

## VULNERABLE RESOURCES (BY STATE) QUICK SUMMARY (EPA Region 1 States Only)

State/Resource	EPHEMERAL STREAMS	VERNAL POOLS	BOGS	KETTLE PONDS
Connecticut	Variable	Regulated	Regulated	Regulated
Maine	NOT PROTECTED	Variable	Regulated	Variable
Massachusetts	MOSTLY NOT PROTECTED	Variable	Generally Regulated	Variable
New Hampshire	NOT PROTECTED	Regulated	Regulated	Regulated
Rhode Island	Regulated	Regulated	Regulated	Regulated
Vermont	NOT PROTECTED	Variable	Regulated	Variable

## VULNERABLE RESOURCES (BY STATE) EXTENDED SUMMARY (EPA Region 1 States Only)

State/Resource	EPHEMERAL STREAMS	VERNAL POOLS	BOGS	KETTLE PONDS
Connecticut	<p><b>Variable</b></p> <p>Definition of “Watercourses” does not include ephemeral streams, however it does use the phrase “all...bodies of water, ...vernal or intermittent”.</p> <p>Intermittent watercourses are defined in the Inland Wetlands and Watercourses Act. Definitions specify physical criteria rather than flow duration.</p> <p>Ephemeral streams which meet the definition of “Intermittent Watercourses” are regulated.</p> <p><a href="#">Title 22a Chapter 440 Sec. 22a-38(16) of the Inland Wetlands and Watercourses Act</a></p>	<p>Regulated under the <u>Inland Wetlands and Watercourses Act</u></p> <p>Vernal pools are not specifically defined, but the definition of “Watercourses” includes “vernal watercourses”.</p> <p><a href="#">Title 22a Chapter 440 Sec. 22a-38(16)</a></p> <p>Regulatory authority is delegated to the towns in Connecticut, there may be some variation in the degree of review or criteria for exempt activities.</p>	<p>Regulated under the <u>Inland Wetlands and Watercourses Act</u></p> <p>Definition of “Watercourses” includes “bogs”.</p> <p><a href="#">Title 22a Chapter 440 Sec. 22a-38(16)</a></p> <p>Regulatory authority is delegated to the towns in Connecticut, there may be some variation in the degree of review or criteria for exempt activities.</p>	<p>Regulated under the <u>Inland Wetlands and Watercourses Act</u></p> <p>Definition of “Watercourses” includes “ponds”. There are no size limitations in the definition.</p> <p><a href="#">Title 22a Chapter 440 Sec. 22a-38(16)</a></p> <p>Regulatory authority is delegated to the towns in Connecticut, there may be some variation in the degree of review or criteria for exempt activities.</p>

State/Resource	EPHEMERAL STREAMS	VERNAL POOLS	BOGS	KETTLE PONDS
Maine	<p><b>NOT PROTECTED</b></p> <p>Definition of “River, Stream or Brook” does not include ephemeral streams.</p> <p><a href="#">38 M.R.S. Sec. 480-B(9) of the Natural Resources Protection Act (NRPA)</a></p>	<p><b>Variable</b></p> <p>Vernal pools which meet the definition of “Significant” are regulated. Other vernal pools are only regulated if associated with another regulated resource.</p> <p><a href="#">Chapter 355, Significant Wildlife Habitat</a></p>	<p>Regulated under the <a href="#">Maine Natural Resources Protection Act</a></p> <p>Definition of “Freshwater Wetlands” includes Bogs.</p> <p><a href="#">38 M.R.S. Sec. 480-B(4) of the Natural Resources Protection Act (NRPA)</a></p>	<p><b>Variable</b></p> <p>Regulated under NRPA if either:</p> <p>(1) Meet the definition of a “Great Pond” (&gt;10 acres in size)</p> <p>or</p> <p>(2) Are freshwater wetlands exhibiting at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water.</p> <p><a href="#">38 M.R.S. Sec. 480-B(4) and 480-C of the Natural Resources Protection Act (NRPA)</a></p>
Massachusetts	<p><b>MOSTLY NOT PROTECTED</b></p> <p>Ephemeral and intermittent streams upstream of a regulated resource area are not regulated.</p> <p>The definition of “Streams” specifies that “a body of running water which does not flow throughout the year...is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes.”</p> <p><a href="#">310 CMR 10.04 of The Wetlands Protection Act Regulations</a></p>	<p><b>Variable</b></p> <p>Must be located in an “Area Subject to Protection” (Regulated Resource Area) under the Wetlands Protection Act.</p> <p><a href="#">M.G.L. c. 131, § 40.</a></p> <p>Regulated Resource Areas include Bordering Vegetated Wetlands, Land Subject to Flooding and Riverfront Area.</p> <p>See <a href="#">310 CMR 10.25 to 10.35 and 10.54 to 10.58 of The Wetlands Protection Act Regulations.</a></p>	<p>Generally Regulated under the <a href="#">Wetlands Protection Act</a></p> <p>Bogs are included in the definition of “Freshwater Wetland” in the Wetlands Protection Act.</p> <p><a href="#">M.G.L. c. 131, § 40.</a></p> <p>Freshwater wetlands are regulated if they meet the definition of “Bordering Vegetated Wetlands.”</p> <p><a href="#">310 CMR 10.55 of The Wetlands Protection Act Regulations</a></p> <p>Bogs may also be regulated if they meet the definition of “Isolated Land Subject to Flooding” (<a href="#">310 CMR 10.57(2)(b)</a>) or if they are located in Riverfront Area (<a href="#">310 CMR 10.58</a>) or Bordering Land Subject to Flooding (<a href="#">310 CMR 10.57</a>).</p>	<p><b>Variable</b></p> <p>The definition of “Ponds (Inland)” specifies a minimum area of at least 10,000 square feet.</p> <p><a href="#">310 CMR 10.04 of The Wetlands Protection Act Regulations</a></p> <p>Kettle ponds may also be regulated if they meet the definition of Isolated Land Subject to Flooding (<a href="#">310 CMR 10.57</a>); or as Bank and Land Under Water (<a href="#">310 CMR 10.54 and 10.56</a>).</p> <p>Kettle ponds located in Riverfront Area (<a href="#">310 CMR 10.58</a>) or Bordering Land Subject to Flooding (<a href="#">310 CMR 10.57</a>) are regulated regardless of their size or other definition criteria.</p>

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<p><b>New Hampshire</b></p>	<p><b>NOT PROTECTED</b></p> <p>Installation of a stream crossing in an Ephemeral Stream does not require a permit. See <a href="#">Env-Wt 309.02 (d)</a></p> <p>Ephemeral Streams are defined in the New Hampshire Wetland Rules. See <a href="#">Env-Wt 101.39</a></p>	<p>Regulated under <a href="#">New Hampshire Wetland Rules</a></p> <p>Vernal Pools are defined in the New Hampshire Wetland Rules. See <a href="#">Env-Wt 101.108</a></p>	<p>Regulated under <a href="#">New Hampshire Wetland Rules</a></p> <p>Bogs are defined in the New Hampshire Wetland Rules. See <a href="#">Env-Wt 101.11</a></p>	<p>Regulated under <a href="#">New Hampshire Wetland Rules</a></p> <p>The definition of “Surface Water Body” under the New Hampshire Wetlands Rules includes kettle ponds. See <a href="#">Env-Wt 101.99</a></p>
<p><b>Rhode Island</b></p>	<p>Regulated under the <a href="#">Rhode Island Fresh Water Wetlands Act</a></p> <p>Ephemeral streams which don’t meet the definition of “Streams”, are still regulated under the definition of an “Area Subject to Storm Flowage” <a href="#">See R.I. Gen Laws § 2-1-20(12)</a></p> <p><a href="#">RI Fresh Water Wetlands Rules 250-RICR-150-15-1.4</a></p>	<p>Regulated under the <a href="#">Rhode Island Fresh Water Wetlands Act</a></p> <p>Vernal Pools are defined in the R.I. Freshwater Wetlands Act. There are no size limitations in the definition.  <a href="#">See R.I. Gen Laws § 2-1-20(17)</a></p>	<p>Regulated under the <a href="#">Rhode Island Fresh Water Wetlands Act</a></p> <p>Bogs are defined in the R.I. Freshwater Wetlands Act. There are no size limitations in the definition. <a href="#">See R.I. Gen Laws § 2-1-20(3)</a> <a href="#">RI Fresh Water Wetlands Rules 250-RICR-150-15-1.4</a></p>	<p>Regulated under the <a href="#">Rhode Island Fresh Water Wetlands Act</a></p> <p>Ponds are defined in the R.I. Freshwater Wetlands Act. There are no size limitations in the definition. <a href="#">See R.I. Gen Laws § 2-1-20(12)</a></p> <p>The current RI Wetlands Rules define “Ponds” as ¼ acre or greater. These rules are currently being revised and the new rules will have no size limitations.  <a href="#">RI Fresh Water Wetlands Rules 250-RICR-150-15-1.4</a></p>

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<p><b>Vermont</b></p>	<p><b>NOT PROTECTED</b></p> <p>The definition of “Watercourses” is limited to perennial streams.</p> <p><a href="#">10 V.S.A. § 1021</a></p> <p><a href="#">Identification of Perennial Streams</a></p>	<p><b>Variable</b></p> <p>Regulated if determined to be significant (or mapped as Class I or Class II). All vernal pools are presumed to be significant. Class III wetlands/wetlands not determined to be significant are not regulated.</p> <p><a href="#">10 V.S.A. § 902(8)</a></p> <p><a href="#">Vermont Wetland Rules §4.6 &amp; §9</a></p>	<p>Regulated under <a href="#">Vermont Wetland Rules</a></p> <p>See <a href="#">10 V.S.A. § 902(8)</a></p> <p><a href="#">Vermont Wetland Rules §4.6 &amp; §9</a></p>	<p><b>Variable</b></p> <p>Regulated if mapped as a Class I or Class II wetland (less than 2m deep) or otherwise determined to be significant.</p> <p>See <a href="#">10 V.S.A. § 902(8)</a> and <a href="#">Vermont Wetland Rules §3.2 &amp; §9</a></p> <p><a href="#">Shoreland Protection Act</a> offers additional regulatory protections for lakes or ponds greater than 10 acres, unless they are “private ponds” <a href="#">See 10 V.S.A. § 1442(14)</a>.</p> <p>Kettle ponds are regulated regardless of size when an <a href="#">Aquatic Nuisance Control</a> project is proposed or as “public waters” under <a href="#">Lake Encroachment</a> when there is more than one landowner abutting the water.</p>