



**US Army Corps
of Engineers**
New England District

8 Carmichael St., Suite 205
Essex Jct., VT 05452

PUBLIC NOTICE

Date: AUGUST 24, 2004

Comment Period Ends: SEPTEMBER 24, 2004

File Number: NAE-2004-142

In Reply Refer To: Marty Lefebvre

Or by e-mail: Martha.a.lefebvre@usace.army.mil

VERMONT DEPARTMENT OF FISH AND WILDLIFE, ATTN: BILL CRENSHAW, 103 SOUTH MAIN STREET, BLDG. 10 SOUTH, WATERBURY, VERMONT 05671-0501 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act to place fill in about 24,659 sq. ft. (0.57 acre) of an emergent/scrub-shrub wetland adjacent to Otter Creek in conjunction with the proposed Pomainville Wetland Reserve Program Project off the west side of U.S. Route 7 in Pittsford, Vermont.

The 356-acre Pomainville site is former agricultural lands bordering Otter Creek. The work will involve:

- 1) The placement of fill in about 930 sq. ft. (0.02 acre) of wetland for a water control structure at the north end of the site. This structure will inundate about 8.1 acres of wetland.
- 2) The placement of fill in about 18,130 sq. ft. (0.42 acre) of wetland for the upgrade of an access drive to the site.
- 3) Excavation of a constructed oxbow in about 34,370 sq. ft. (0.79 acre) of wetland at the northern end of the site.
- 4) The placement of fill in about 1999 sq. ft. (0.05 acre) of wetland for a water control structure near the middle of the site. This structure will inundate about 19.3 acres of wetland.
- 5) The construction of a water control structure on the upland that will result in the inundation of about 16.8 acres of wetland at the southern end of the site.
- 6) Construction of a berm at the south end of the site that will impact about 3600 sq. ft. (0.08 acre) of wetland.
- 7) Excavation of a constructed oxbow in about 43,326 sq. ft. (0.99 acre) of wetland at the southern end of the site.

A total of 46.55 acres of wetland will be impacted by the project. The USDA Natural Resource Conservation District has purchased a perpetual conservation easement on the site. The entire 356-acre site will be managed by the USDA NRCS and the VT Department of Fish and Wildlife for various habitat types. The basic purpose of the project is to restore and enhance the wetland and upland habitat of the site.

The work is shown on the enclosed plans, in seven sheets, entitled "Pomainville WRP Pittsford, Vermont 356 Acres" (dated "8/13/2004" and "February 27, 2004"), "EDWARD POMAINVILLE, JR. WETLAND RESTORATION (SITE #1) PLAN VIEW" (undated), "EDWARD POMAINVILLE, JR. WETLAND RESTORATION (SITE #2) PLAN VIEW" (undated), and "EDWARD POMAINVILLE, JR. WETLAND RESTORATION (SITE #3) PLAN VIEW" (undated).

This project is located on the USGS Proctor quadrangle sheet at UTM coordinates 4843245.0 N and 657354.0 E. This mitigation site is located on the USGS Burlington quadrangle sheet at UTM coordinates 4920968.0 N and 647342.0 E.

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 Lefebvre 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.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**


**Frank J. Delgiudice
Chief, Permits & Enforcement Branch
Regulatory Division**

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.

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.

106 REVIEW COMPLETE

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)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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

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

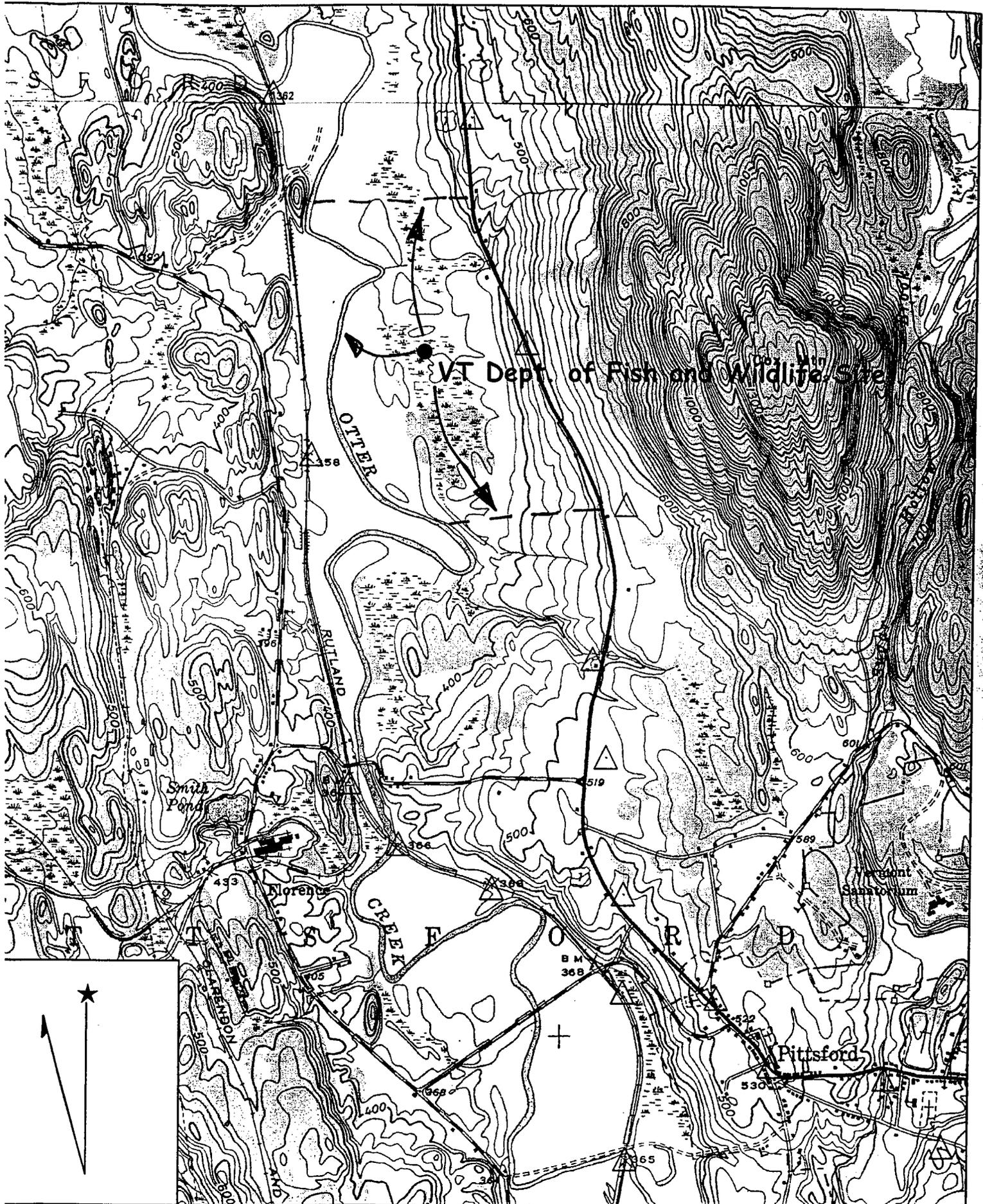
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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.

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: _____



Name: PROCTOR
 Date: 8/13/2004
 Scale: 1 inch equals 2000 feet

Location: 18 0657354 E 4843245 N
 Caption: Pomainville WRP Pittsford, Vermont
 356 Acres

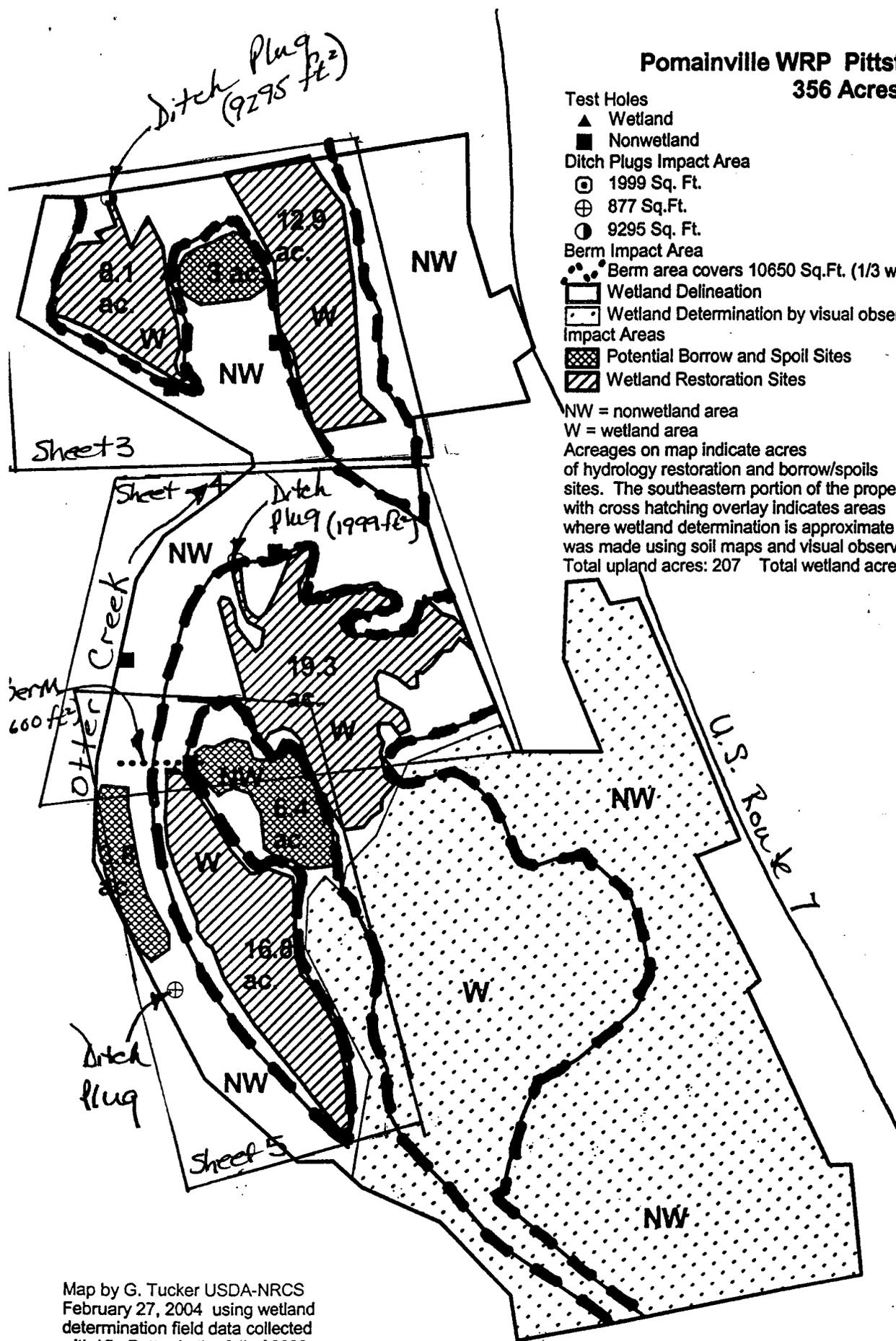
Sheet 1

**Pomainville WRP Pittsford, Vermont
356 Acres**

- Test Holes**
 ▲ Wetland
 ■ Nonwetland
- Ditch Plugs Impact Area**
 ⊕ 1999 Sq. Ft.
 ⊕ 877 Sq. Ft.
 ⊕ 9295 Sq. Ft.
- Berm Impact Area**
 ● Berm area covers 10650 Sq. Ft. (1/3 wetland and 2/3 nonwetland)
- Impact Areas**
 [Cross-hatched] Wetland Delineation
 [Dotted] Wetland Determination by visual observation and soil types
 [Diagonal lines] Potential Borrow and Spoil Sites
 [Diagonal lines] Wetland Restoration Sites



NW = nonwetland area
 W = wetland area
 Acreages on map indicate acres of hydrology restoration and borrow/spoil sites. The southeastern portion of the property with cross hatching overlay indicates areas where wetland determination is approximate and was made using soil maps and visual observation.
 Total upland acres: 207 Total wetland acres: 149



Map by G. Tucker USDA-NRCS
 February 27, 2004 using wetland
 determination field data collected
 with Kip Potter in the fall of 2003,
 visual observation and soil maps

SITE LOCATION

APPROXIMATE QUANTITIES

NO.	ITEMS	QUANTITY	UNITS	DESCRIPTION
1	STROPPING FOR BERM	540	CY	L 11
2	STROPPING FOR BERM	1480	CY	L 11
3	EARTH FILL FOR BERM	565	CY	11
4	TEMP. BERM	150	CY	11
5	TEMP. BERM REMOVAL	150	CY	11
6	24" HOPE PIPE V/ V/ 45°	230	FT	41
7	24" HOPE CULVERT	30	FT	41
8	3" PVC RISER	3	EA	41
9	LOCK TOP FOR PVC RISER	3	EA	41
10	ROBUST GROUND FOR 24" PIPE	6	EA	46
11	CONCRETE	1.5	CY	31
12	65 REBAR	150	FT	31
13	REBAR	80	CY	44
14	NON-WOVEN GEOTEXTILE	60	SY	54
15	TOPSOIL FOR BERM	250	CY	11
16	TOPSOIL FOR BERM	740	CY	11
17	SEEDING & MULCHING	1.5	AC	58-7A
18	EXCAVATION/SPILL - COVER	4800	CY	11
19	CONSTRUCTION FENCE	200	FT	50
20				
21				

GRAPHIC SCALE

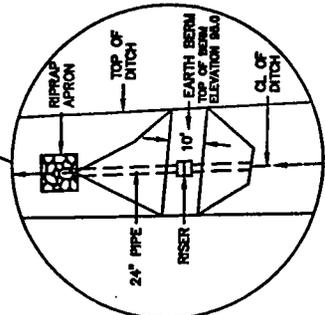
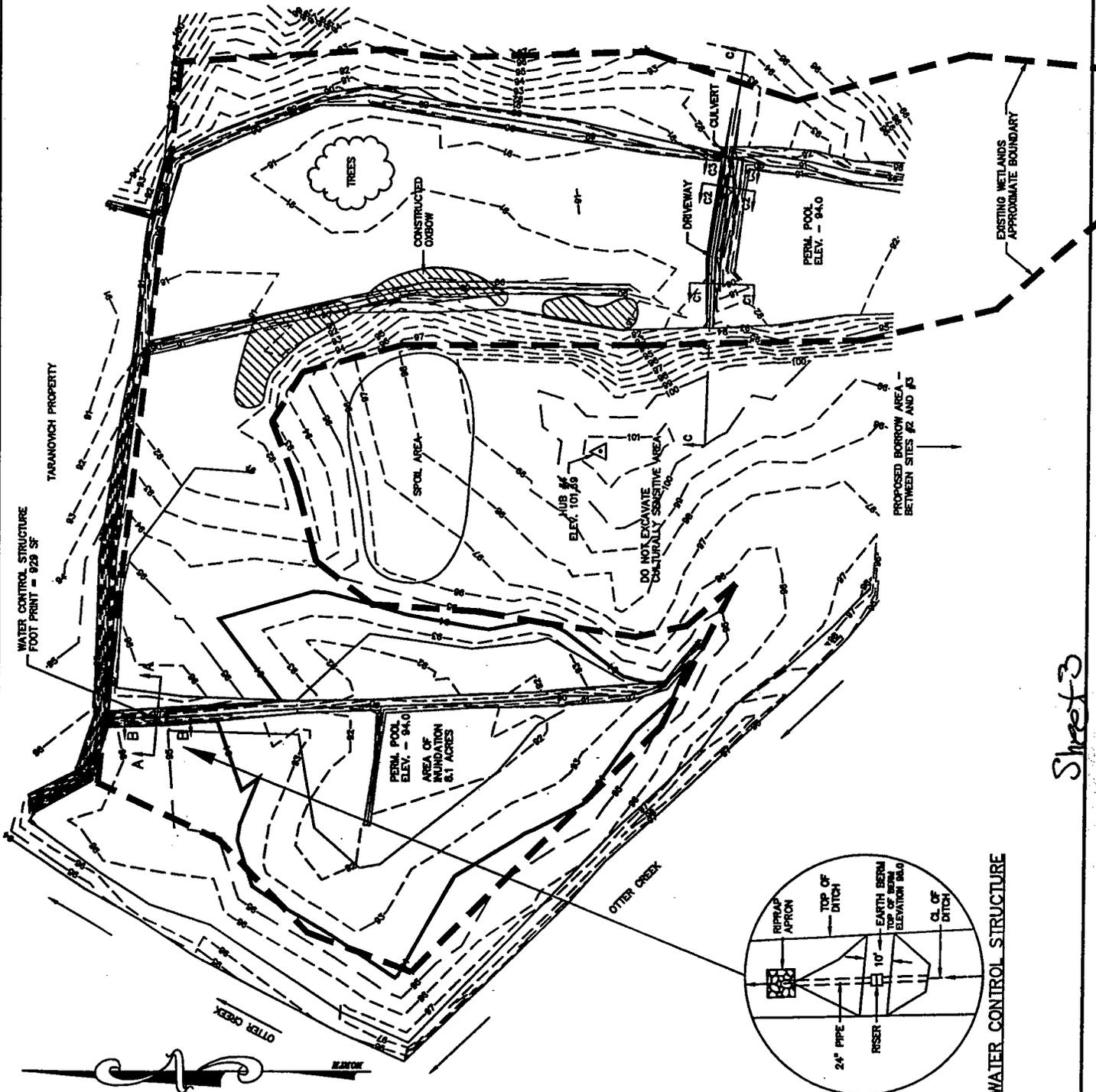


HAZARD CLASS	LOW	JOB CLASS	VI
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EDWARD POMAINVILLE, JR.
WETLAND RESTORATION (SITE #1)
PLAN VIEW

PITTSBURGH CONTRACT #88-1644-2-1 VERMONT
 U.S. DEPARTMENT OF AGRICULTURE
 NATURAL RESOURCES CONSERVATION SERVICE

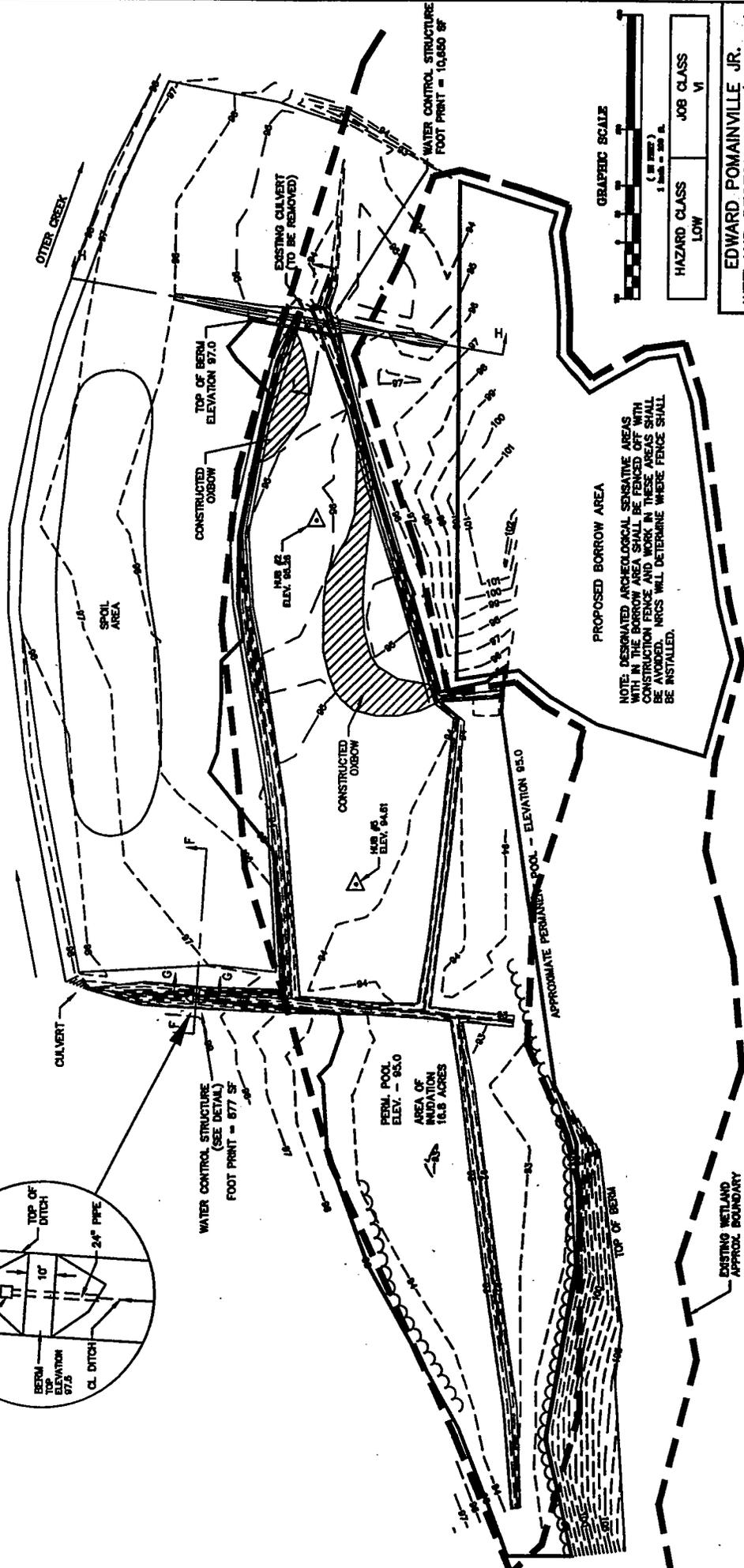
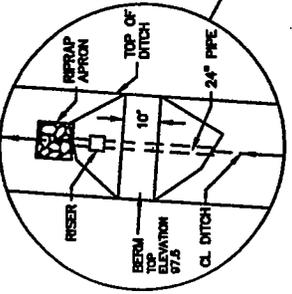
Prepared by: [Name]
 Date: [Date]
 Scale: [Scale]
 Drawing No.: VT102502



Sheet 3



WATER CONTROL STRUCTURE



HAZARD CLASS	LOW
JOB CLASS	VI

EDWARD POMAINVILLE JR.
WETLAND RESTORATION (SITE #3)
 PLAN VIEW

PITTSFORD CONTRACT #82-1644-3-1 VERMONT
 U.S. DEPARTMENT OF AGRICULTURE
 NATURAL RESOURCES CONSERVATION SERVICE

Prepared by: [Blank]
 Checked by: [Blank]
 Date: [Blank]
 Scale: [Blank]
 Drawing No. VT102502

NOTE: DESIGNATED ARCHEOLOGICAL SENSITIVE AREAS WITHIN THE BORROW AREA SHALL BE FENCED WITH CONSTRUCTION FENCE AND WORK IN THESE AREAS SHALL BE AVOIDED. NRCS WILL DETERMINE WHERE FENCE SHALL BE INSTALLED.

SITE #2

Sheet 5

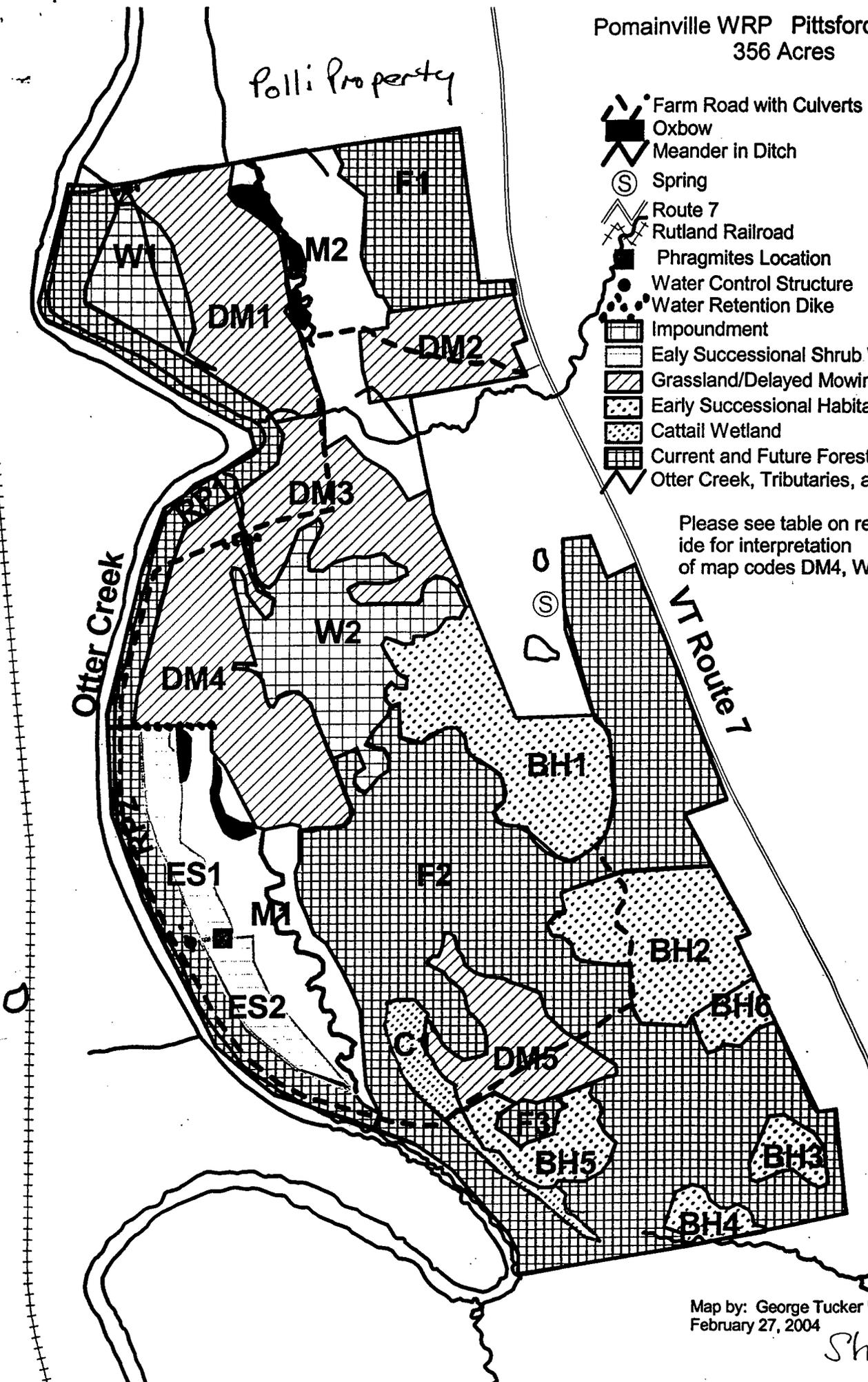
Pomainville WRP Pittsford, Vermont
356 Acres

Polli Property

-  Farm Road with Culverts
-  Oxbow
-  Meander in Ditch
-  Spring
-  Route 7
-  Rutland Railroad
-  Phragmites Location
-  Water Control Structure
-  Water Retention Dike
-  Impoundment
-  Early Successional Shrub Wetland
-  Grassland/Delayed Mowing
-  Early Successional Habitat/Brush hogging
-  Cattail Wetland
-  Current and Future Forestland
-  Otter Creek, Tributaries, and Ditches

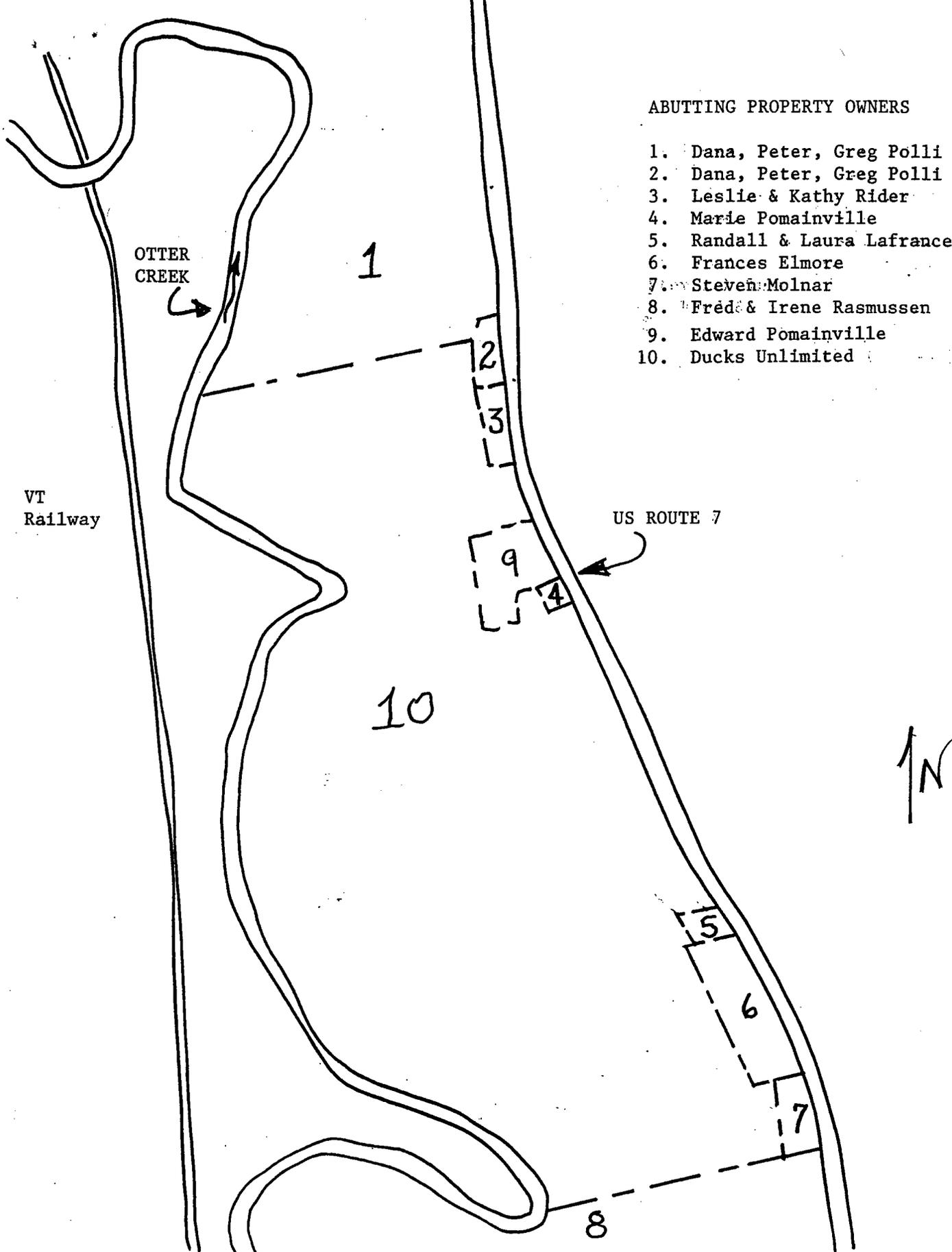
Please see table on reverse side for interpretation of map codes DM4, W1, F2 etc....

1:9000



ABUTTING PROPERTY OWNERS

1. Dana, Peter, Greg Polli
2. Dana, Peter, Greg Polli
3. Leslie & Kathy Rider
4. Marie Pomainville
5. Randall & Laura Lafrance
6. Frances Elmore
7. Steven Molnar
8. Fréd & Irene Rasmussen
9. Edward Pomainville
10. Ducks Unlimited



Pomainville WPCP Pittsford, Vermont
356 Acres

Sheet 7

8/13/2004