



PUBLIC NOTICE

**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

Comment Period Begins: NOV. 9, 2010
Comment Period Ends: DEC. 9, 2010
File Number: NAE-2006-761
In Reply Refer To: Marty Abair
Phone: (802) 872-2903
E-mail: Martha.a.abair@usace.army.mil

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

APPLICANT: Vermont Agency of Transportation, ATTN: Mr. Scott Rogers, Director, Operations Division, 1 National Life Drive, Drawer 33, Montpelier, Vermont 05633

ACTIVITY: Place fill in a total of 2.45 acres of Otter Creek and adjacent wetlands in conjunction with the construction of a new rail crossing, approaches, and rail siding just upstream/south of the existing Vermont Railway Bridge 219 crossing of Otter Creek in Pittsford, Vermont.

The project will involve the construction of a new two span structure about 60' upstream of the existing bridge. The new structure will be located upstream in order to maintain rail traffic during construction. A new rail siding will be installed adjacent to the south side of the new railbed within the footprint of the area used for construction access for the new bridge. The project will temporarily impact about 0.03 acre of river bottom (below OHW) and 0.62 acre of wetland, and permanently impact about 0.1 acre of river bottom and 1.7 acres of wetland. The wetland to be impacted is a forested floodplain wetland that functions primarily to store and desynchronize floodwaters, maintain water quality, anchor the shoreline, and provide wildlife habitat.

Since initial pre-application consultation, permanent impacts of the project to waters of the U.S. have been reduced from 4.88 acres to the currently proposed 1.8 acres. This rail line is VT Railway's primary north-south corridor and handles a relatively high volume of rail traffic. The site is directly adjacent to the Florence rail spur; thus nearly all of OMYA's product is transported over the existing bridge enroute from their Florence processing facility. Give the amount of rail traffic using this crossing, closing this section of the rail line such that the bridge could be reconstructed on existing alignment is not feasible. Construction of a temporary detour would involve similar impacts to those currently proposed. Several alternatives to the proposed siding configuration and to the bridge and approach locations were also considered and rejected due to safety and operational factors.

In an attempt to mitigate for the unavoidable impacts of the project, the applicants propose to vegetatively enhance and preserve in perpetuity an adjacent 17 acre parcel that abuts the project and Otter Creek. About half of the site is former ditched agricultural field now heavily vegetated with Reed Canary Grass (RCG). The applicants propose to weaken the RCG with a controlled burn and herbicide application, and then plant the area with woody native species and a wetland seed mix. Ditches on the site will be plugged.

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The purpose of the project is to replace an existing deteriorating bridge with an improved structure and alignment capable of supporting Amtrak passenger service.

The work is described on the enclosed plans, in fifteen sheets, entitled "VT Railway Bridge 219 Replacement Project, Pittsford VT" (dated "July, 2010"), "PITTSFORD VTR BR 219 OVER OTTER CREEK" (dated "02-18-10", "10/5/2010", "10-5-2010", and "9/1/2010"), and "ON-SITE COMPENSATORY MITIGATION PLAN" (dated "June 28, 2010").

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Otter Creek and adjacent wetlands, about 0.25 mile south of the VT Railway crossing of Kendall Hill Road in Pittsford, Vermont. The proposed location is on the USGS Proctor, VT 15' quadrangle sheet at UTM coordinates 4842045.0 N and 656959.0 E.

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.

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

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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.

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 our Vermont Project Office at 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.

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.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at www.nae.usace.army.mil/reg, under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit www.nae.usace.army.mil for more information on the New England District Corps of Engineers programs.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. DelGiudice
Chief, Permits and Enforcement Branch
Regulatory Division

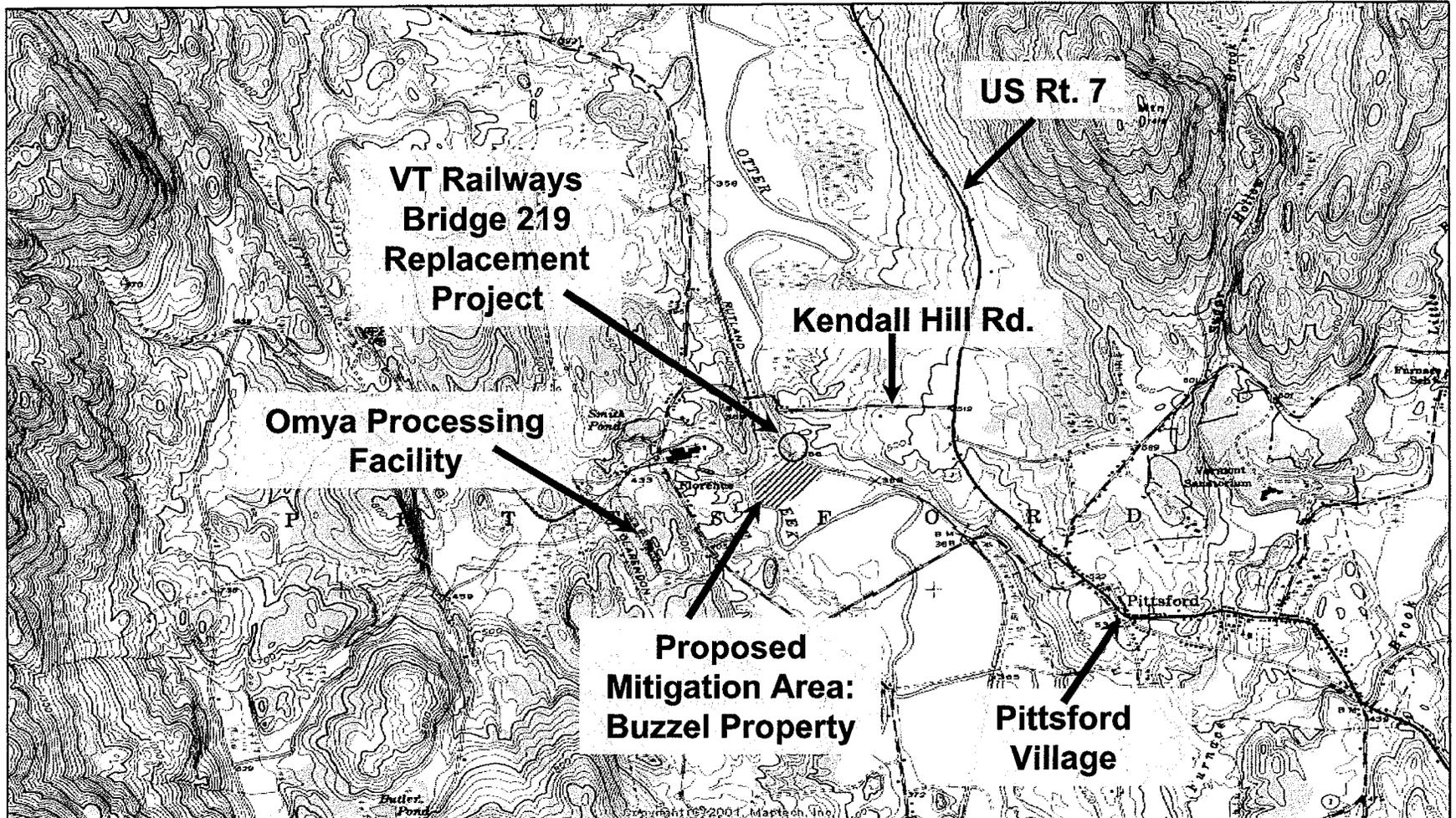
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FILE NO. NAE-2006-761

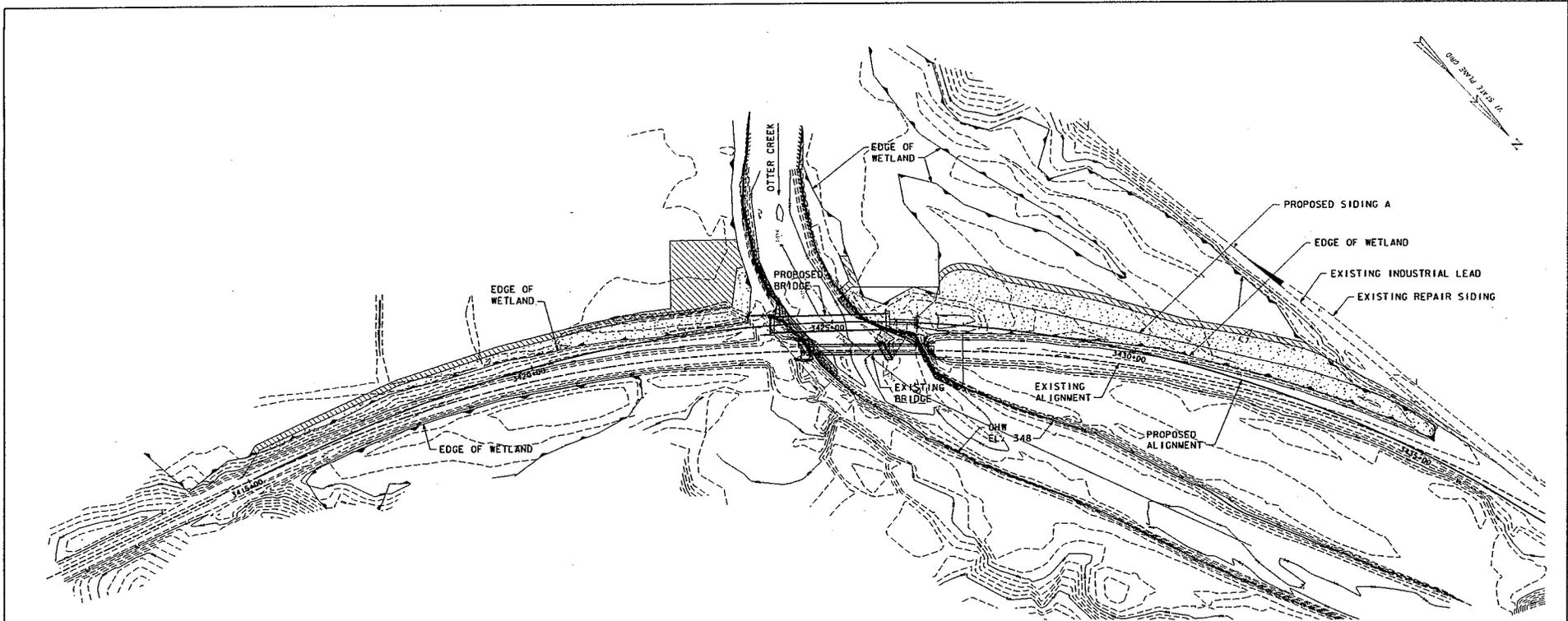
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers,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

NAME: _____
ADDRESS: _____

VT Railway Bridge 219 Replacement Project, Pittsford VT

Locus Map

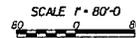




SUMMARY OF OHW IMPACTS	
PERMANENT IMPACT AREA BELOW OHW	4300 SF (0.10 ACRES)
PERMANENT VOLUME OF FILL BELOW OHW	360 CY
TEMPORARY IMPACT AREA BELOW OHW	1200 SF (0.03 ACRES)
TEMPORARY VOLUME OF FILL BELOW OHW	345 CY

SUMMARY OF WETLAND IMPACTS	
PERMANENT WETLAND IMPACT AREA	74100 SF (1.70 ACRES)
TEMPORARY WETLAND IMPACT AREA	27200 SF (0.62 ACRES)

PROPOSED ENVIRONMENTAL IMPACT AREAS

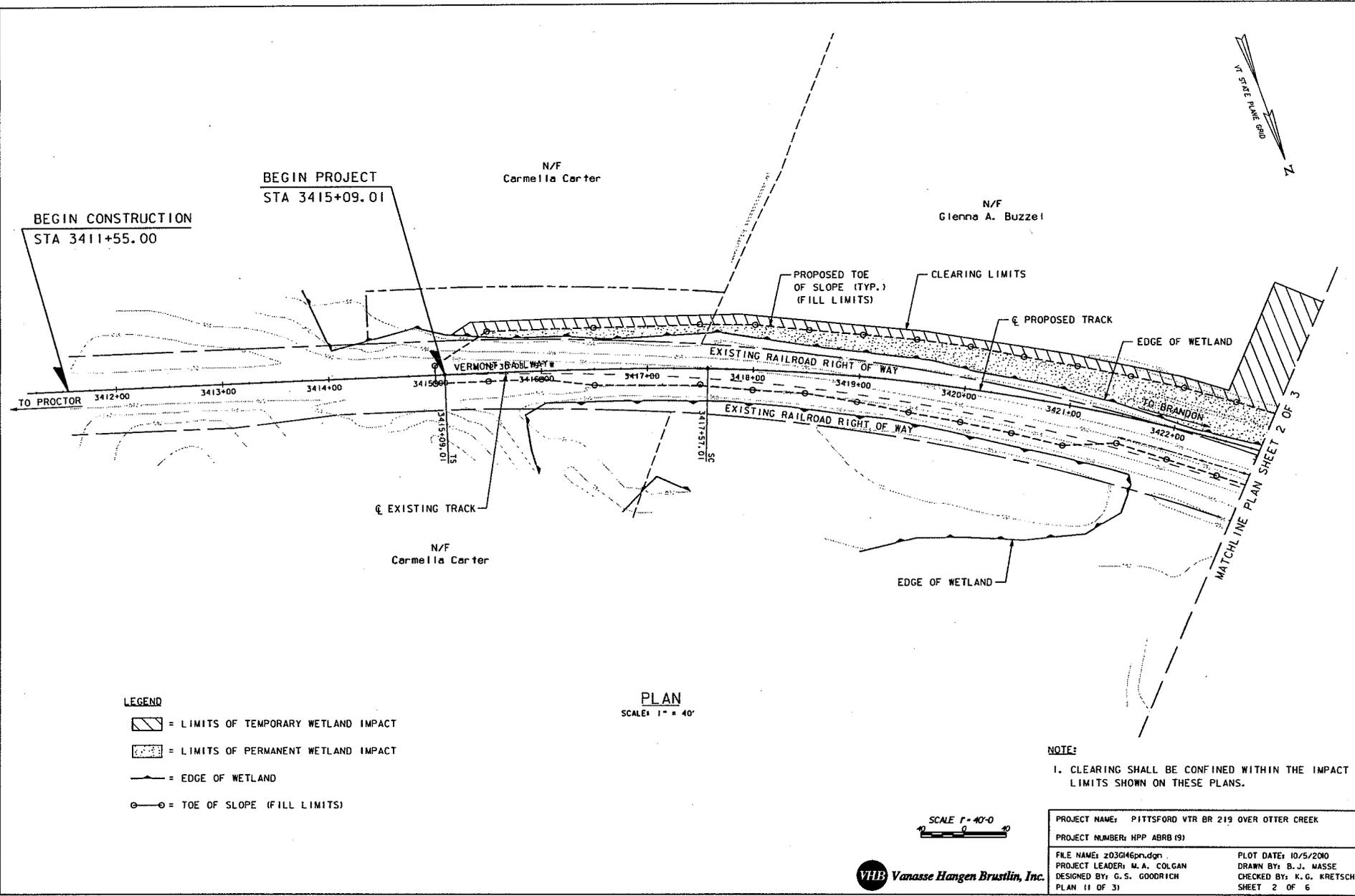
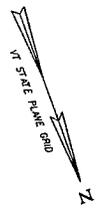


LEGEND	
PERMANENT OHW IMPACTS	
TEMPORARY OHW IMPACTS	
PERMANENT WETLAND IMPACTS	
TEMPORARY WETLAND IMPACTS	

DATUM	
VERTICAL	NAVD 88
HORIZONTAL	NAD 83 (199)



PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	PLOT DATE: 02-18-10
PROJECT NUMBER: HPP ABRB (9)	DRAWN BY: B. J. MASSE
FILE NAME: 2030146 WET IMPACTS.DGN	CHECKED BY: G. S. GOODRICH
PROJECT LEADER: M. A. COLGAN	SHEET: 1 OF 6
DESIGNED BY: G. S. GOODRICH	
PROPOSED ENVIRONMENTAL IMPACTS	



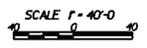
LEGEND

-  = LIMITS OF TEMPORARY WETLAND IMPACT
-  = LIMITS OF PERMANENT WETLAND IMPACT
-  = EDGE OF WETLAND
-  = TOE OF SLOPE (FILL LIMITS)

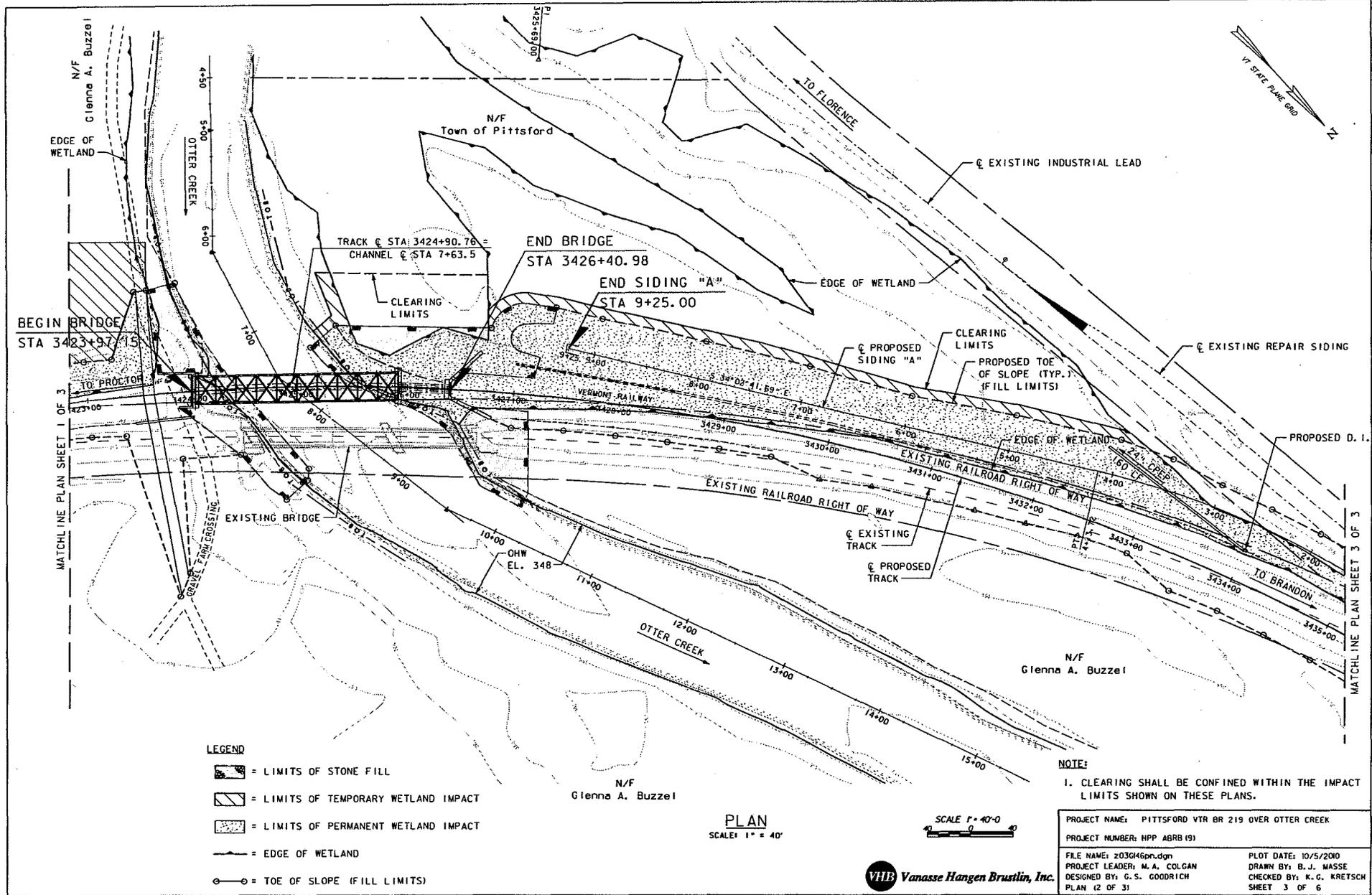
PLAN
SCALE: 1" = 40'

NOTE:

1. CLEARING SHALL BE CONFINED WITHIN THE IMPACT LIMITS SHOWN ON THESE PLANS.



PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	PLOT DATE: 10/5/2000
PROJECT NUMBER: HPP ABRB (9)	DRAWN BY: B. J. MASSE
FILE NAME: 203046pr.dgn	CHECKED BY: K. G. KRETSCH
PROJECT LEADER: M. A. COLGAN	SHEET 2 OF 6
DESIGNED BY: G. S. GOODRICH	
PLAN 11 OF 31	



BEGIN BRIDGE
STA 3423+97.15

TRACK @ STA 3424+90.76 =
CHANNEL @ STA 7+63.5

END BRIDGE
STA 3426+40.98

END SIDING "A"
STA 9+25.00

MATCHLINE PLAN SHEET 1 OF 3

MATCHLINE PLAN SHEET 3 OF 3

- LEGEND**
- = LIMITS OF STONE FILL
 - = LIMITS OF TEMPORARY WETLAND IMPACT
 - = LIMITS OF PERMANENT WETLAND IMPACT
 - = EDGE OF WETLAND
 - = TOE OF SLOPE (FILL LIMITS)

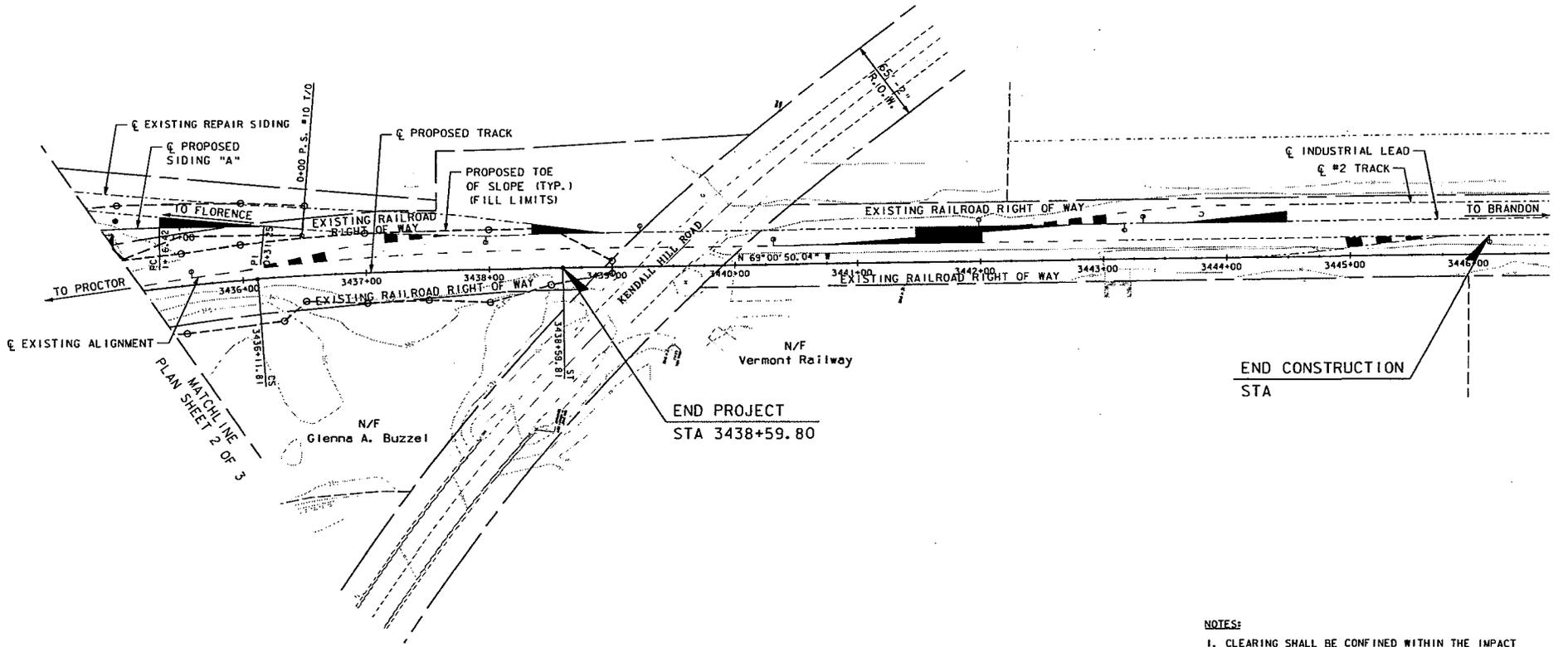
NOTE:
1. CLEARING SHALL BE CONFINED WITHIN THE IMPACT LIMITS SHOWN ON THESE PLANS.

PLAN
SCALE: 1" = 40'

SCALE 1" = 40'-0"

VHB Vanasse Hangen Brustlin, Inc.

PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	PLANT DATE: 10/5/2000
PROJECT NUMBER: HPP ABRB (19)	DRAWN BY: B. J. MASSE
FILE NAME: 203646pp.dgn	CHECKED BY: K. G. KRETSCH
PROJECT LEADER: M. A. COLGAN	PLANT 12 OF 31
DESIGNED BY: G. S. GOODRICH	SHEET 3 OF 6



END PROJECT
STA 3438+59.80

END CONSTRUCTION
STA

LEGEND

-  = LIMITS OF PERMANENT WETLAND IMPACT
-  = EDGE OF WETLAND
-  = TOE OF SLOPE (FILL LIMITS)

PLAN
SCALE: 1" = 40'

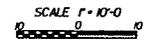
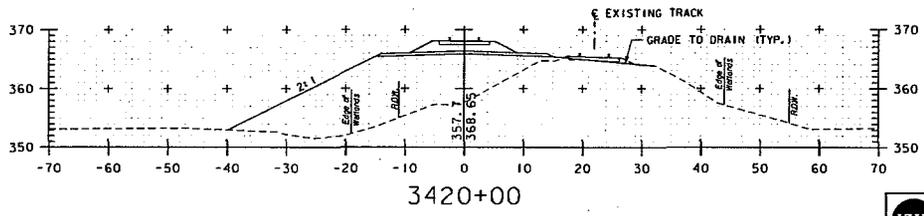
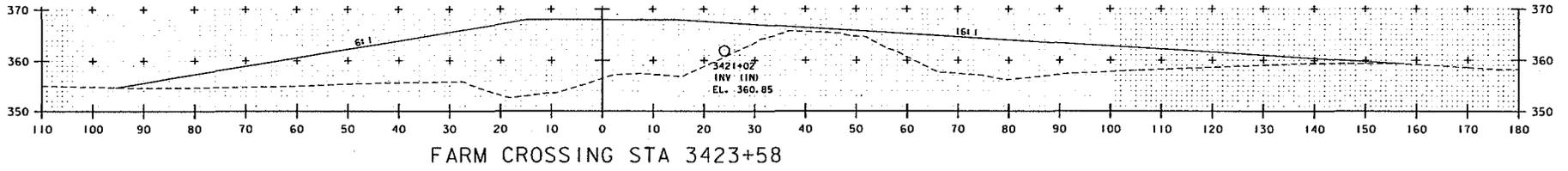
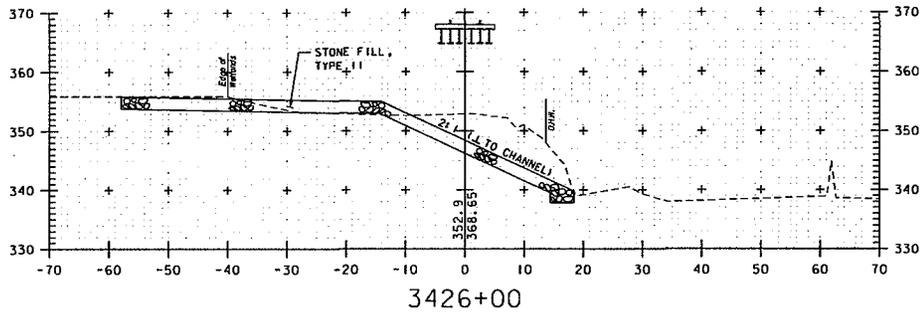
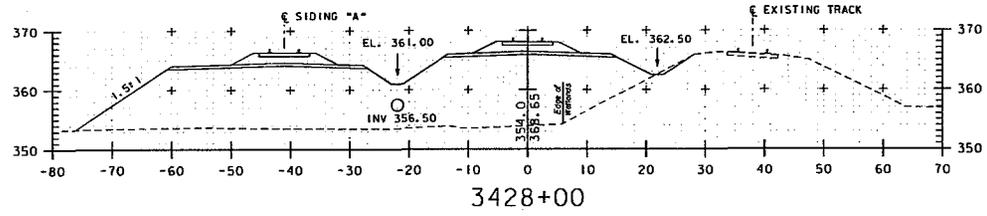
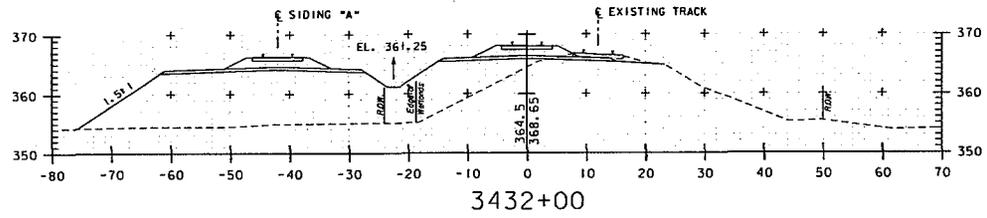
SCALE 1" = 40'-0"

NOTES:

1. CLEARING SHALL BE CONFINED WITHIN THE IMPACT LIMITS SHOWN ON THESE PLANS.
2. BEGIN RAIL TRANSITION TO MATCH EXISTING TOP OF RAIL 50 FEET BEYOND PROPOSED POINT OF SWITCH. MAXIMUM SLOPE FOR RAIL TRANSITION NOT TO EXCEED 1 INCH IN 31 FEET.
3. BEGIN RAIL TRANSITION TO MATCH EXISTING TOP OF RAIL 50 FEET BEYOND PROPOSED END OF LONG TIES. MAXIMUM SLOPE FOR RAIL TRANSITION NOT TO EXCEED 1 INCH IN 31 FEET.

PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	
PROJECT NUMBER: HPP ABRB (9)	
FILE NAME: 2030145prv.dgn	PLOT DATE: 10/5/2010
PROJECT LEADER: M. A. COLGAN	DRAWN BY: B. J. MASSE
DESIGNED BY: C. S. GOODRICH	CHECKED BY: K. G. KRETSCH
PLAN (3 OF 3)	SHEET 4 OF 6

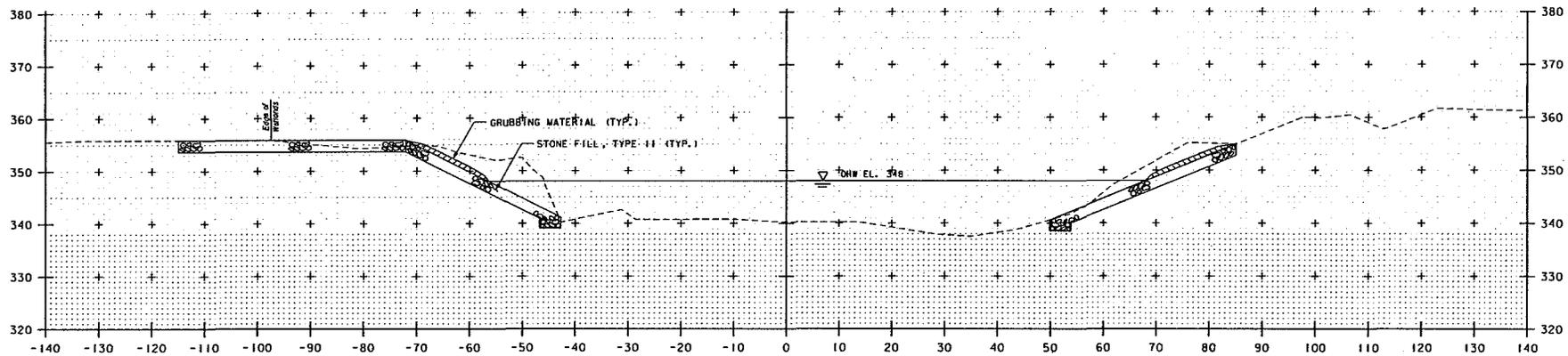




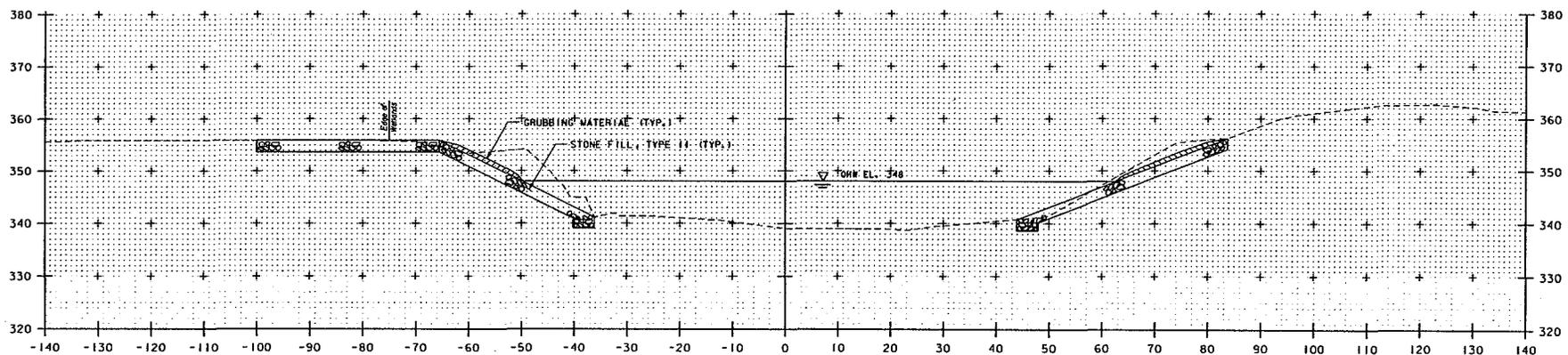
VTR 219 MAINLINE TRACK

PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	PLOT DATE: 10-5-10
PROJECT NUMBER: HPP ABRB 191	DRAWN BY: B. J. MASSE
FILE NAME: z03046XSM.dgn	CHECKED BY: C. S. GOODRICH
PROJECT LEADER: M. A. COLGAN	SHEET 5 OF 6
DESIGNED BY: D. M. PECK	
MAINLINE CROSS SECTIONS	



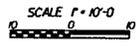


8+25



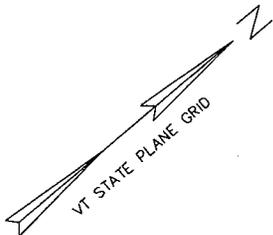
8+00

CHANNEL SECTIONS



PROJECT NAME: PITTSFORD VTR BR 219 OVER OTTER CREEK	
PROJECT NUMBER: HPP ABRB (9)	
FILE NAME: z03g46cxs.dgn	PLLOT DATE: 9/1/2010
PROJECT LEADER: M.A. COLGAN	DRAWN BY: J.A. WHITMORE
DESIGNED BY: G.S. GOODRICH	CHECKED BY: G.S. GOODRICH
CHANNEL CROSS SECTIONS (5 OF 9)	SHEET 6 OF 6

Overview



Remove Non-native woody species in the upland buffer area. See Invasive Species Management Plan for details.

Stockpile coarse woody debris here.

Remove box culvert

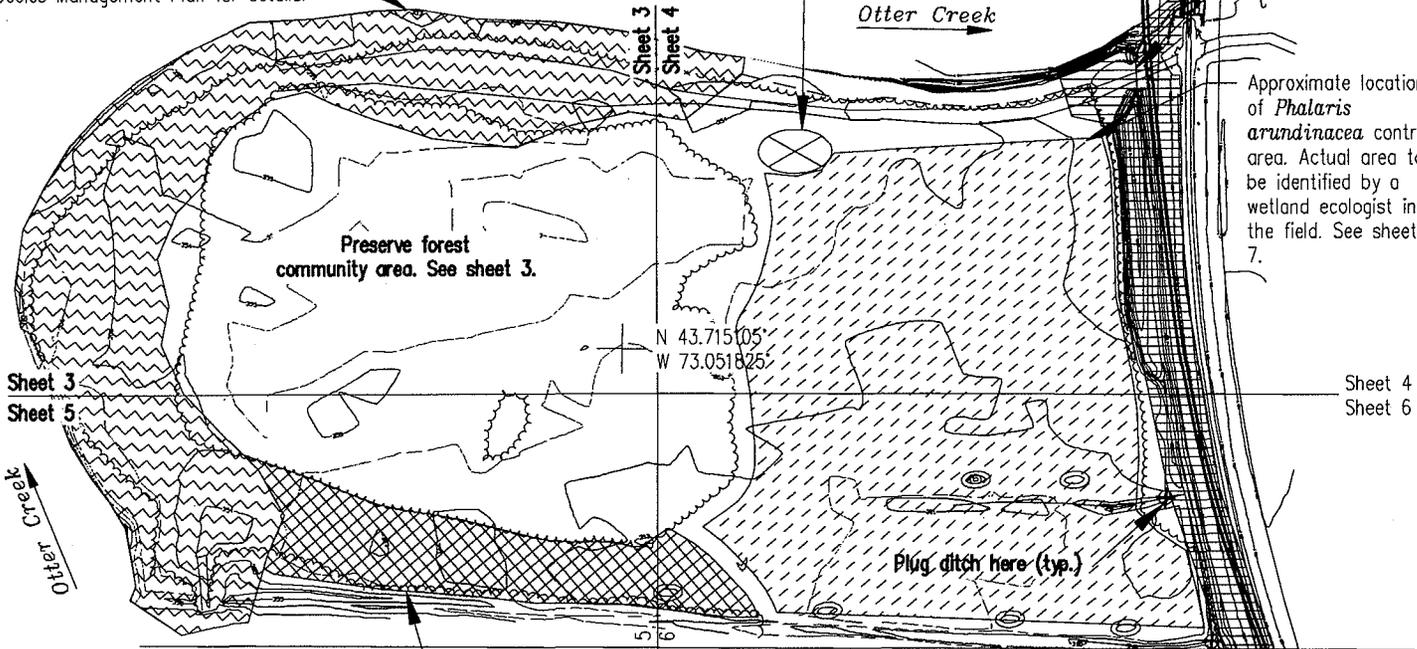
Otter Creek

Approximate location of *Phalaris arundinacea* control area. Actual area to be identified by a wetland ecologist in the field. See sheet 7.

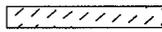
Sheet 4
Sheet 6

Note:

Plant *Phalaris arundinacea* control areas with silver maple, swamp white oak and ash. See project notes and planting plan.



Legend

-  Floodplain forest restoration area
-  No disturbance area
-  Proposed railroad re-alignment impacts
-  Upland buffer area
-  Ditch plug
-  Existing spoils pile
-  Proposed coarse woody debris stockpile

APPROXIMATE PROPERTY LINE PER TAX MAP

Proposed embankment impacts from railroad re-alignment. See VHB railroad re-alignment design plans for additional information.

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

ON-SITE COMPENSATORY MITIGATION PLAN

OF A PORTION OF THE BUZZELL PROPERTY

TOWN OF PITTSFORD

RUTLAND COUNTY, VERMONT

Prepared For: Vermont Agency of Transportation
Operations Division
One National Life Drive, Montpelier, VT 05602

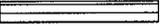
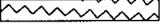
Prepared By: EIV Technical Services, LLC
93 South Main Street, Suite 2
Waterbury, VT 05676

SCALE : 1" = 200'
DATE : June 28, 2010
PROJECT : Pittsford HPP ABRB(9)

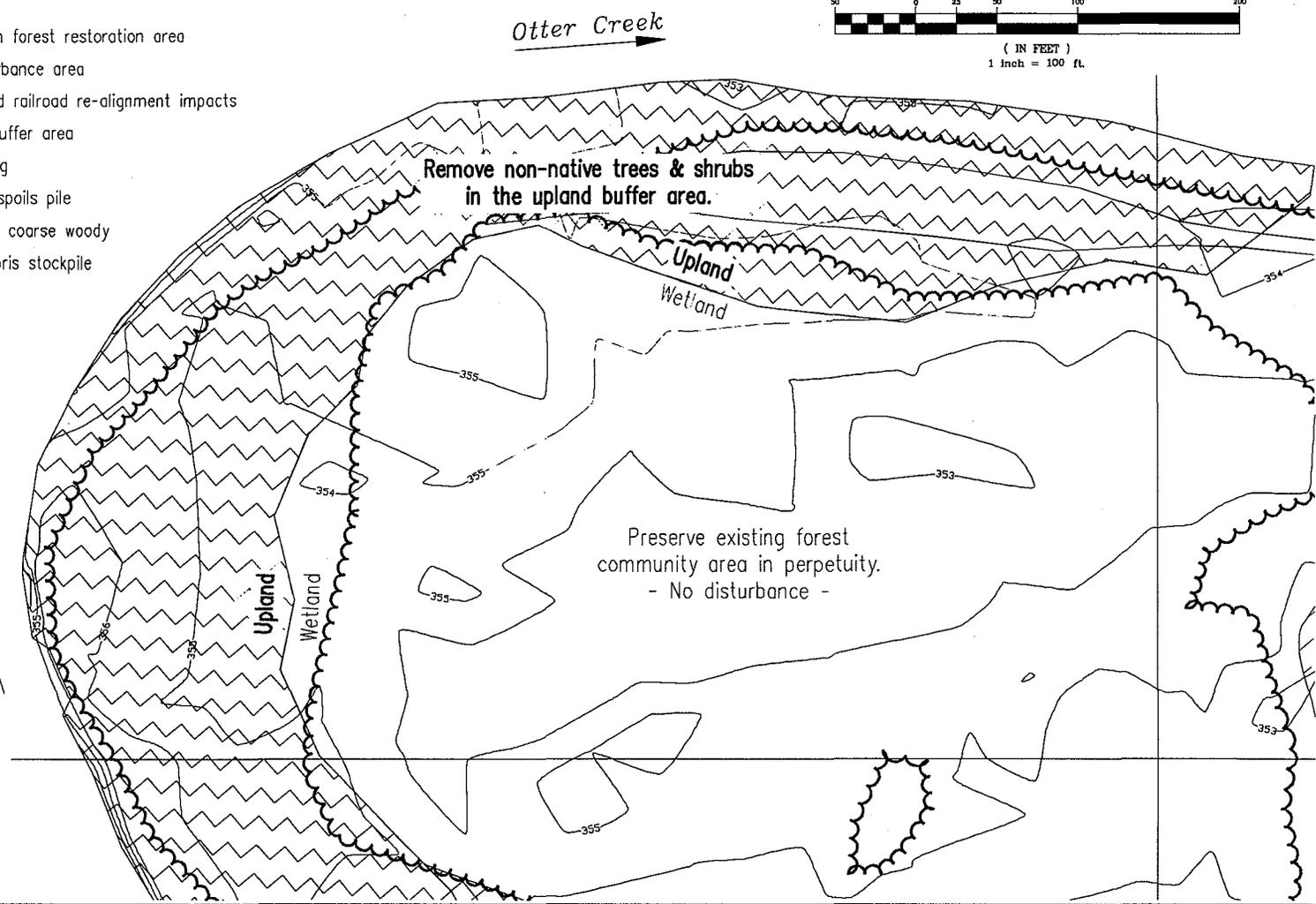
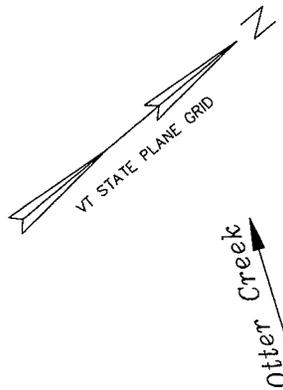
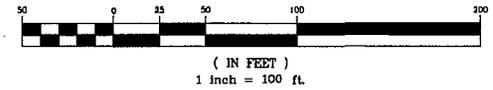
DESIGN BY: MBM
DRAWN BY: KRV
CHECKED BY: MBM

SHEET:
1 OF 10

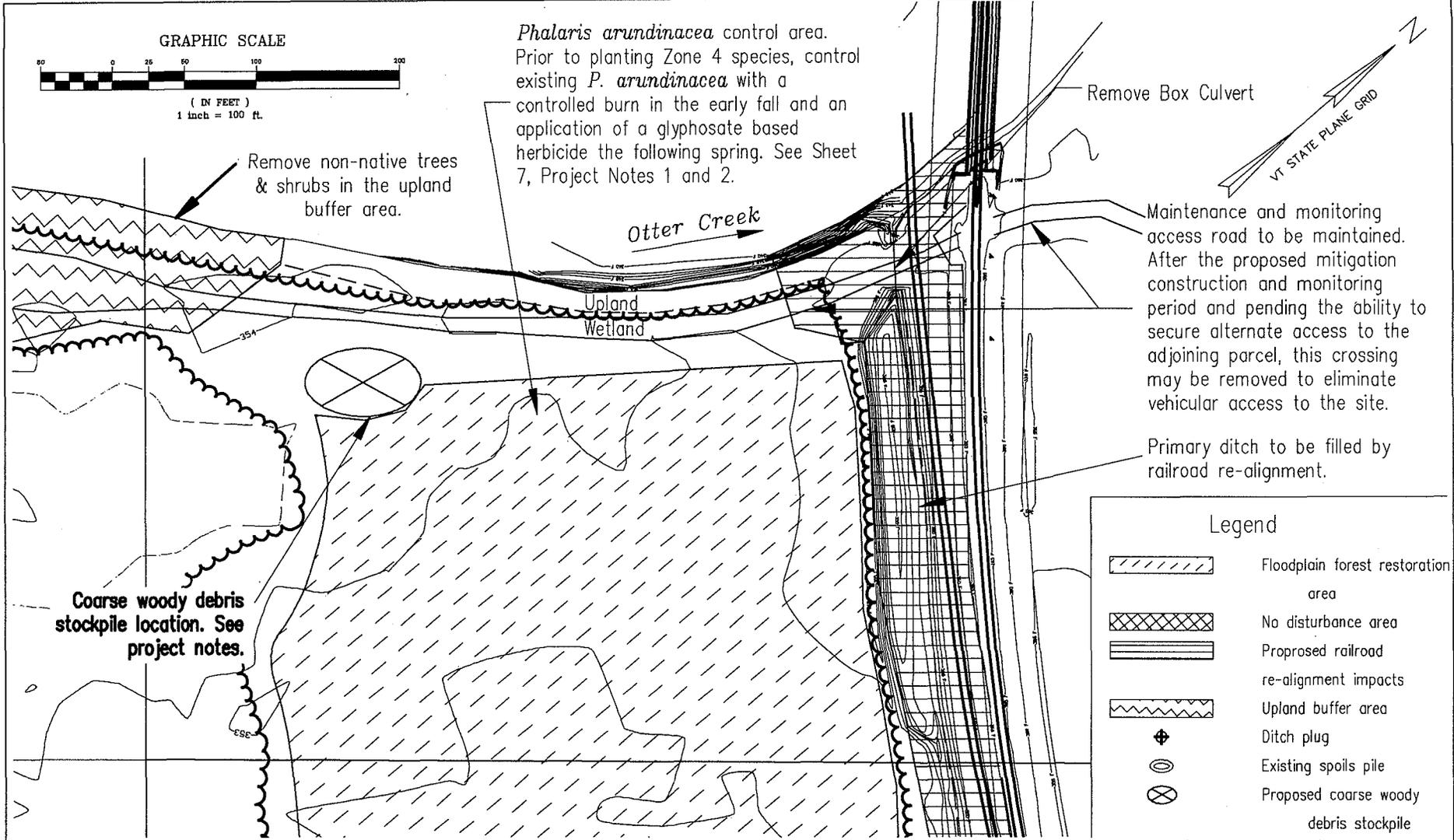
Legend

-  Floodplain forest restoration area
-  No disturbance area
-  Proposed railroad re-alignment impacts
-  Upland buffer area
-  Ditch plug
-  Existing spoils pile
-  Proposed coarse woody debris stockpile

GRAPHIC SCALE



<p><i>ON-SITE COMPENSATORY MITIGATION PLAN</i></p> <p><i>OF A PORTION OF THE BUZZELL PROPERTY</i></p> <p>TOWN OF PITTSFORD RUTLAND COUNTY, VERMONT</p>		<p>Prepared For: Vermont Agency of Transportation Operations Division One National Life Drive, Montpelier, VT 05602</p>	<p>SCALE : 1" = 100'</p> <p>DATE : June 28, 2010</p> <p>PROJECT : Pittsford HPP ABRB(9)</p>	
<p>Prepared By: EIV Technical Services, LLC 93 South Main Street, Suite 2 Waterbury, VT 05676</p>		<p>DESIGN BY: MBM</p> <p>DRAWN BY: KRV</p> <p>CHECKED BY: MBM</p>	<p>SHEET:</p> <p>3 OF 10</p>	



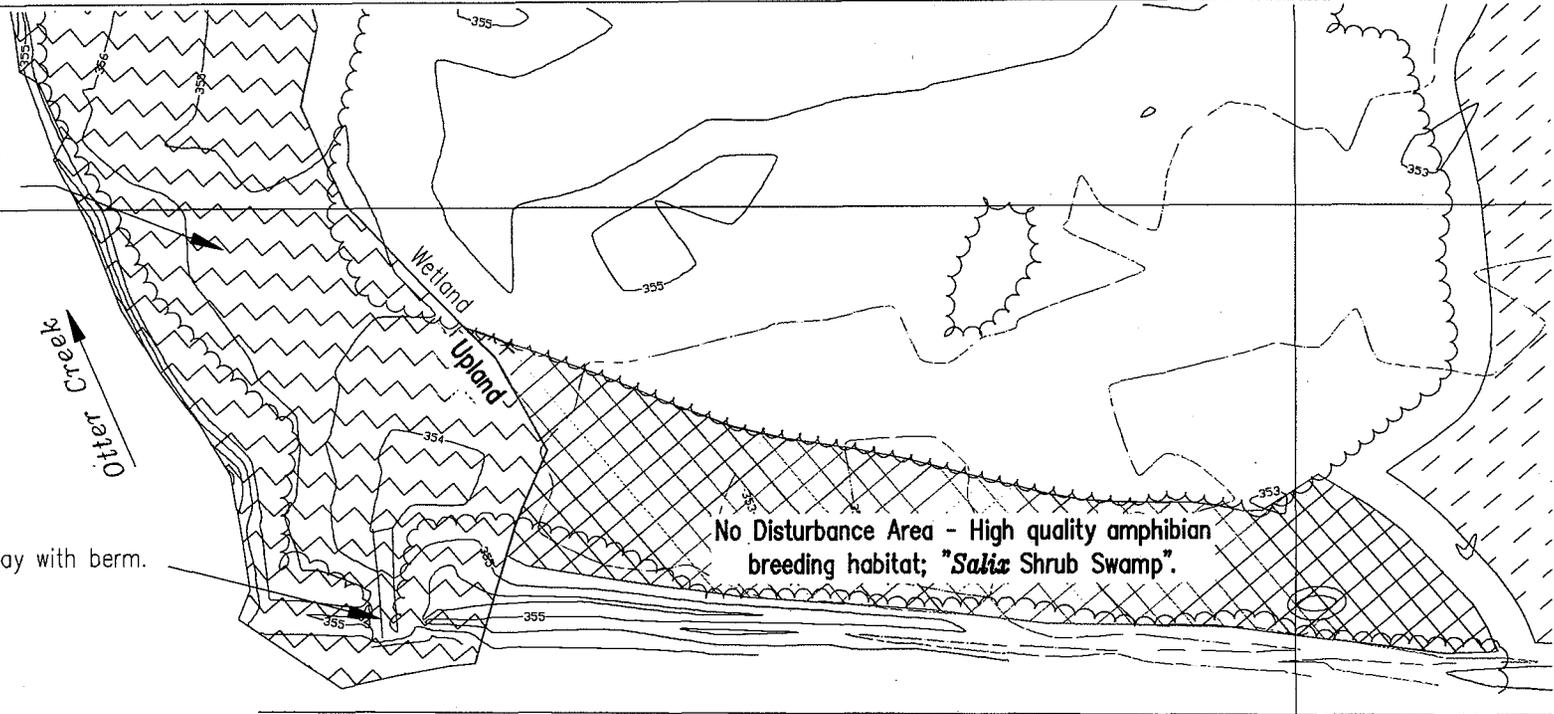
Legend

	Floodplain forest restoration area
	No disturbance area
	Proposed railroad re-alignment impacts
	Upland buffer area
	Ditch plug
	Existing spoils pile
	Proposed coarse woody debris stockpile

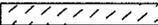
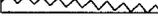
<p>ON-SITE COMPENSATORY MITIGATION PLAN</p> <p>OF A PORTION OF THE BUZZELL PROPERTY</p> <p>TOWN OF PITTSFORD RUTLAND COUNTY, VERMONT</p>		<p>Prepared For: Vermont Agency of Transportation Operations Division One National Life Drive, Montpelier, VT 05602</p>	<p>SCALE : 1" = 100' DATE : June 28, 2010 PROJECT : Pittsford HPP ABRB(9)</p>
<p>Prepared By: EIV Technical Services, LLC 93 South Main Street, Suite 2 Waterbury, VT 05676</p>		<p>DESIGN BY: MBM DRAWN BY: KRV CHECKED BY: MBM</p>	<p>SHEET: 4 OF 10</p>

Remove non-native trees & shrubs in the upland buffer area. See Invasive Species Management Plan for details.

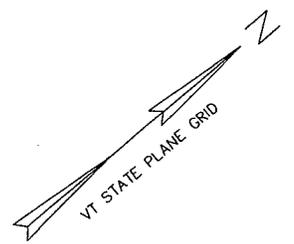
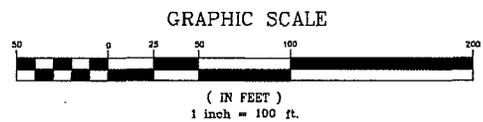
Block roadway with berm.



Legend

-  Floodplain forest restoration area
-  No disturbance area
-  Proposed railroad re-alignment impacts
-  Upland buffer area
-  Ditch plug
-  Existing spoils pile
-  Proposed coarse woody debris stockpile

APPROXIMATE PROPERTY LINE PER TAX MAP



<p>ON-SITE COMPENSATORY MITIGATION PLAN</p> <p><i>OF A PORTION OF THE BUZZELL PROPERTY</i></p> <p>TOWN OF PITTSFORD RUTLAND COUNTY, VERMONT</p>	<p>Prepared For: Vermont Agency of Transportation Operations Division One National Life Drive, Montpelier, VT 05602</p>	<p>SCALE : 1" = 100'</p> <p>DATE : June 28, 2010</p> <p>PROJECT : Pittsford HPP ABRB(9)</p>
	<p>Prepared By: EIV Technical Services, LLC 93 South Main Street, Suite 2 Waterbury, VT 05676</p>	<p>DESIGN BY: MBM</p> <p>DRAWN BY: KRV</p> <p>CHECKED BY: MBM</p>

Project Notes

Reed Canarygrass Control

Prior to installing plant material in the *Phalaris arundinacea* control area, weaken the existing monoculture with a controlled burn and a subsequent herbicide application. These plan sheets indicate an approximate area to be treated – the actual treatment area should be identified in the field by a wetland ecologist and defined to minimize impacts to non-target species where possible.

1. During a dry period in September or October define the control area, and conduct a controlled burn of sufficient intensity to remove the accumulated thatch layer and expose the seedbed.
2. Apply a glyphosate based herbicide ("Rodeo", "Round-Up", or similar) in the following spring when the grass is approximately 6" high or as soon as floodwaters allow access. Ensure that the herbicide formulation used contains surfactants compatible with aquatic sites. Herbicide shall be applied per the manufacturer's recommendations for the target species by a licensed applicator in a fashion that minimizes drift into non-target areas. Maintain a 25' buffer around open water areas during herbicide application. A sample of manufacture's product concentration and application rates are as follows:
 Rodeo: spray a 0.75% solution of the standard product concentrate.
 Round-Up: using a 4lb/gal product concentration, apply 2 Quarts/acre when broadcast sprayed or a 1.5 % solution if used in a spray-to-wet application with hand-held equipment.

Coarse Woody Debris Salvage

3. Salvage and stockpile as indicated the equivalent of approximately 50 whole mature trees from the rail realignment impact areas. As much is possible, the salvaged trees are to remain whole and retain as much of

the crown and root ball as possible. Incorporate these trees randomly throughout the reed canarygrass control area to cover approximately 4% of the ground surface. The placement of the whole trees in the area will be determined by a wetland ecologist in the field and should include some in a vertical or near vertical orientation. This whole tree placement is to immediately follow the herbicide application but take place before any planting has occurred.

Planting Plan

4. After installing coarse woody debris, the entire Phalaris control area should be planted with seeds of herbaceous species native to New England within 1 week but no sooner than 48 hours following the herbicide application. Seeding method is at the discretion of the contractor but rates are to be on the high end of the range recommended by the seed supplier. Do not apply lime or fertilizer with the seed. The lowest half of the control area (southeast corner) needs to be seeded with a seed mix specific to seasonally inundated or wetland Zone 4 areas, and should include the following species:

Alisma plantago-aquatica
Mud Plantain

Asclepias incarnata Swamp Milkweed
Aster novi-belgii New York Aster

Bidens cernua Nodding Bur Marigold

Carex crinita Fringed Sedge

Carex lupulina Hop Sedge

Carex lurida Lurid Sedge

Carex scoparia Blunt Broom Sedge

Carex vulpinoidea Fox Sedge

Eupatorium maculatum
Spotted Joe Pye

Eupatorium perfoliatum Boneset
Glyceria canadensis

Rattlesnake Grass

Glyceria striata Fowl Mannagrass

Juncus effusus Soft Rush

Onoclea sensibilis Sensitive Fern

Scirpus atrovirens Green Bulrush

Scirpus cyperinus Wool Grass

Verbena hastata Blue Vervain

ON-SITE COMPENSATORY MITIGATION PLAN

OF A PORTION OF THE BUZZELL PROPERTY
TOWN OF PITTSFORD RUTLAND COUNTY, VERMONT

Prepared For: **Vermont Agency of Transportation**
Operations Division
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Prepared By: **EIV Technical Services, LLC**
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SCALE : N/A
DATE : June 28, 2010
PROJECT : Pittsford HPP ABRB(9)

DESIGN BY: MBM
DRAWN BY: KRV
CHECKED BY: MBM

SHEET:
7 OF 10

