



**US Army Corps
of Engineers**[®]
New England District
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452

PUBLIC NOTICE

Comment Period Begins: JUNE 25, 2019
Comment Period Ends: JULY 25, 2019
File Number: NAE-2013-01918
In Reply Refer To: Michael S. Adams
Phone: (802) 872-2893 or (978) 318-8485
E-mail: michael.s.adams@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT: City of Burlington Parks, Recreation & Waterfront, ATTN: Cindi Wight, 645 Pine Street, Burlington, Vermont 05401

ACTIVITY: Place fill in about 30,206 sq. ft. (0.69 acre) of waters of the United States in conjunction with the reconstruction, widening and realignment of about 1.31 miles of an existing bike path between Queen City Park Road and Maple Street in Burlington, Vermont. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Burlington Bay of Lake Champlain and adjacent wetland generally west of the Barge Canal area in Burlington, Vermont. The site coordinates are: Latitude 44.466113 N, Longitude 73.219069 W.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision,

comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- () Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

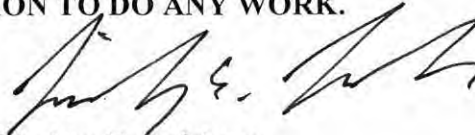
CENAE-R
FILE NO. NAE-2013-01918

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Michael S. Adams at (802) 872-2893 or (978) 318-8485.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Lindsey E. Lefebvre
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____

PROPOSED WORK AND PURPOSE

Place fill and perform work within navigable waters and adjacent wetland for the reconstruction, widening and realignment of an existing bike path in Burlington Bay of Lake Champlain. The paved portion of the path will be widened from the existing 8' width to 11' width with 2'-4' wide aggregate and/or paved shoulders to match FHWA guidelines. About 14,519 sq. ft. (0.33 acre) of lake bottom below the ordinary high water mark (OHW) and about 42 sq. ft. of adjacent wetland will be permanently filled for the new path. About 4,780 sq. ft. (0.11 acre) of lake bottom below OHW and about 1,226 sq. ft. (0.03 acre) of wetland will be temporarily filled to construct the path. All temporary fills will be removed after construction and the areas will be restored to pre-construction conditions. Additional work will involve the redistribution of sand material excavated from the stone fill revetment area to an area extending about 10' beyond the edge of fill in the lake. About 9,639 sq. ft. (0.22 acre) of lake bottom will be covered with about 3" of sand. The purpose of this work is to enhance and protect rare plants present in this area.

The basic purpose of the project is to reconstruct an existing bike path to comply with current safety and design standards.

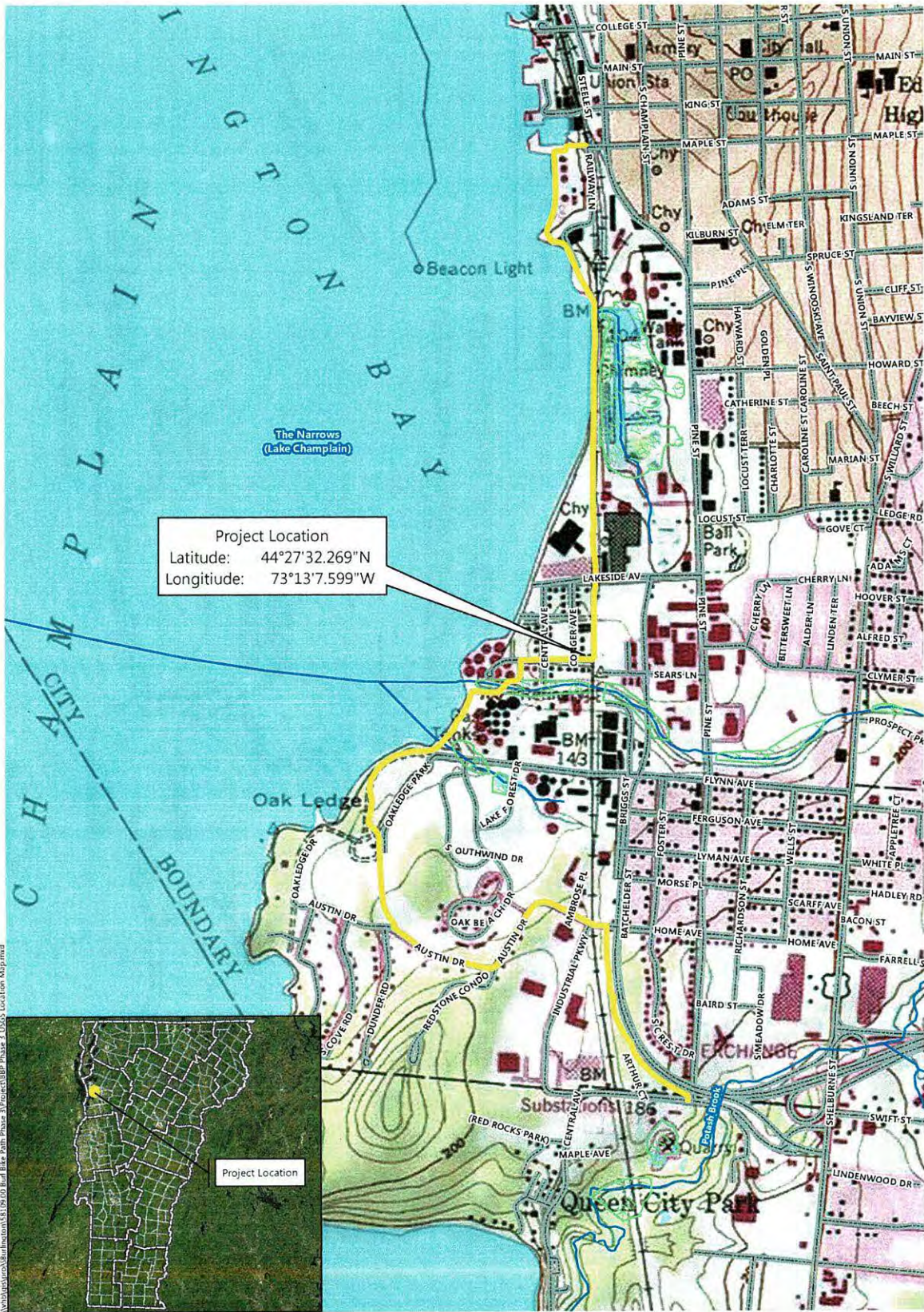
The work is described on the enclosed plans, in eight sheets, entitled "Burlington Bike Path Rehabilitation Project – Phase 3" (dated "April 16, 2019" and "June 03, 2019") and "BURLINGTON BIKE PATH PHASE 3" (dated "6/3/2019").

ALTERNATIVES

The project involves the reconstruction of an existing recreational path, essentially on existing alignment. Off-site alternatives would involve constructing a new path on new alignment, which would likely be more environmentally damaging and is not practicable. There is no less environmentally damaging practicable alternative alignment that would accomplish the basic project purpose. The only alternative to the project would be the "no build" alternative, which would not allow the applicants to achieve their stated project purpose.

MITIGATION

To compensate for unavoidable impacts to waters of the U.S. of the proposed project the applicant proposes to make a payment to the Ducks Unlimited – Vermont In-Lieu Fee Program.



Project Location
 Latitude: 44°27'32.269\"/>

W:\burlington\GIS\Projects\BIP Phase 3\Project\BIP Phase 3_LUGS Location Map.mxd



- Project Location (VHB)
- VSWI Wetland (ANR)
- VHB Stream (VOGP)
- Road (VTrans)
- VHD Waterbody (VOGP)

**The City of Burlington
 Burlington Bike Path Rehabilitation Project-Phase 3**

**Burlington, Vermont
 Project Location Map**

Sources:
 Background USGS Base map layer
 Road by VTrans (2017)
 ANR (Vermont Agency of Natural Resources - Various Dates)
 VOGP (Vermont Open Geodata Portal - Various Dates)
 VHB (2018)

INDEX OF SHEETS

- 1 TITLE SHEET
- 2-5 OHW DISTURBANCE PLANS
- 6 OHW DETAIL SHEET

CITY OF BURLINGTON



PROPOSED IMPROVEMENT
BURLINGTON BIKE PATH
REHABILITATION PROJECT
PHASE 3

CITY OF BURLINGTON
COUNTY OF CHITTENDEN

SECTION 404 /SECTION 10 IMPACT EXHIBIT
REVISED JUNE 2019

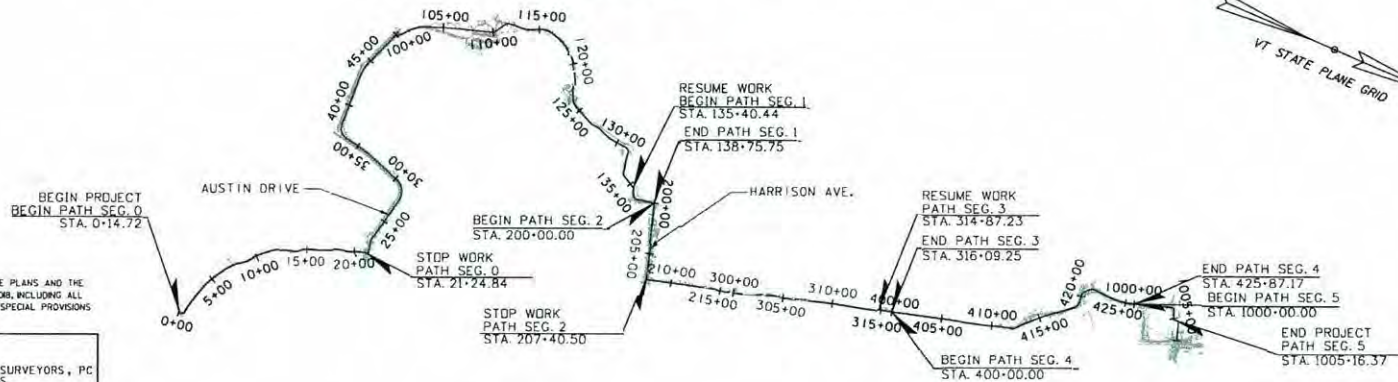


PROJECT LOCATION: LOCATED IN THE COUNTY OF CHITTENDEN, CITY OF BURLINGTON, THE PROJECT RUNS FROM QUEEN CITY PARK ROAD TO AUSTIN DRIVE, FROM PROCTOR PLACE TO THE EAST END OF HARRISON AVENUE, AND FROM THE SOUTH END OF THE RETAINING WALL AT THE BARGE CANAL NORTH TO PERKINS PIER.

PROJECT DESCRIPTION: WORK TO BE PERFORMED INCLUDES REMOVAL OF THE EXISTING PATH PAVEMENT; THE WIDENING AND REPAVING OF THE PATH; INSTALLATION OF PAVEMENT MARKINGS, SIGNS, CONCRETE SIDEWALK RAMPS, AND FENCING; REVETMENT INSTALLATION AND REPAIRS ALONG THE WATERFRONT, AND OTHER INCIDENTAL ITEMS.

LENGTH OF PROJECT:

SEGMENT 0:	0.40 MILES	(2110.2 FEET)
SEGMENT 1 - 2:	0.18 MILES	(943.88 FEET)
SEGMENT 3 - 5:	0.73 MILES	(3865.56 FEET)
TOTAL:	1.31 MILES	(6919.64 FEET)

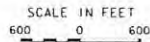


CONSTRUCTION IS TO BE CARRIED ON IN ACCORDANCE WITH THESE PLANS AND THE VTRANS STANDARD SPECIFICATIONS FOR CONSTRUCTION DATED 2008, INCLUDING ALL SUBSEQUENT REVISIONS AND SUCH REVISED SPECIFICATIONS AND SPECIAL PROVISIONS AS ARE INCORPORATED IN THIS CONTRACT.

SURVEYED BY: VHB ALDRICH + ELLIOT, PC
BUTTON PROFESSIONAL LAND SURVEYORS, PC
CROSS CONSULTING ENGINEERS

SURVEYED DATE: AUGUST 2013, AUG. 2015, SEPTEMBER 2018

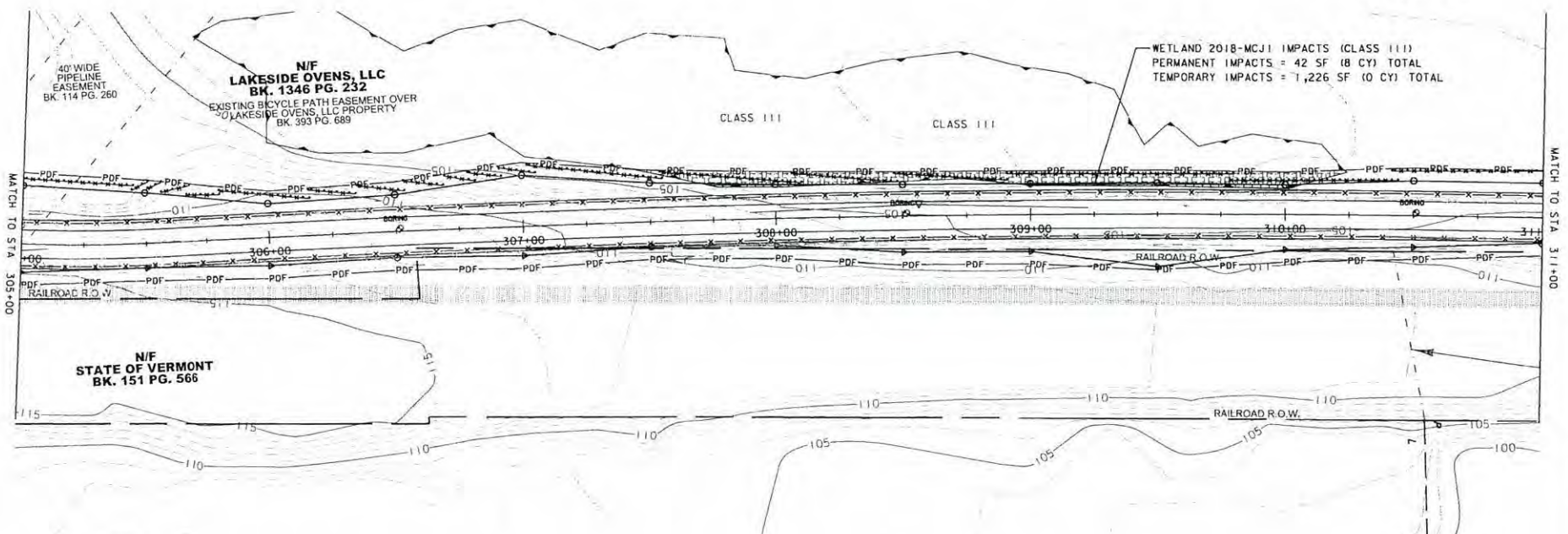
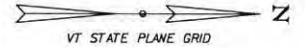
DATUM
VERTICAL NAVD 88
HORIZONTAL NAD 83 (07)



6/3/2019
















PROJECT MANAGER: EVAN P. DETRICK, P.E.
PROJECT NAME: BURLINGTON BIKE PATH PHASE 3
PROJECT NUMBER: 58109.00
SHEET 1 OF 6 SHEETS

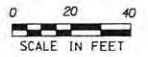




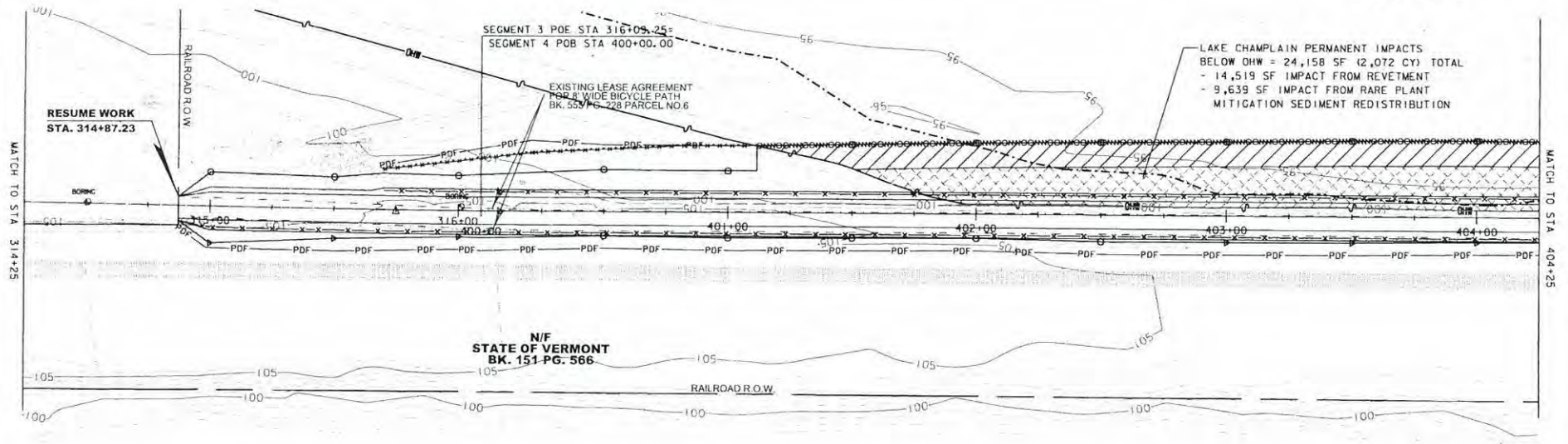
WETLAND 2018-MCJ1 IMPACTS (CLASS III)
 PERMANENT IMPACTS = 42 SF (8 CY) TOTAL
 TEMPORARY IMPACTS = 1,226 SF (0 CY) TOTAL

LEGEND















-  - TEMPORARY IMPACTS BELOW OHW = 4,780 SF (0 CY) TOTAL
-  - STONE REVETMENT PERMANENT IMPACTS BELOW OHW = 14,519 SF (1,982 CY) TOTAL
-  - RARE PLANT MITIGATION PERMANENT IMPACTS BELOW OHW = 9,639 SF (90 CY) TOTAL
-  - TEMPORARY WETLAND IMPACTS = 1,226 SF (0 CY) TOTAL
-  - PERMANENT WETLAND IMPACTS = 42 SF (8 CY) TOTAL
-  - REINFORCED SILT FENCE
-  - SILT FENCE
-  - FILTER CURTAIN (MAY BE SUBSTITUTED FOR REINFORCED SILT FENCE IF LAKE LEVEL HAS RECEDED AND AREA IS DRY)
-  - PDF - PROJECT DEMARCATION FENCE
-  - MWL LINE (ELEV. = 95.5')
-  - OHW - ORDINARY HIGH WATER (ELEV. = 98.0' NGVD29, 97.5' NAVD88)
-  - SLOPE LIMIT IN FILL LOCATION
-  - SLOPE LIMIT IN CUT LOCATION
-  - P - PROPERTY LINE (P/L)
-  - L - LAKE

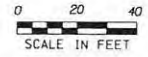


PROJECT NAME:	BURLINGTON BIKE PATH PHASE 3
PROJECT NUMBER:	58109.00
FILE NAME:	58109sdr_OHW.dgn
PROJECT LEADER:	E.P.DETRICK
DESIGNED BY:	B.M.ROBERTS
OHW DISTURBANCE PLAN (1 OF 4)	
PLOT DATE:	6/18/2019
DRAWN BY:	B.M.ROBERTS
CHECKED BY:	E.P.DETRICK
SHEET	2 OF 6



LEGEND

-  - TEMPORARY IMPACTS BELOW OHW = 4,780 SF (0 CY) TOTAL
-  - STONE REVETMENT PERMANENT IMPACTS BELOW OHW = 14,519 SF (1,982 CY) TOTAL
-  - RARE PLANT MITIGATION PERMANENT IMPACTS BELOW OHW = 9,639 SF (90 CY) TOTAL
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-  - M.W.L. LINE (ELEV. = 95.5')
-  - ORDINARY HIGH WATER (ELEV. = 98.0' NGVD29, 97.5' NAVD88)
-  - SLOPE LIMIT IN FILL LOCATION
-  - SLOPE LIMIT IN CUT LOCATION
-  - PROPERTY LINE (P/L)



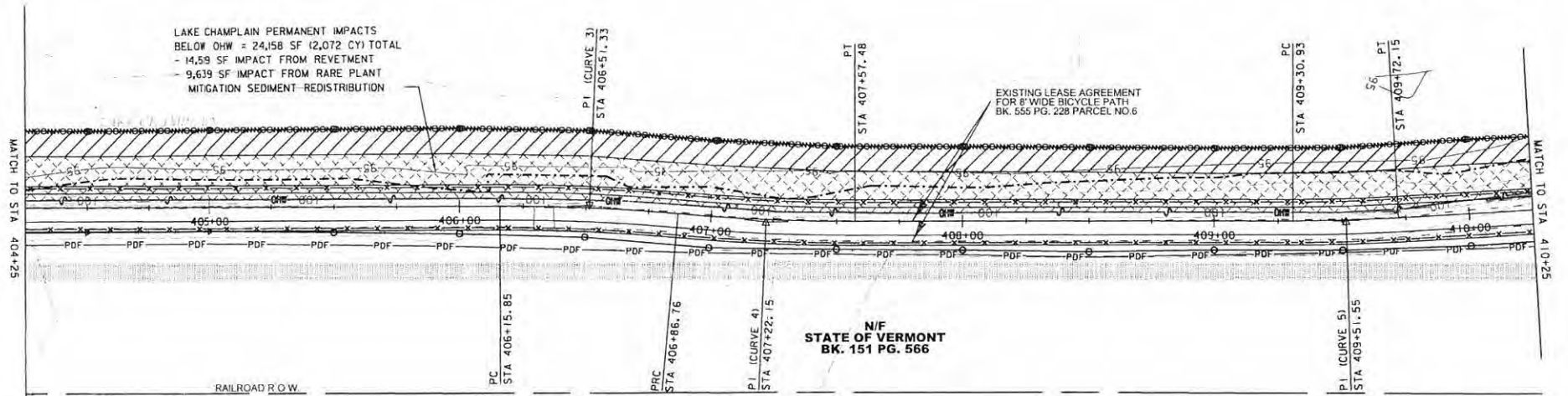
PROJECT NAME:	BURLINGTON BIKE PATH PHASE 3
PROJECT NUMBER:	58109.00
FILE NAME:	58109bdr_ohw.dgn
PROJECT LEADER:	E.P.DETRICK
DESIGNED BY:	B.M.ROBERTS
OHW DISTURBANCE PLAN (2 OF 4)	
PLOT DATE:	6/18/2019
DRAWN BY:	B.M.ROBERTS
CHECKED BY:	E.P.DETRICK
SHEET	3 OF 6



LAKE CHAMPLAIN PERMANENT IMPACTS
 BELOW OHW = 24,158 SF (2,072 CY) TOTAL
 - 14,519 SF IMPACT FROM REVETMENT
 - 9,639 SF IMPACT FROM RARE PLANT
 MITIGATION SEDIMENT-REDISTRIBUTION

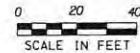
EXISTING LEASE AGREEMENT
 FOR 8' WIDE BICYCLE PATH
 BK. 555 PG. 228 PARCEL NO. 6

N/F
 STATE OF VERMONT
 BK. 151 PG. 566

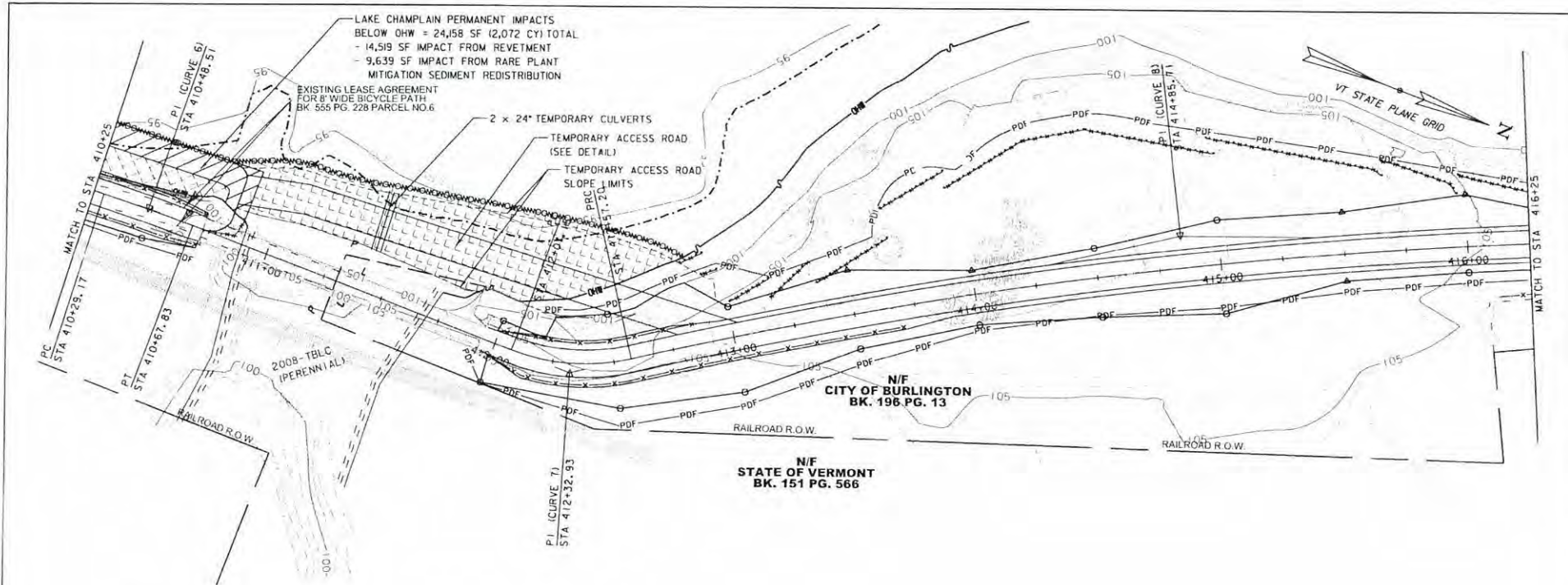


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











- TEMPORARY IMPACTS BELOW OHW = 4,780 SF (0 CY) TOTAL
- STONE REVETMENT PERMANENT IMPACTS BELOW OHW = 14,519 SF (1,982 CY) TOTAL
- RARE PLANT MITIGATION PERMANENT IMPACTS BELOW OHW = 9,639 SF (90 CY) TOTAL
- TEMPORARY WETLAND IMPACTS = 1,226 SF (0 CY) TOTAL
- PERMANENT WETLAND IMPACTS = 42 SF (8 CY) TOTAL
- REINFORCED SILT FENCE
- SILT FENCE
- FILTER CURTAIN (MAY BE SUBSTITUTED FOR REINFORCED SILT FENCE IF LAKE LEVEL HAS RECEDED AND AREA IS DRY)
- PDF - PROJECT DEMARCATION FENCE
- MWL LINE (ELEV. = 95.5')
- OHW - ORDINARY HIGH WATER (ELEV. = 98.0' NGVD29, 97.5' NAVD88)
- SLOPE LIMIT IN FILL LOCATION
- SLOPE LIMIT IN CUT LOCATION
- PROPERTY LINE (P/L)

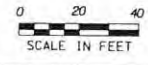


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PROJECT NUMBER:	58109.00
FILE NAME:	58109bdr_OHW.dgn
PROJECT LEADER:	E.P.DETRICK
DESIGNED BY:	B.M.ROBERTS
OHW DISTURBANCE PLAN (3 OF 4)	
PLOT DATE:	6/18/2019
DRAWN BY:	B.M.ROBERTS
CHECKED BY:	E.P.DETRICK
SHEET	4 OF 6

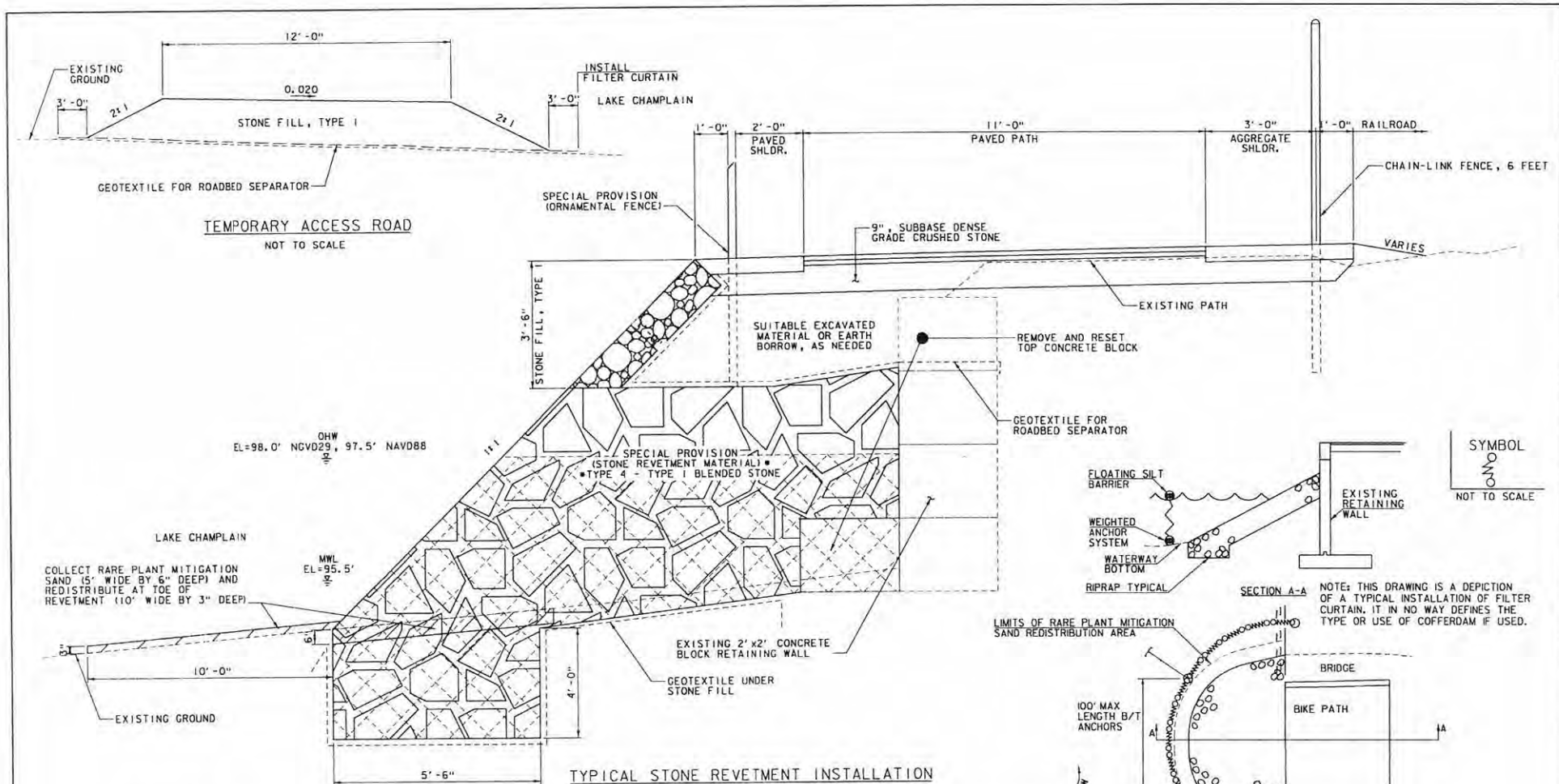


LEGEND

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PROJECT NUMBER:	58109.00		
FILE NAME:	58109bdr_ohw.dgn	PLOT DATE:	6/18/2019
PROJECT LEADER:	E.P.DETRICK	DRAWN BY:	B.M.ROBERTS
DESIGNED BY:	B.M.ROBERTS	CHECKED BY:	E.P.DETRICK
OHW DISTURBANCE PLAN	14 OF 41	SHEET	5 OF 6



OHW
EL=98.0' NAVD89, 97.5' NAVD88

LAKE CHAMPLAIN

COLLECT RARE PLANT MITIGATION SAND 15' WIDE BY 6" DEEP) AND REDISTRIBUTE AT TOE OF REVETMENT (10' WIDE BY 3" DEEP)

MWL
EL=95.5'

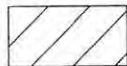
SPECIAL PROVISION (STONE REVETMENT MATERIAL)
• TYPE 4 - TYPE 1 BLENDED STONE

EXISTING 2' x 2' CONCRETE BLOCK RETAINING WALL

GEOTEXTILE UNDER STONE FILL



= STONE REVETMENT PERMANENT IMPACT BELOW ORDINARY HIGH WATER = 1,982 CY TOTAL



= RARE PLANT MITIGATION IMPACT BELOW ORDINARY HIGH WATER = 90 CY TOTAL

NOTE:

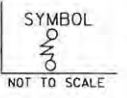
ALL CALCULATIONS ARE BASED ON A CONSERVATIVE MEASURE OF THE REVETMENT BEING BUILT AT A 1.25:1 SLOPE, ALTHOUGH THE DESIGN IS FOR A 1:1 SLOPE.

TYPICAL STONE REVETMENT INSTALLATION

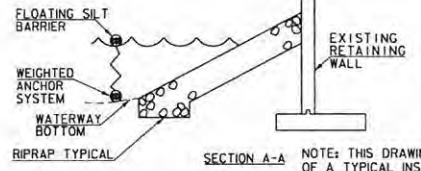
NOT TO SCALE
STA. 315+70 - STA. 410+77, LT

FILTER CURTAIN CONSTRUCTION SPECIFICATIONS

1. FILTER CURTAIN SHALL NOT BE PLACED ACROSS A FLOWING WATERWAY, OR IN A WATERWAY WITH STREAM VELOCITIES GREATER THAN 1.5 FEET/SECOND.
2. MAXIMUM 100' LENGTH BETWEEN ANCHORS.
3. LAST SECTION SHALL TERMINATE A MINIMUM OF 10' BEYOND LIMIT OF DISTURBANCE.
4. THE WEIGHTED ANCHOR SYSTEM SHALL BE A TYPE WHICH ALLOWS THE CURTAIN TO CONFORM TO THE BOTTOM OF THE WATERWAY.
5. THE CURTAIN SHALL BE REMOVED BY SLOWLY PULLING TOWARD THE SHORE MINIMIZING THE ESCAPE OF SEDIMENTS INTO WATERWAY.
6. FILTER CURTAIN SHALL BE LEFT IN PLACE FOR AT LEAST 7 DAYS FOLLOWING THE REDISTRIBUTION OF THE MEDIUM CONTAINING THE RARE PLANT SEEDS TO ALLOW FOR SETTLING OF THE REDISTRIBUTED MATERIAL.



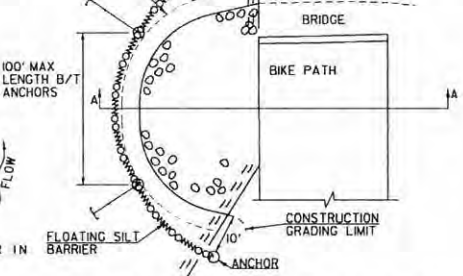
SYMBOL
NOT TO SCALE



SECTION A-A

NOTE: THIS DRAWING IS A DEPICTION OF A TYPICAL INSTALLATION OF FILTER CURTAIN. IT IN NO WAY DEFINES THE TYPE OR USE OF COFFERDAM IF USED.

LIMITS OF RARE PLANT MITIGATION SAND REDISTRIBUTION AREA



TYPICAL FILTER CURTAIN INSTALLATION

NOT TO SCALE

PROJECT NAME:	BURLINGTON BIKE PATH PHASE 3
PROJECT NUMBER:	58109.00
FILE NAME:	58109det_DHW.dgn
PROJECT LEADER:	E.P. DETRICK
DESIGNED BY:	B.M. ROBERTS
OHW DETAIL SHEET	
PLOT DATE:	6/18/2019
DRAWN BY:	C.K. FORD
CHECKED BY:	E.P. DETRICK
SHEET	6 OF 6





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Sources:
 Background Imagery by VCGI (Collected as 2018)
 VCGI (Vermont Center for Geographic Information -
 Various Dates)
 VTrans (Vermont Agency of Transportation - 2017)
 VHB 2018