local, state or federal permits or approvals shall comply with the Riparian Management Guidelines for ANR Lands wherever feasible but at a minimum, shall comply with any conditions or regulations that may be triggered by pertinent regulatory requirements.

ANR Conservation Easements: In developing and negotiating new ANR-held conservation easements, the Agency shall identify important riparian areas on the protected property and include terms and conditions within the easement designed to protect the functions and values associated with these areas. To the extent that is feasible, appropriate and consistent with the purposes of the easement, management of riparian areas on lands encumbered by ANR-held easements shall be guided by the Riparian Management Guidelines for ANR Lands.


Procedure for Revising Procedures for Implementation of this Policy: The ANR Lands Stewardship Team shall be responsible for periodically evaluating the effectiveness of these procedures and for making any necessary or appropriate revisions to these procedures. The ANR Lands Director shall notify district stewardship teams of any changes to these procedures.



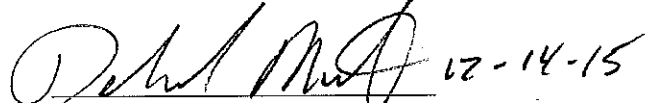
Michael Snyder Date
Commissioner, FPR



Louis Porter Date
Commissioner, DFW



Alyssa Schuren Date
Commissioner, DEC



Deborah Markowitz Date
Secretary, ANR

