



**US Army Corps
of Engineers**[®]
New England District
Vermont Project Office
8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452

PUBLIC NOTICE

Comment Period Begins: March 19, 2013
Comment Period Ends: April 19, 2013
File Number: NAE-2011-1410
In Reply Refer To: Marty Abair
Phone: (802) 872-2893
E-mail: Martha.a.abair@usace.army.mil

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

APPLICANT: John S. Andrew, JASA Family Farm, 760 Alderbrook Road, Newport, Vermont 05855

ACTIVITY: Mechanically clear and convert a total of about 11.25 acres of cutover forested and scrub-shrub wetland to pasture. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in wetlands adjacent to an unnamed tributary to Lake Memphremagog off the west side of Alderbrook Road in Coventry, Vermont (Latitude 44.9208177 N, Longitude 72.2482543 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

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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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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

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


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 Marty Abair at (978) 318-8484 or (802) 872-2893.

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.

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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.


Frank J. DelGiudice
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

The work includes the mechanized clearing and conversion of about 11.25 acres of cutover forested and scrub-shrub wetland to pasture at the applicant's farm off Alderbrook Road in Coventry, Vermont. With the exception of re-establishing a ditch and maintaining existing ditches, no other drainage improvements are proposed.

The work is described on the enclosed plans entitled "John S. Andrew Proposed Wetland Conversion" on four sheets, and dated "3/6/2013" and "9/10/2012".

The applicant operates a grass based organic dairy and currently milks 90 cows, has 60 dry cows and heifers, and 50 calves. The milking herd, dry cows and some calves are pastured on the 94.1 acres of open land on the farm. The open and bred heifers are pastured on 41.3 acres of rented land nearby. The milkers also have access to another 6 acres of pasture adjacent to the farm. Of the remaining 47.8 acres of wooded, cutover wooded and scrub-shrub land on the farm, 34.9 acres are wetland. The grazing plan for the farm shows that a total of 208.8 acres of pasture are needed for the herd. There are 141.1 acres now available between the owned and rented acres, leaving a need for an additional 67.4 acres. There is no other readily available land nearby. Conversion of the 11 acres of wetland and 10.4 acres of upland will provide 21.4 acres of grazing land. An additional 0.25 acre of wetland will be impacted by drainage improvements to better utilize and increase existing pasture production.

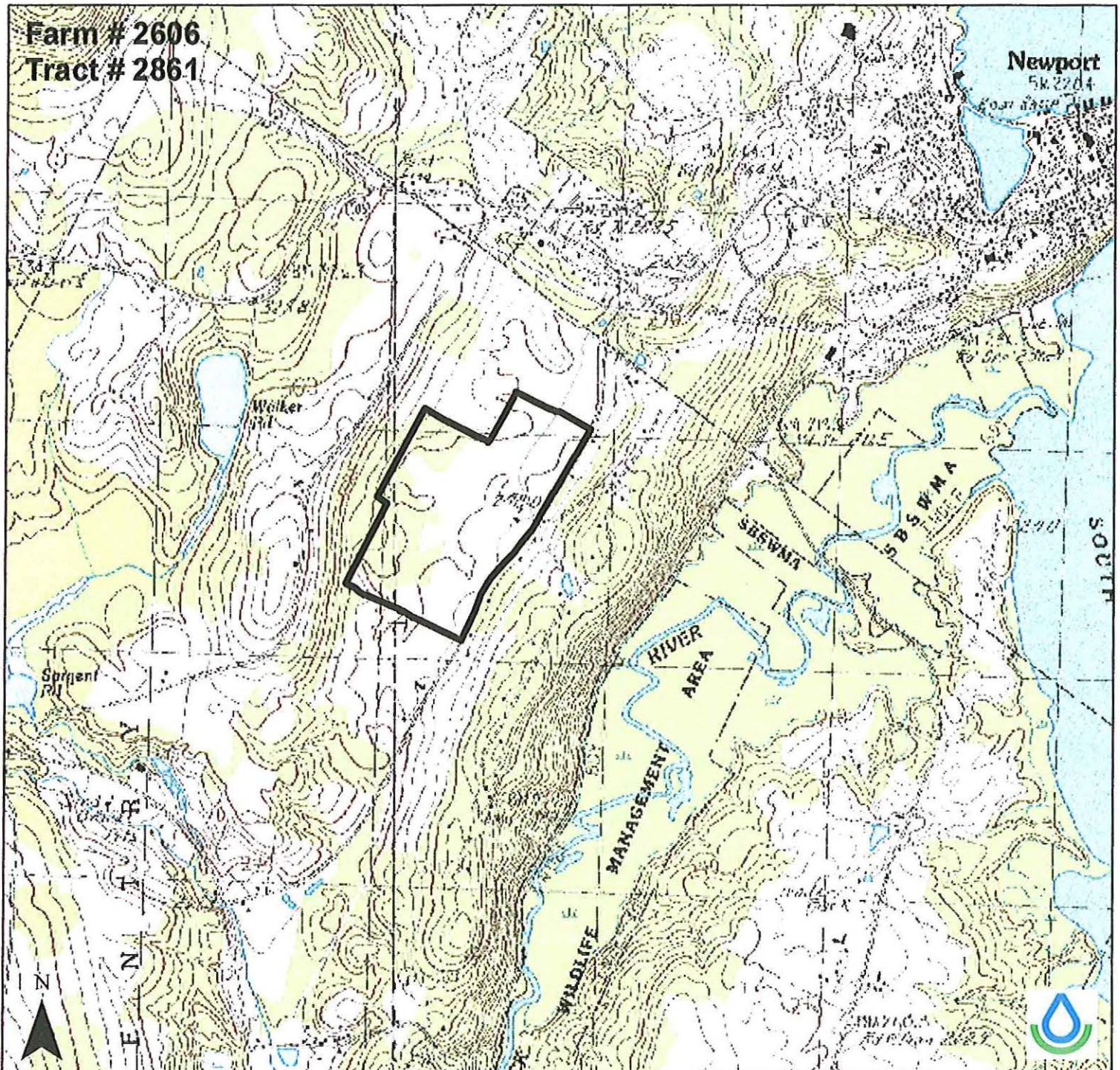
In an attempt to mitigate for the unavoidable impacts of the project, the applicant proposes to preserve, in perpetuity, the remaining 23.9 acres of wooded wetland on the property. A 50' wide undisturbed buffer, totalling 3 acres, will be maintained between the wetland and the upland in the southwest part of the parcel. The preserved wetland area and the buffer will be permanently fenced with 2 strand electric high tensile fence. Two cattle lanes through the wetlands connecting upland pastures will also be fenced. In addition, all ditches and swales on the entire farm will be fenced off to prevent livestock from entering.

Topographic Map


Date: 3/6/2013

Customer(s): JOHN S ANDREW JR
District: ORLEANS CO. CONSERVATION DISTRICT

Field Office: NEWPORT SERVICE CENTER
Agency: USDA NRCS
Assisted By: HISASHI KOMINAMI



Legend

 Tract Boundary

U.S.G.S Quadgrangles: Newport Center & Newport
Scale 1:24,000
Contour Interval: 6 meters

0 1,000 2,000 4,000 Feet

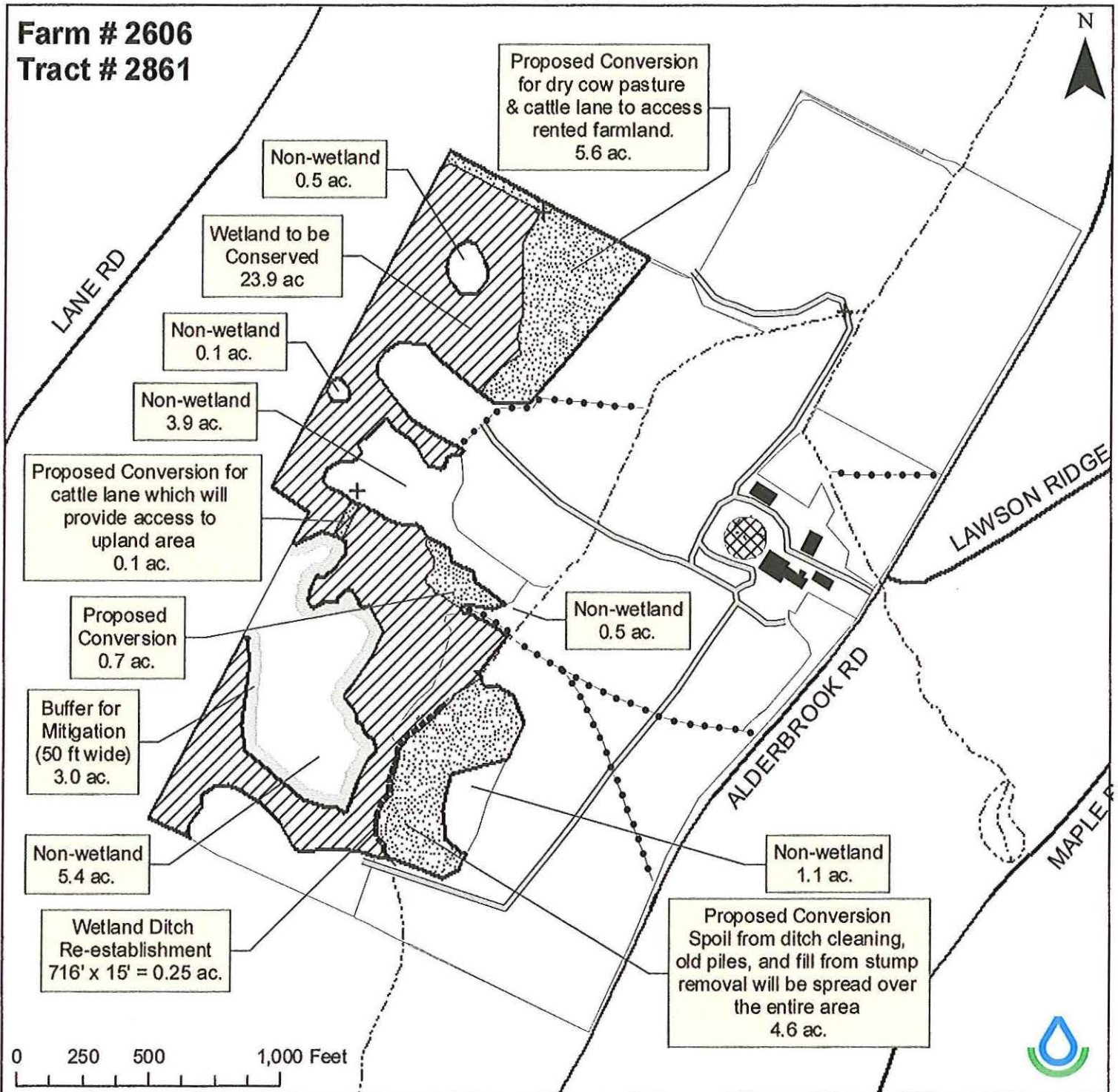
John S. Andrew
Proposed Wetland Conversion
Vicinity Map

John S. Andrew Proposed Wetland Conversion

Date: 3/6/2013

Customer(s): JOHN S ANDREW JR
 District: ORLEANS CO. CONSERVATION DISTRICT

Field Office: NEWPORT SERVICE CENTER
 Agency: USDA NRCS
 Assisted By: HISASHI KOMINAMI



Legend

- | | | | |
|--|-----------------|--|--------------------------------|
| | Field Boundary | | Wetland to be Conserved |
| | Farm Building | | Proposed Conversion |
| | Manure Pit | | 50 ft Wetland Buffer |
| | Farm Road | | Wetland Ditch Re-establishment |
| | Road | | Existing Ditch |
| | Planned Culvert | | Stream |

Additional Notes:

The cattle lane to access rented land near the northern property boundary and the cattle lane to access the 5.4 acre area of uplands will both be fenced to exclude livestock from wetland areas and wetland buffer areas.

Wetland areas to be conserved shall be permanently fenced.

John S. Andrew Proposed Wetland Conversion

Field Number & Acreage Map

Abutting Property Owners

Date: 3/6/2013

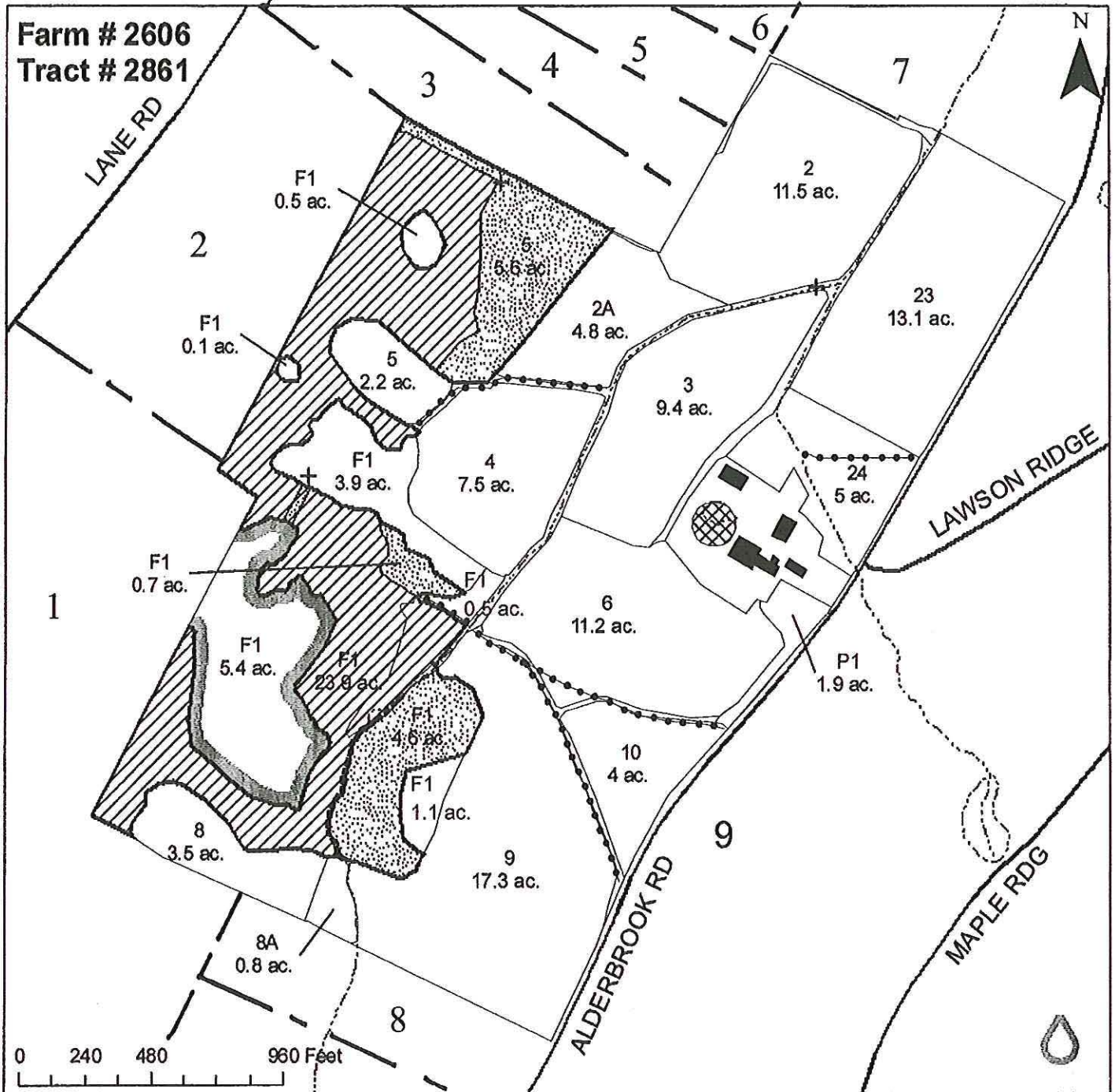
Customer(s): JOHN S ANDREW JR

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District: ORLEANS CO. CONSERVATION DISTRICT

Agency: USDA NRCS

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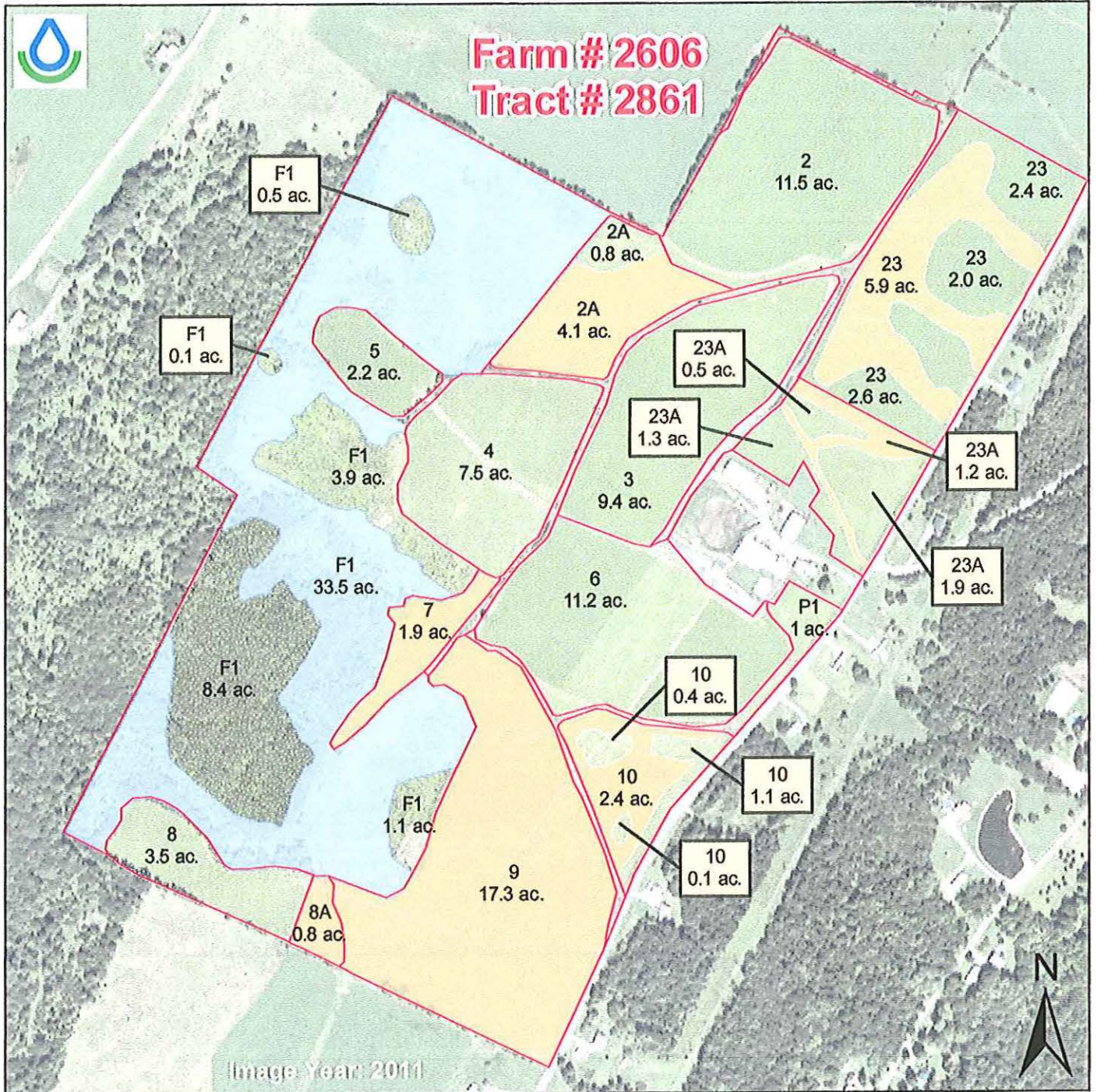
1. Petit Family Trust
2. Roger & Donna Piette
3. Marc & Kathleen Gingras
4. Gregory & Danielle Hamblett
5. Alan & Kathryn Aiken
6. Scott Petit
7. Fernand & Frances Cloutier
8. Lorna Young/William Sanville
9. Town of Coventry

John S. Andrew
Proposed Wetland Conversion

Date: 9/10/2012

Customer(s): JOHN S ANDREW JR
District: ORLEANS CO. CONSERVATION DISTRICT

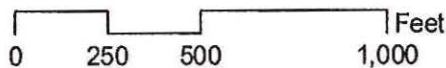
Field Office: NEWPORT SERVICE CENTER
Agency: USDA NRCS
Assisted By: HISASHI KOMINAMI



Legend

- NRCS Field Boundary
- Wetland
- Farmed Wetland Pasture
- Non-wetland

23A
1.9 ac. Field Number
Acreage



Wetland Determination Plan