



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

PUBLIC NOTICE

Comment Period Begins: Mar-29-2011
Comment Period Ends: Apr-27-2011
File Number: NAE-2008-1314
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: Jay Peak, Inc., ATTN: Mr. William Stenger, President and CEO, 4850 VT Route 242, Jay, Vermont 05859

ACTIVITY: Retain fill placed in a total of 1.35 acres of waters of the United States in conjunction with the construction of an 18-hole golf course at the Jay Peak Ski Resort off VT Route 242 in Jay, Vermont.

The original project resulted in 3563 linear ft. (0.28 acre) of impact to various perennial and intermittent streams and 1.85 acres of impact to adjacent wetlands. Jay Peak, Inc. has restored 2517 linear ft. (0.20 acre) of stream and 0.58 acre of wetland. They propose to retain 1046 linear ft. (0.08 acre) of stream impact and 1.27 acre of wetland impact from cart path crossings and fairway and tee box construction. The wetlands that were impacted were forested, scrub-shrub and emergent cover types that functioned primarily to provide wildlife habitat and to maintain water quality.

In an attempt to mitigate for the remaining unavoidable impacts of the project, Jay Peak has restored an additional 827 linear ft. (0.11 acre) of degraded stream channel, and created 1.86 acres of wetland.

The purpose of the project was to construct an 18-hole golf course that would enable Jay Peak Resort to provide a summer recreational facility consistent with their long-term goal of becoming a year-round resort destination.

Since the project purpose is to construct a golf course to enable Jay Peak Resort to provide a summer recreational facility, alternatives elsewhere in Jay or in Orleans County are not practicable. This was the only site within the resort with a sufficient area of flat to moderately sloping land for the development of a golf course. Jay Peak originally proposed a 27-hole golf course in the 1990's, which would have occupied 430 acres and likely would have impacted considerably more waters of the U.S. The project was eventually redesigned to the existing 18-hole, 170 acre facility.

The work is described on the enclosed plans, in seventeen sheets, entitled "Jay Peak Resort Golf Course", and dated "February 8, 2011", "February 16, 2011", "February 18, 2011", and "March 9, 2011".

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in unnamed tributaries to Jay Branch and adjacent wetlands at the Jay Peak Resort off VT Route 242 in Jay, Vermont. The project is on the USGS North Troy, VT 7.5' quadrangle sheet at UTM coordinates 4979444.0 N and 696701.0 E.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
 X 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 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)

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:

- (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.

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

CENAE-R

FILE NO. NAE-2008-1314

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.

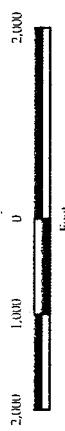
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VHB

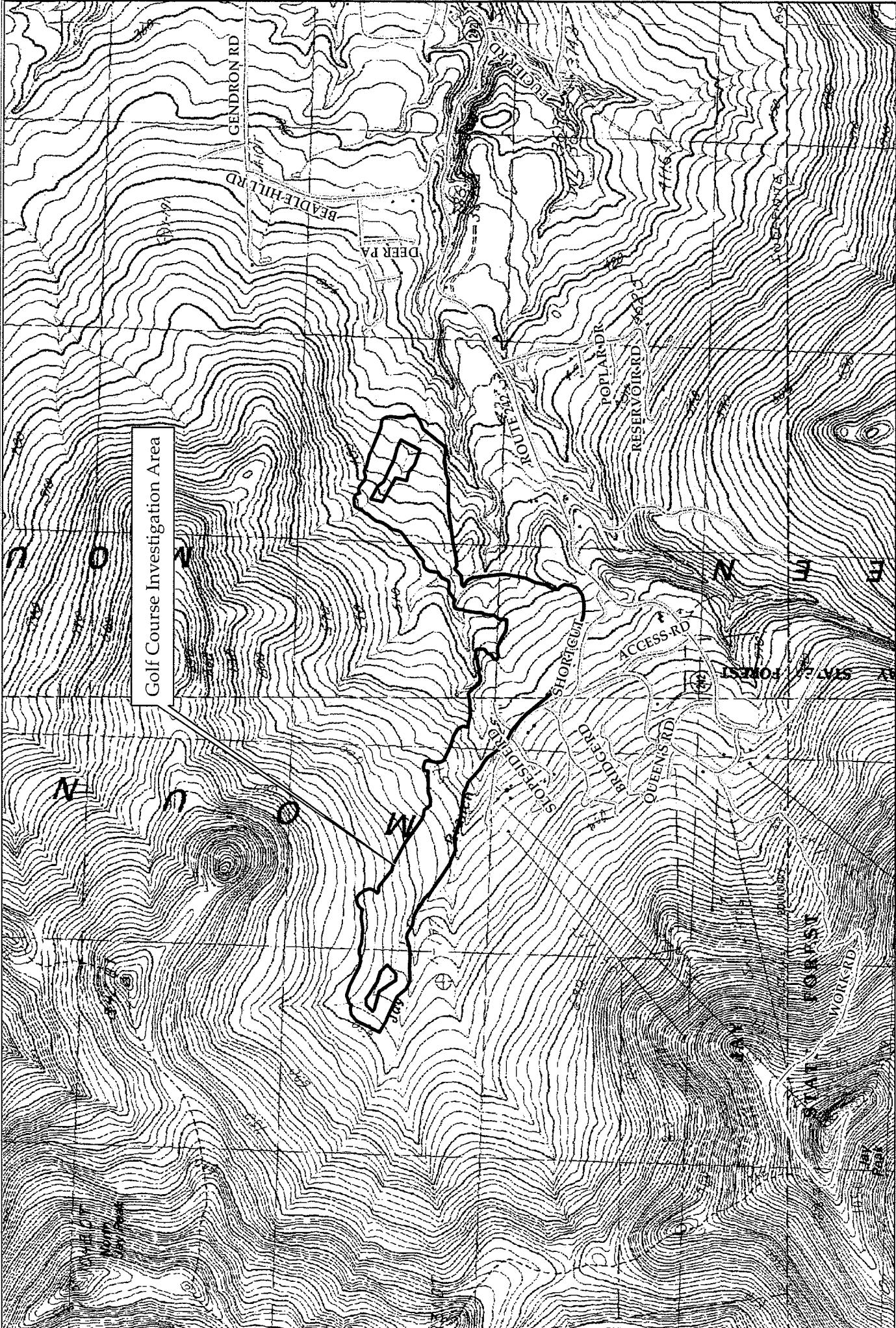
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Sources: Vermont Topos Updated (1997); Roads data
provided by VCGI (2008); Investigation area
by VHB (2008).

Jay Peak Resort Golf Course
Jay, Vermont
Site Location Map
February 8, 2011



Legend
Golf Course Investigation Area
Roads

Golf Course Investigation Area



Legend

	VHB Wetlands (2008-2010)		Roads
	Wheeler Wetland Survey (2007)		Digitized Golf Course Background
	VHB Streams (2008-2010)		Tees
	SW Drainage		Fairways
	Wetand Creation		Greens
	Wetland Restoration		Catchbasins
	Stream Restoration		Ponds
	VHD Streams		Sand Trap
	Wetland Impacts		Bridges
	Stream Impacts		Cartpath
	Remaining Culvert		Treeline
	Stormwater Culvert		

Sources: Wetlands, Culverts and Streams field-delineated and GPS-surveyed by VHB (2008-2010); Wheeler Wetland delineation and Leach Survey (2007) provided by JPR; Wetland and Stream Impacts calculated by VHB (2008-2010); Wetland and Stream restoration/creation areas GPS-surveyed by VHB (2009-2010); Base Map (golf course features) prepared by Aerial photo and Survey, Inc. and Button Professional Land Surveyors from Hi-res 2005 ortho photo (2010); e911 Roads from VCGI (2005).

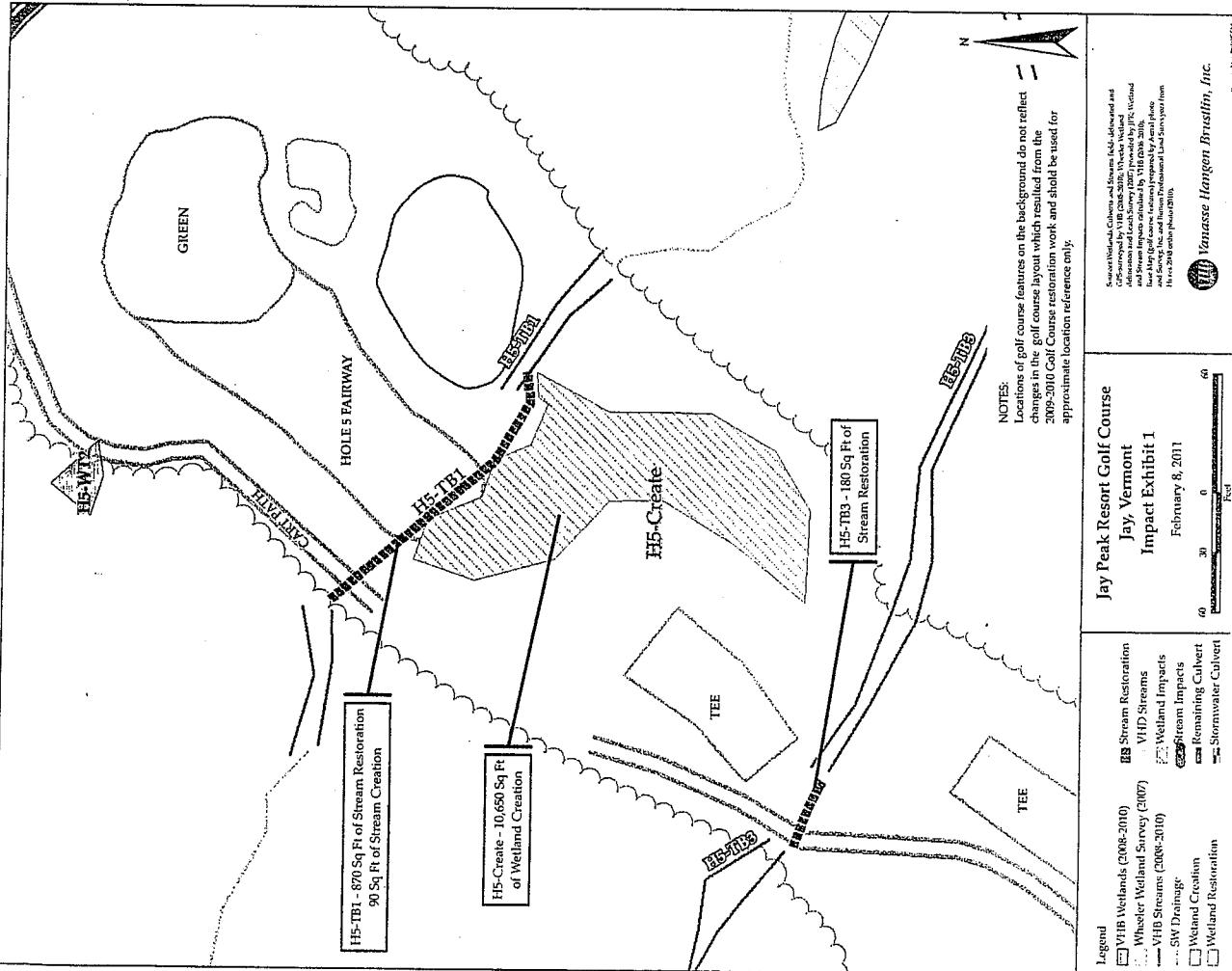
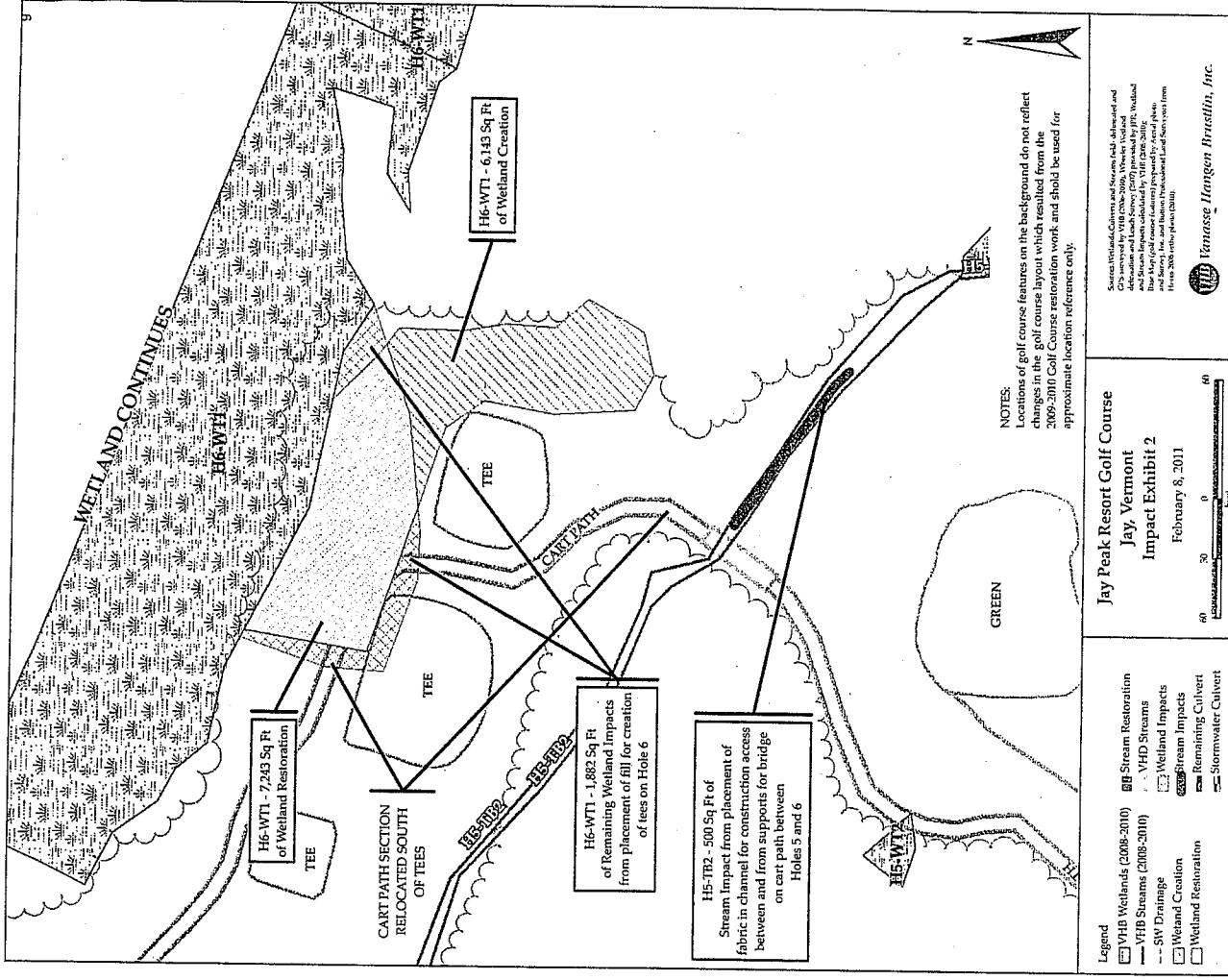
Jay Peak Resort Golf Course

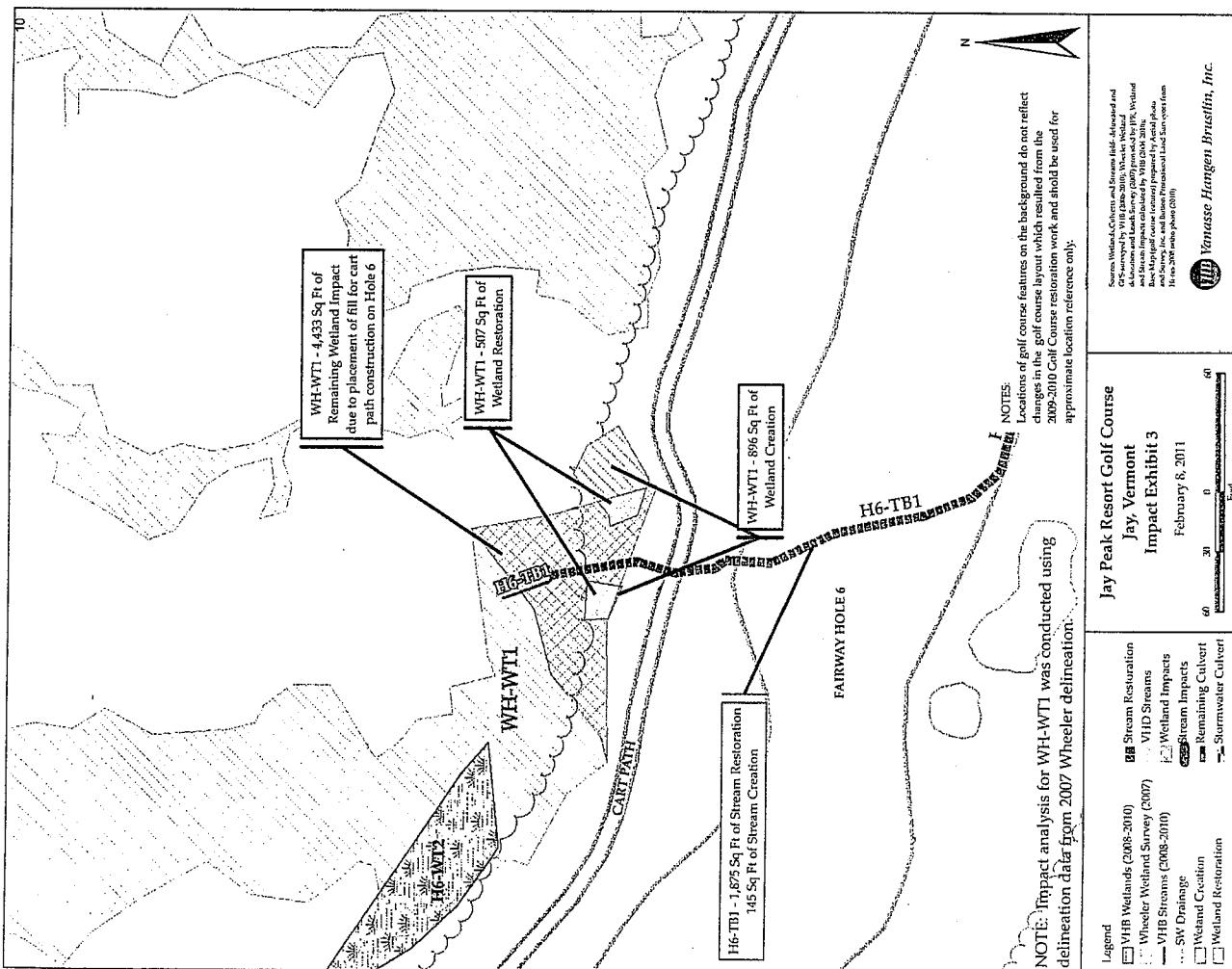
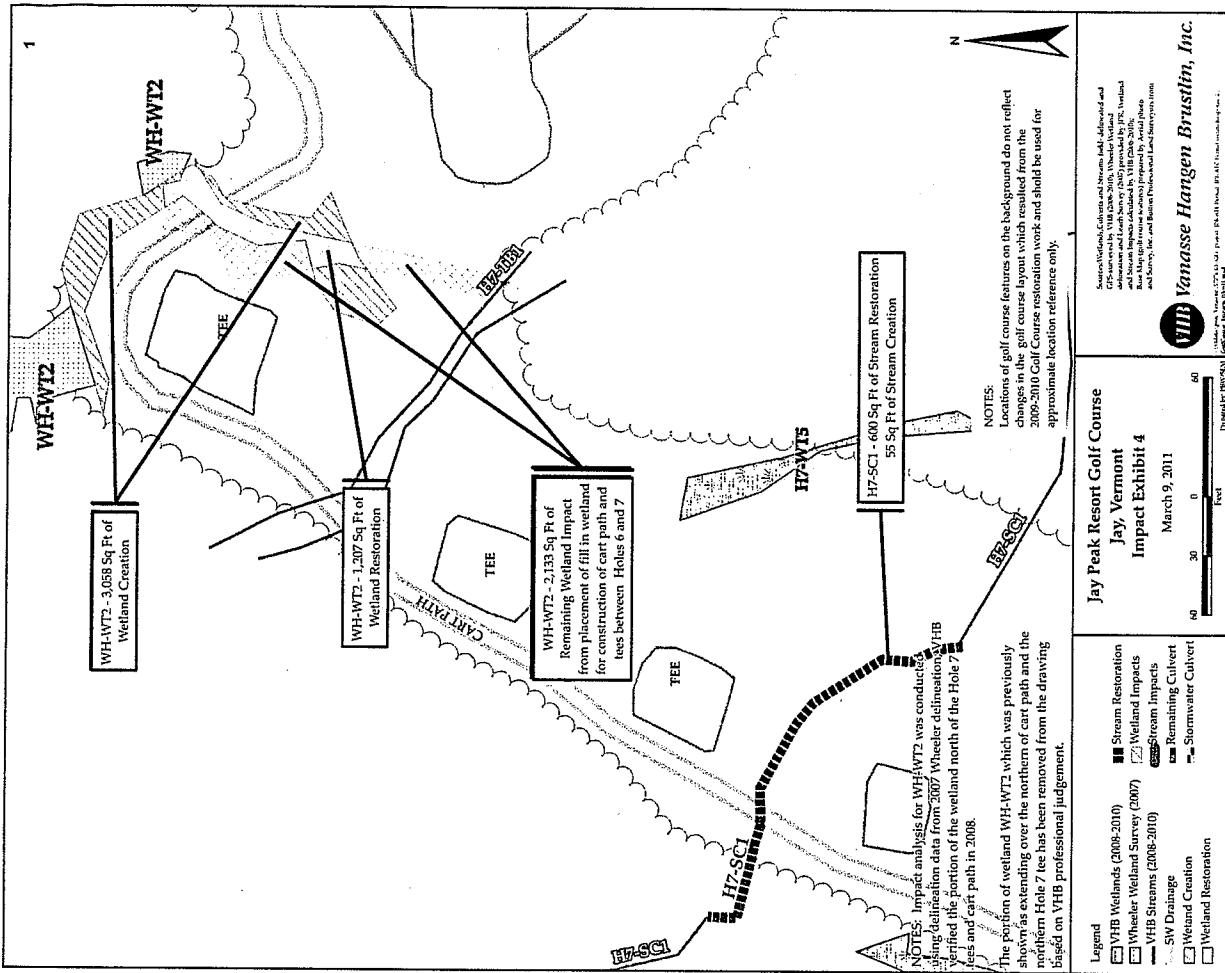
Jay, Vermont Impact Exhibit Legend

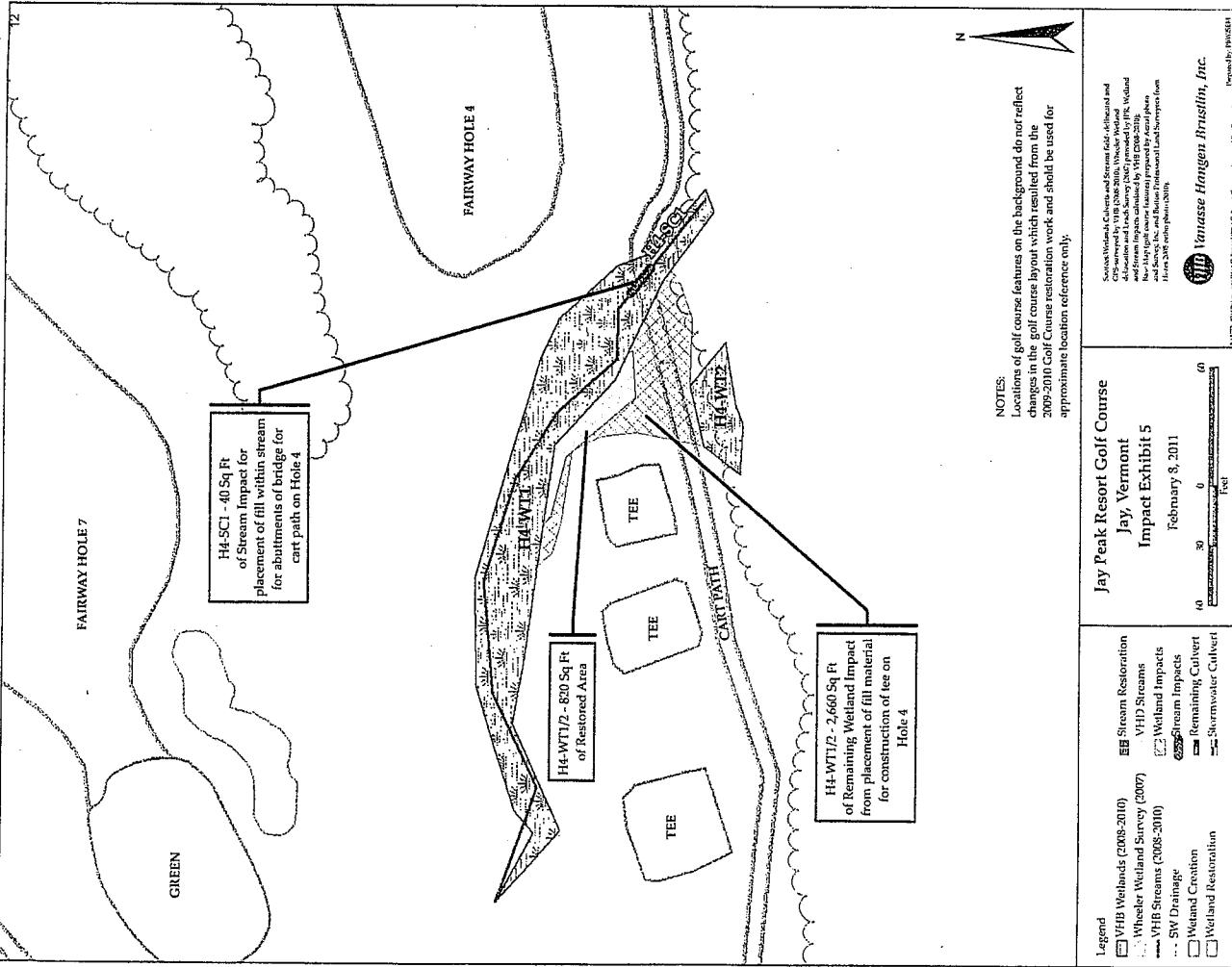
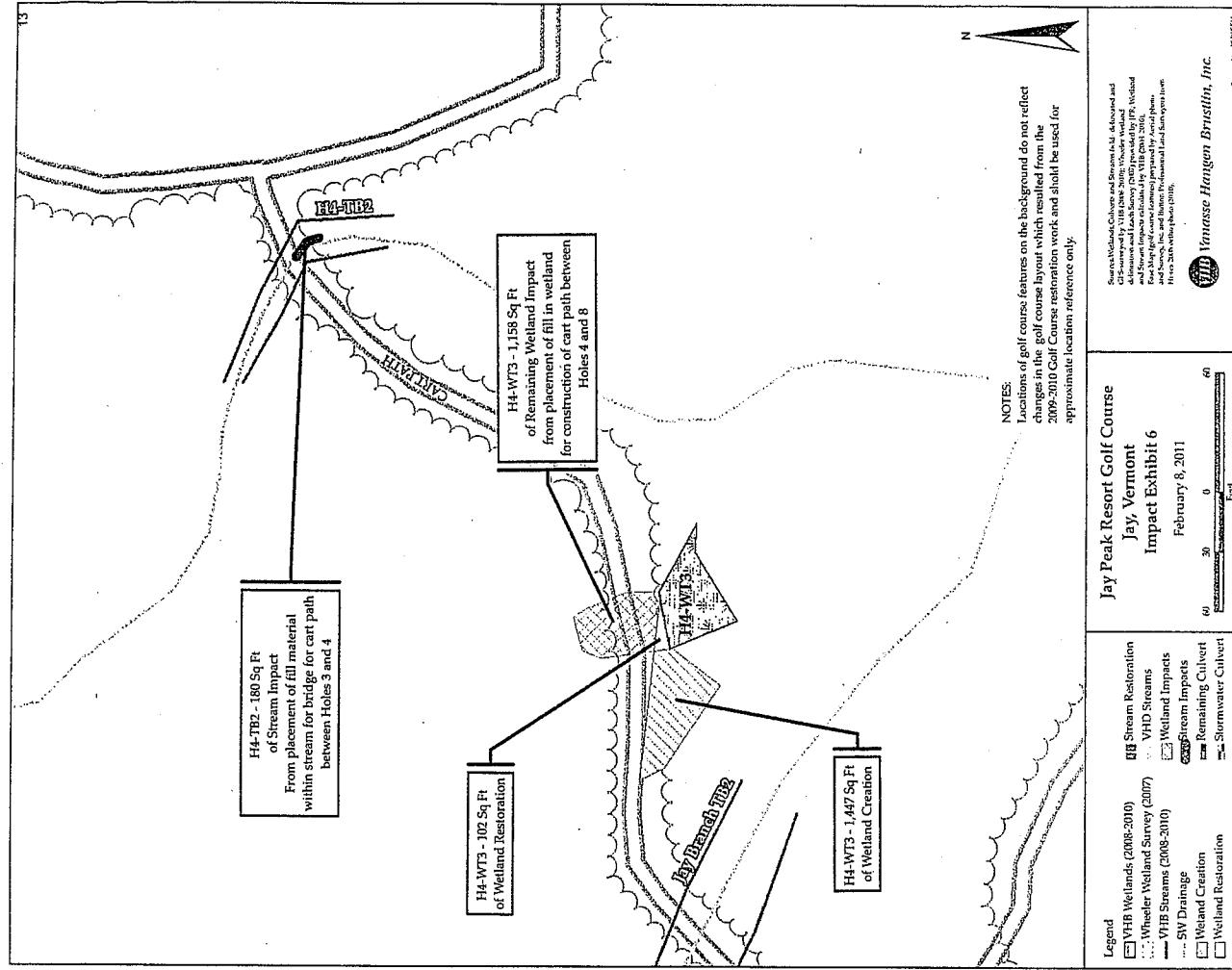
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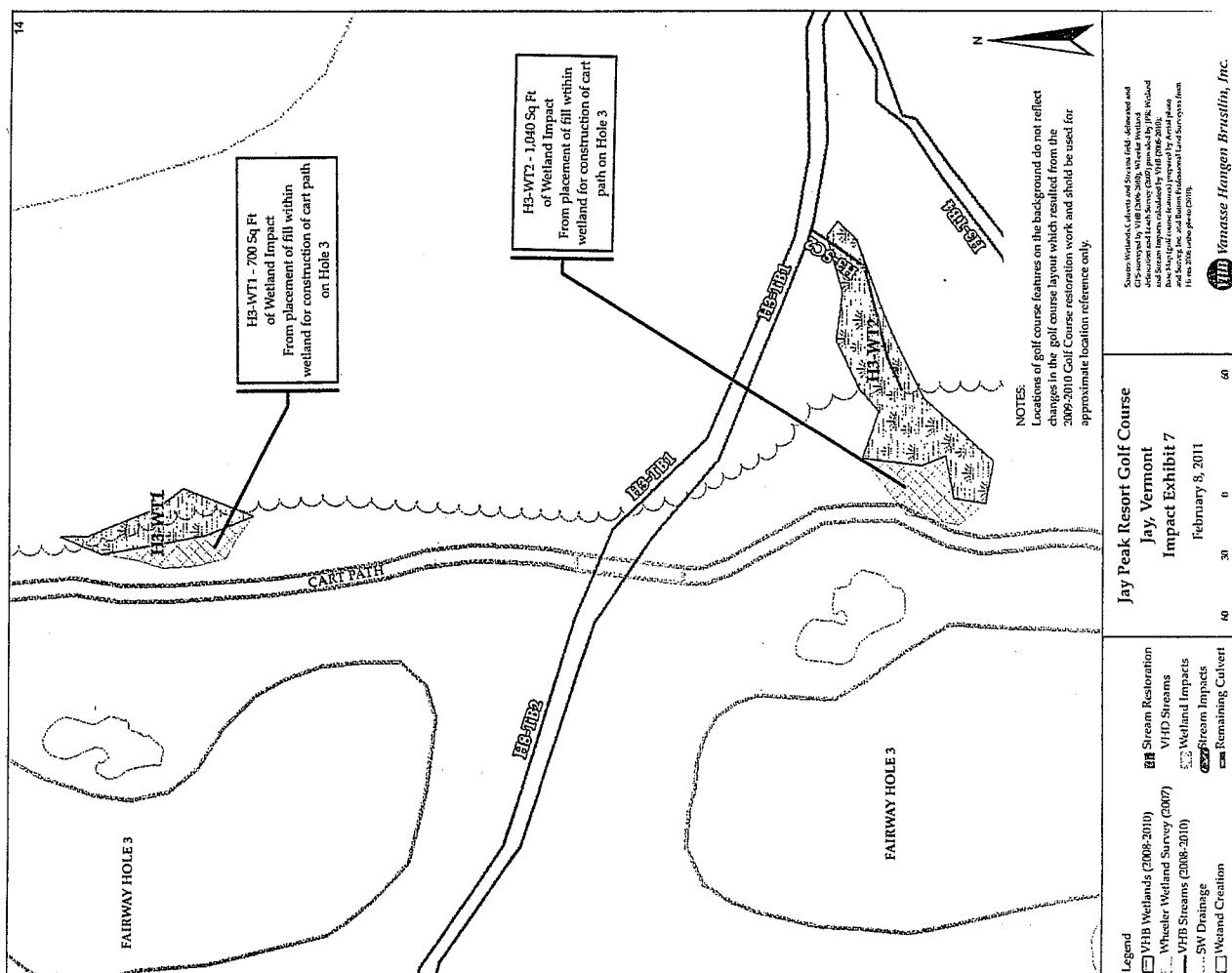
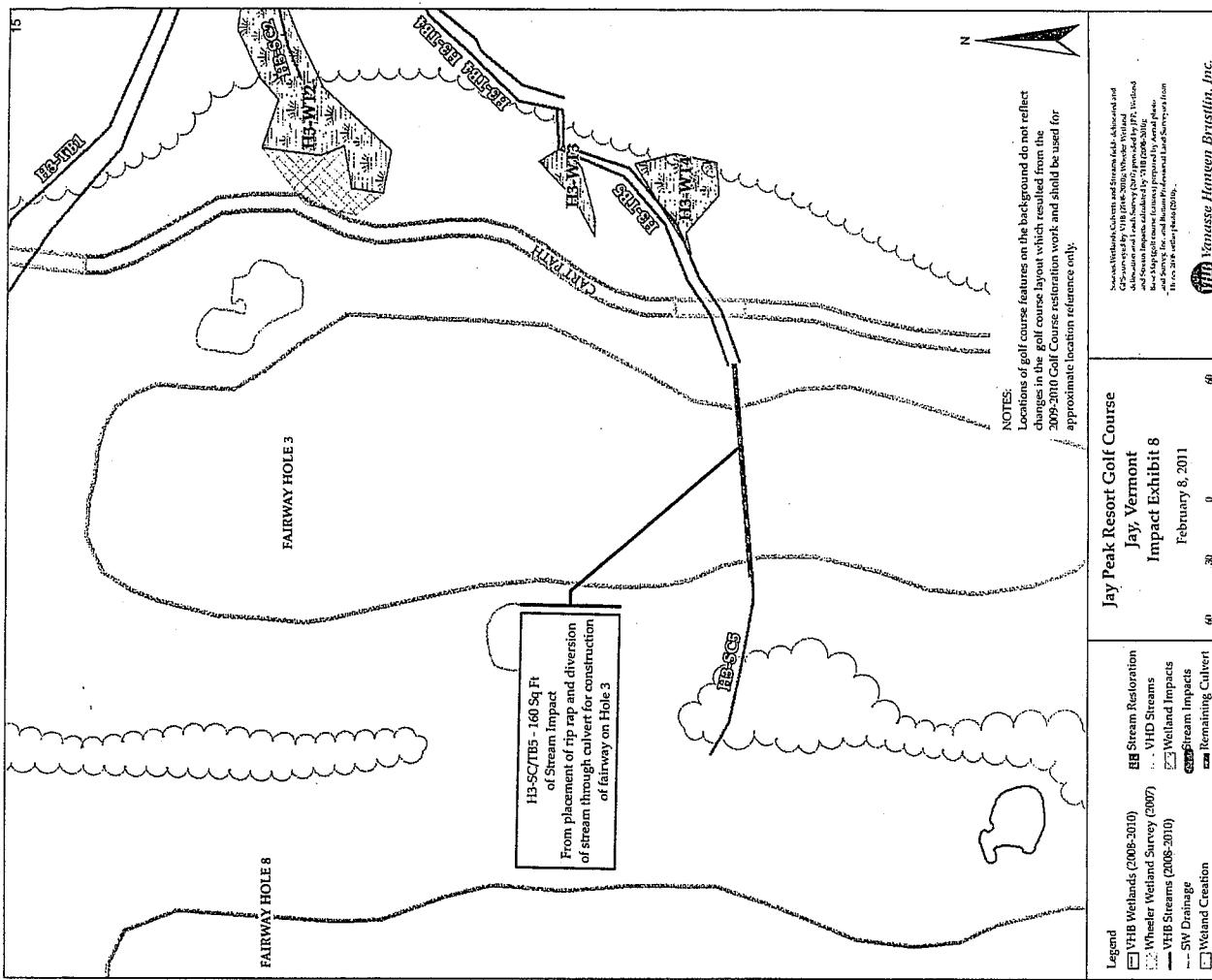


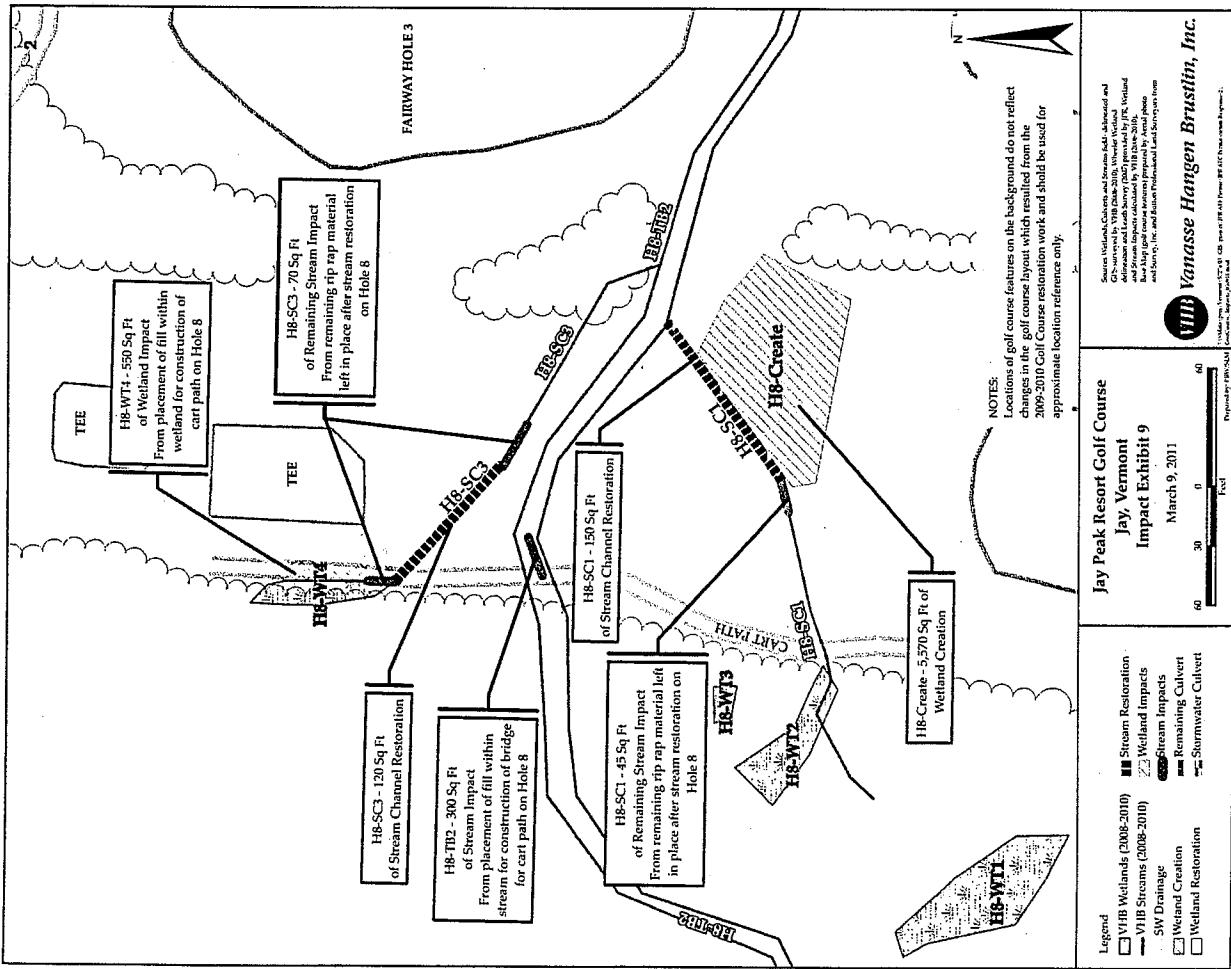
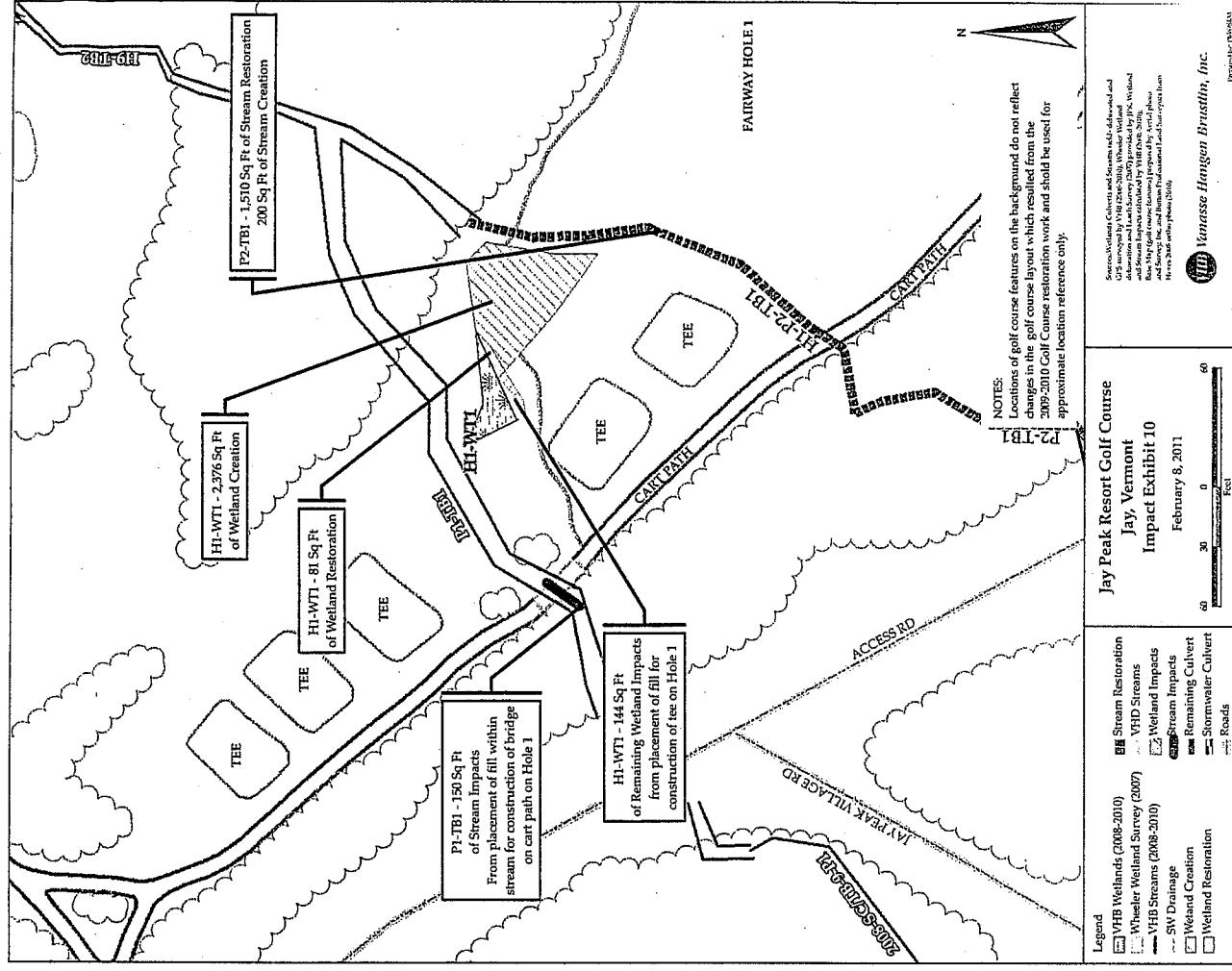
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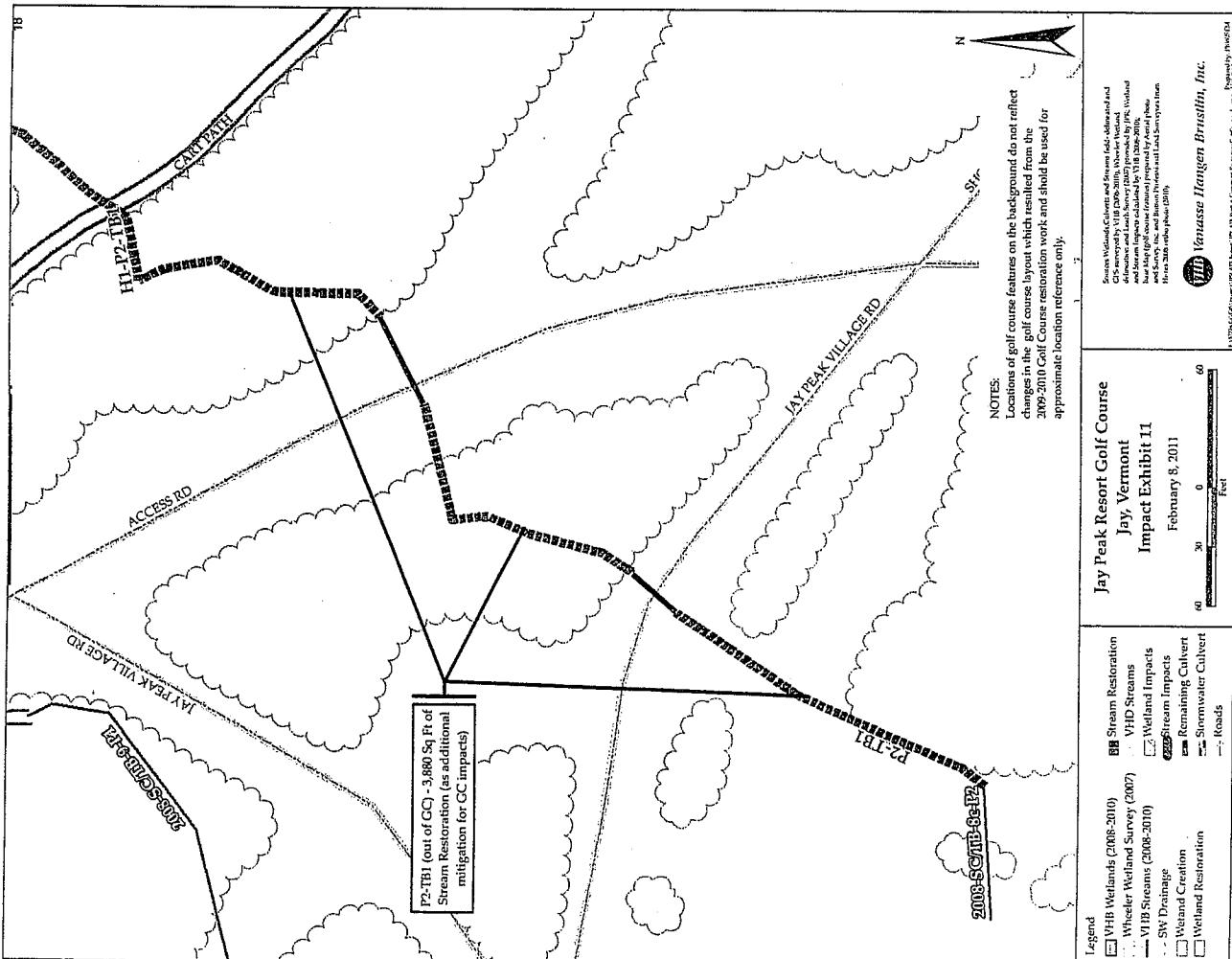
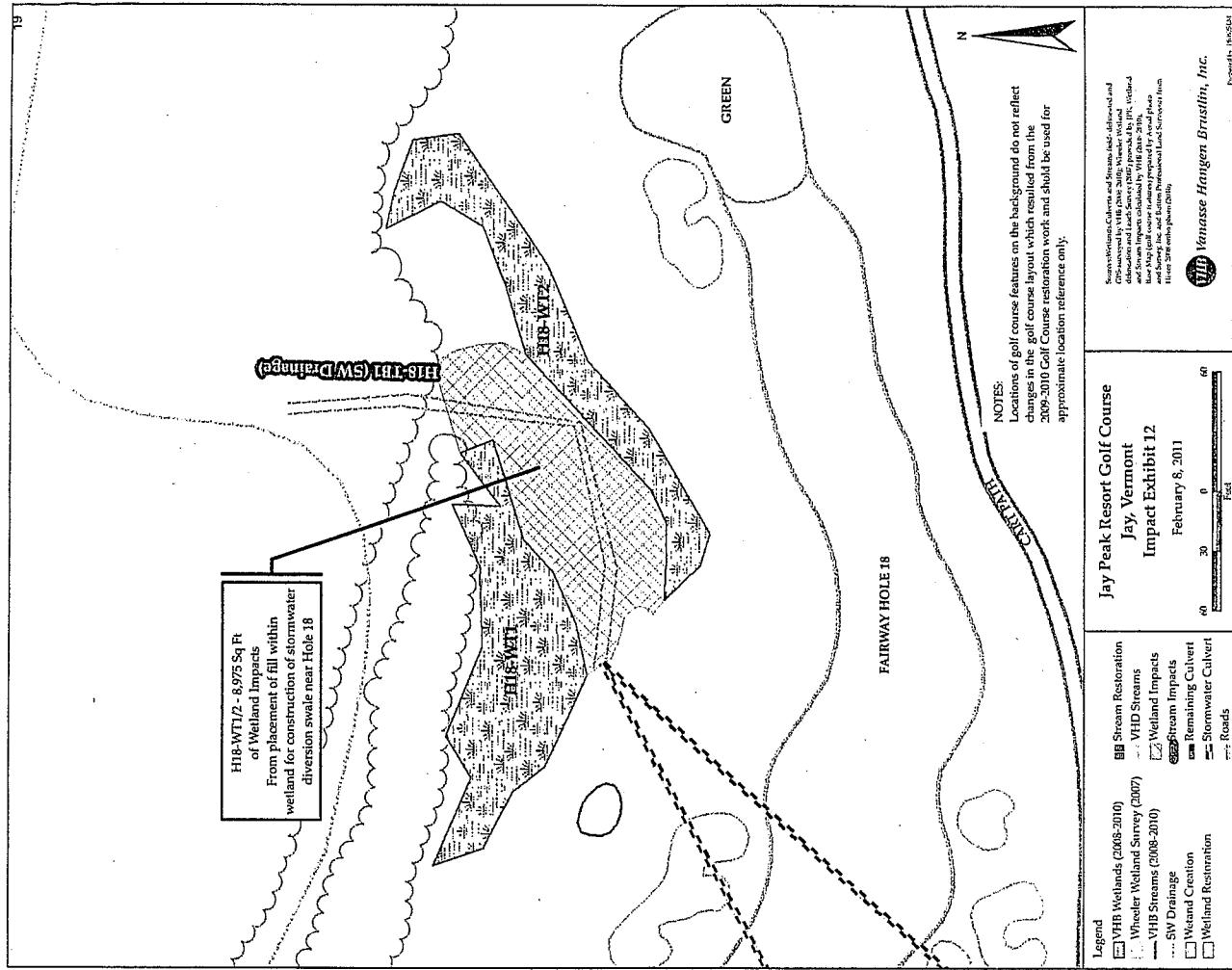


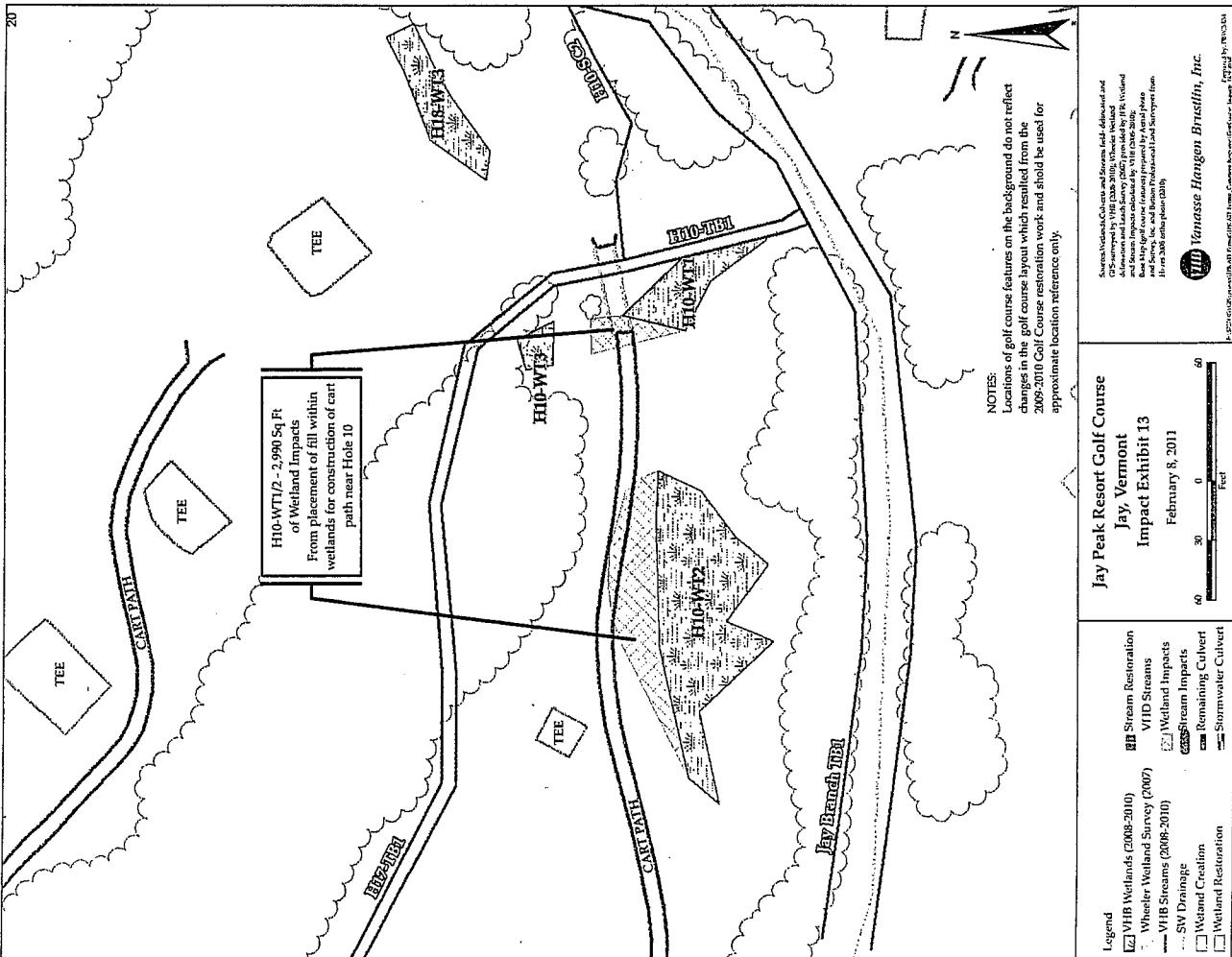
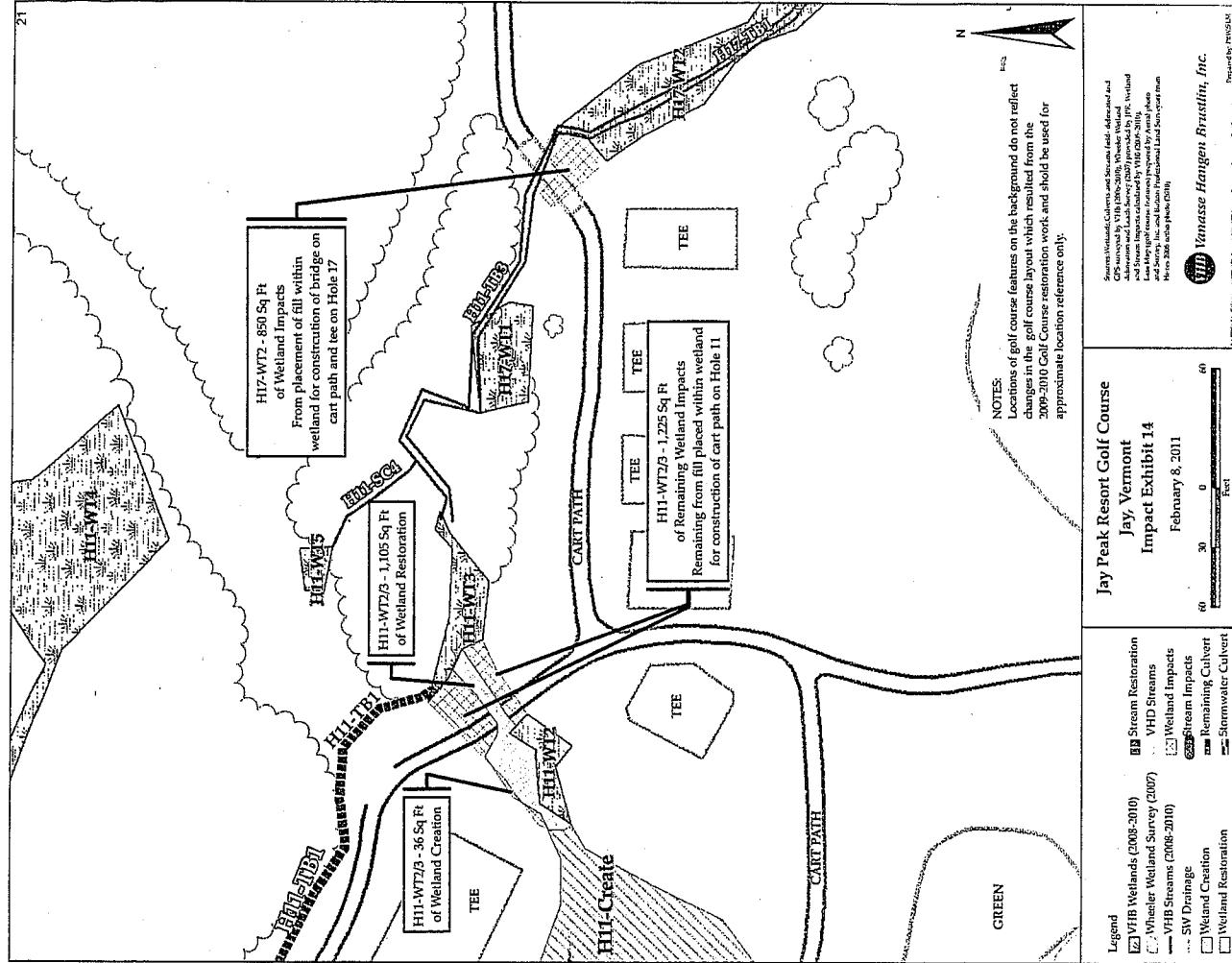


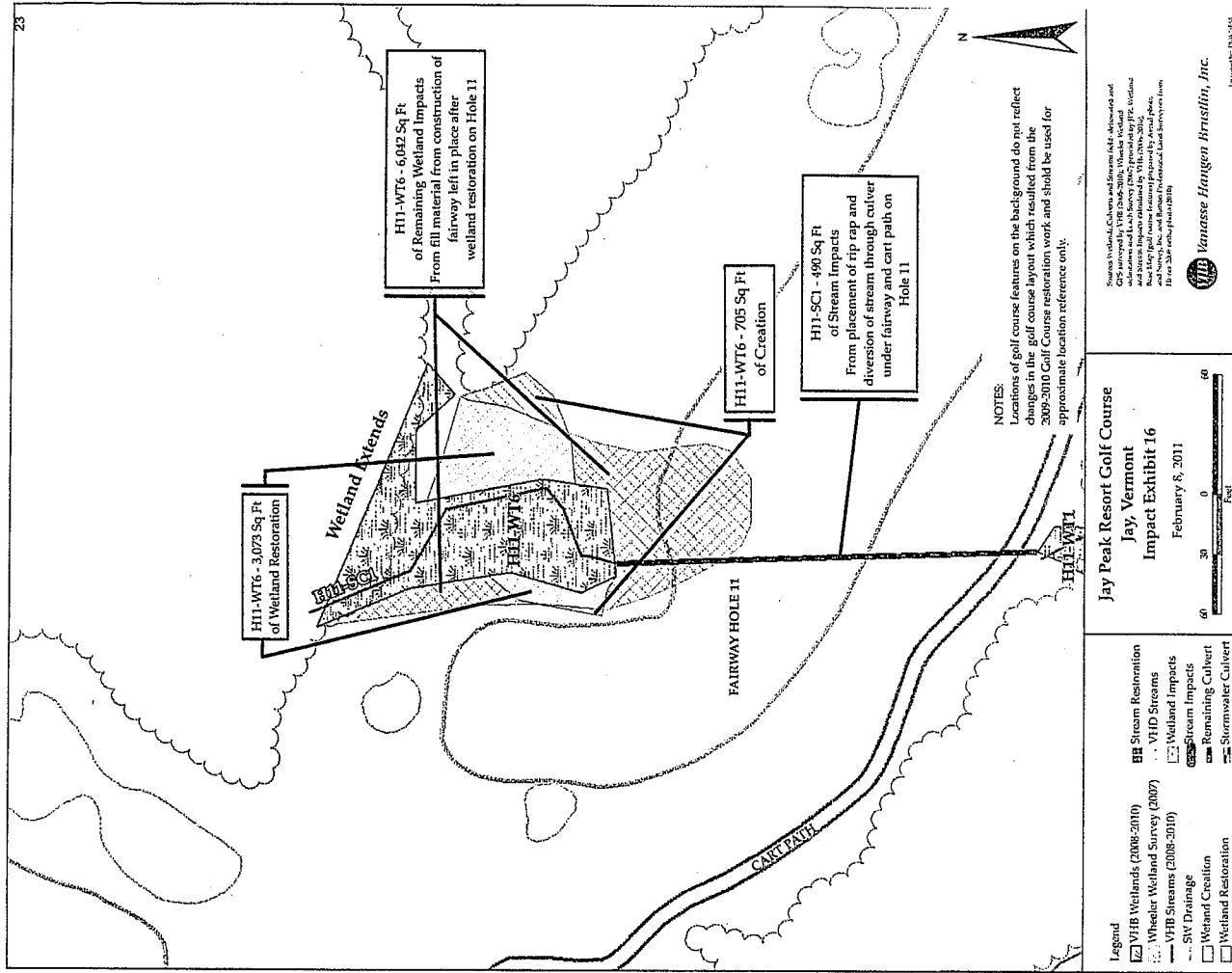




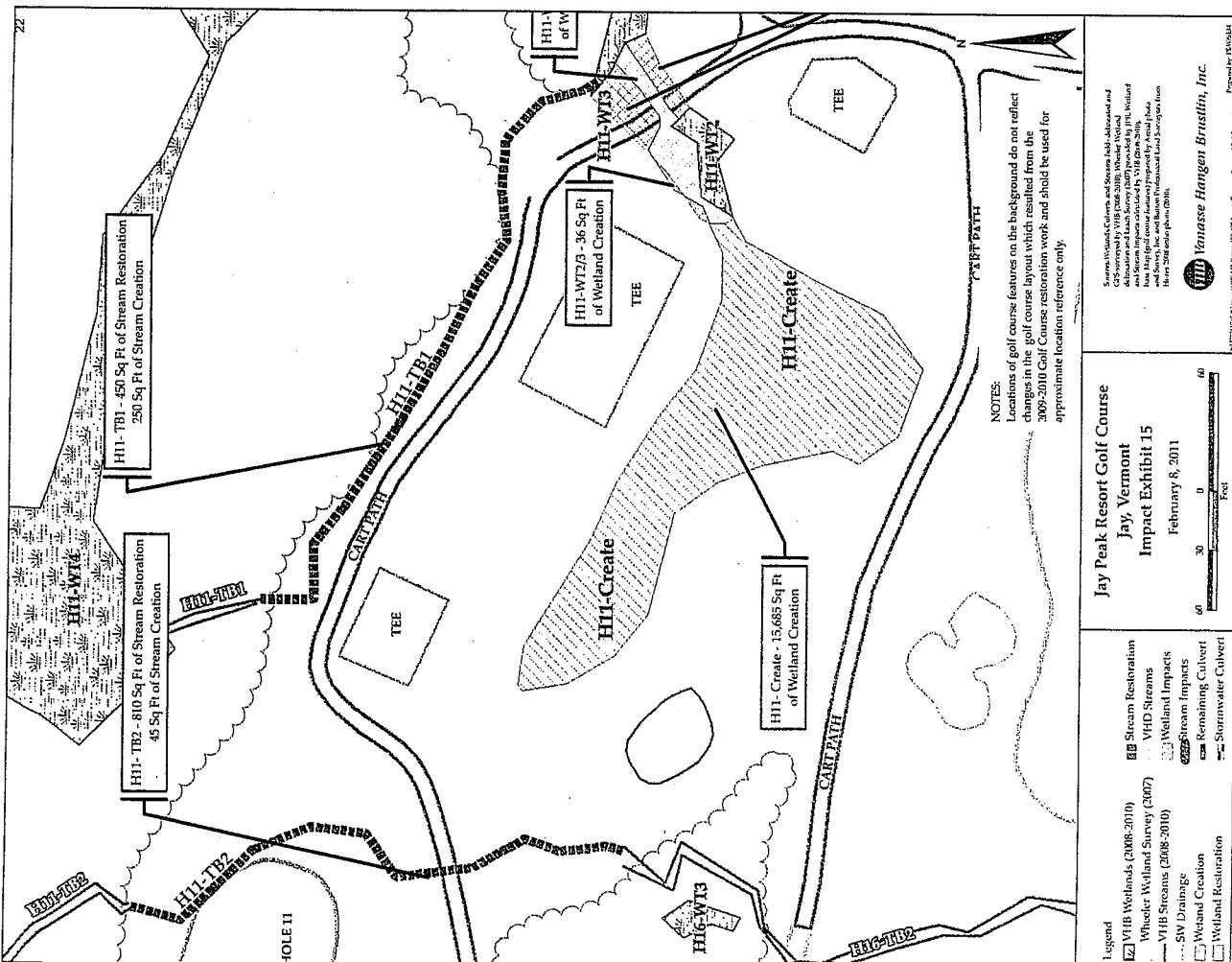








<p>NOTES: Locations of golf course features on the background do not reflect changes in the golf course layout which resulted from the 2009-2010 Golf Course restoration work and should be used for approximate location reference only.</p>	<p>Jay Peak Resort Golf Course Jay, Vermont Impact Exhibit 16 February 8, 2011</p>



<p>NOTES: Locations of golf course features on the background do not reflect changes in the golf course layout which resulted from the 2009-2010 Golf Course restoration work and should be used for approximate location reference only.</p>	<p>Jay Peak Resort Golf Course Jay, Vermont Impact Exhibit 15 February 8, 2011</p>

