



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

Vermont Project Office
11 Lincoln Street, Rm 210
Essex Junction, Vermont 05452

PUBLIC NOTICE

Comment Period Begins: June 22, 2021

Comment Period Ends: July 22, 2021

File Number: NAE-2008-03594

In Reply Refer To: Amanda L. T. Sayles

Phone: (802) 872-2893

E-mail: Amanda.L.Sayles@usace.army.mil

The District Engineer has received a permit application to conduct work and place fill in waters of the United States from the Vermont Agency of Transportation (219 N. Main Street Barre, VT 05641). The work is purposed at various locations along the existing 93-mile-long railbed, formally known as Lamoille Valley Railroad ("LVRR"). The trail will be repaired and converted to a year-round recreational trail in the following towns: Sheldon, Fairfield, Bakersfield, Fletcher, Cambridge (referred to as Lamoille Valley Rail Trail, "LVRT", Section 11), Morristown, Wolcott, Hardwick (referred to as LVRT Section 12), and Hardwick, Greensboro, Stannard, Waldon, Cabot and Danville (referred to as LVRT Section 13). The work is proposed along the Lamoille River (Section 10, Traditional Navigable Waterway) and its tributaries, Black Creek and its tributaries, and many adjacent wetlands throughout three sections of the 93-mile long LVRT. The beginning and end of the trail coordinates are: 44.881689, -72.942031 to 44.654089, -72.822350 (range for LVRT (11)), 44.564056, -72.566756 to 44.506167, -72.364658 (range for LVRT (12)), and 44.504544, -72.357992 to 44.423625, -72.222950 (range from LVRT (13)).

The placement of fill and work was previously authorized under the General Permit process for additional sections of the LVRT and are either complete or will be in the near future. These sections have the same project purpose: to replace or repair culverts and bridges along the LVRT in conjunction with converting the existing railbed to a year-round recreational trail. To date, there have been 6,210 sq. ft. of temporary wetland impacts and 25,438 sq. ft. of temporary fill placed below the ordinary high water mark (OHWM) of various streams. There have been 1,457 sq. ft. of permanent wetland impacts and 9,854 sq. ft. of permanent fill placed below the OHWM of various streams.

The newly proposed work involves the placement of fill within 185,141 sq. ft. (4.25 acres) of waters of the United States for the repair and replacement of 95 CPEP culverts, 10 box culverts and 25 bridges along the LVRT. About 83,957 sq. ft. (1.92 acres) of wetland will be temporarily filled and about 70,394 sq. ft. (1.62 acres) of stream bottom below the OHWM will be temporally filled. About 22,225 sq. ft. (0.51 acre) of wetland will be permanently filled and about 8,565 sq. ft. (0.20 acre) of stream bottom below the OHWM will be permanently filled. The wetlands to be impacted are palustrine emergent, scrub-shrub and forested that are immediately adjacent to an existing railroad bed that function primarily to maintain water quality and provide wildlife habitat.

All impacts occur adjacent to the existing railbed and have been avoided and minimized to the maximum extent possible, as establishing a new trail of the same size and scope would result in a much larger impact to recourses. 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. No additional mitigation is proposed.

The work is shown on the enclosed plans, in six sheets, titled “Lamoille Valley Rail Tail St. Johnsbury to Swanton, VT” (dated “June 10, 2021”), “Lamoille Valley Rail Tail (11)” (dated “June 10, 2021”), “Lamoille Valley Rail Tail (12)” (dated “June 10, 2021”), “Lamoille Valley Rail Tail (13)” (dated “June 10, 2021”), “WETLAND AND WATERS IMPACT EXHIBIT TYPICAL CULVERT REPLACE/ DITCHING” (dated “March 17, 2021”), and “WETLAND AND WATERS IMPACT EXHIBIT TYPICAL CULVERT REPAIR/ DITCHING” (dated “March 17, 2021”).

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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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 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.

NATIONAL HISTORIC PRESERVATION ACT

Based on 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 USACE 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 National Marine Fisheries Service 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.

OTHER GOVERNMENT AUTHORIZATIONS

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.

COMMENTS

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 Amanda L. T. Sayles 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.

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: _____

Lamoille Valley Rail Trail

St. Johnsbury to Swanton, VT

USACE Section 404/10 Location Map

June 10, 2021

Legend

- STP LVRT(13)
- STP LVRT(12)/LVRT(7)
- STP LVRT(11)
- Trail Completed
- Bridge
- Culvert

End of Trail -
Swanton, VT

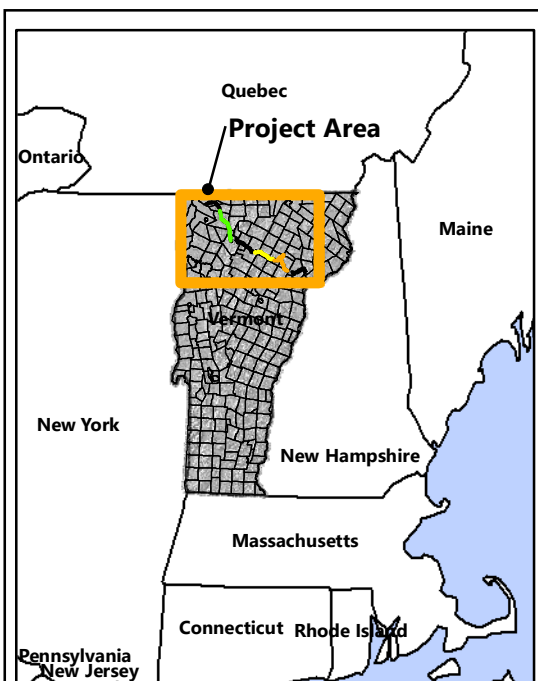
STP LVRT(11)
Cambridge to Sheldon
STA 3422+32 to STA 4392+52

STP LVRT(13)
Danville to Hardwick
STA 892+82 to STA 1835+02

STP LVRT(12)
Hardwick to Morristown
STA 1893+62 to STA 2502+52

STP LVRT(7) - to be combined with STP LVRT(12)
Hardwick
STA 1845+57 to 1893+62

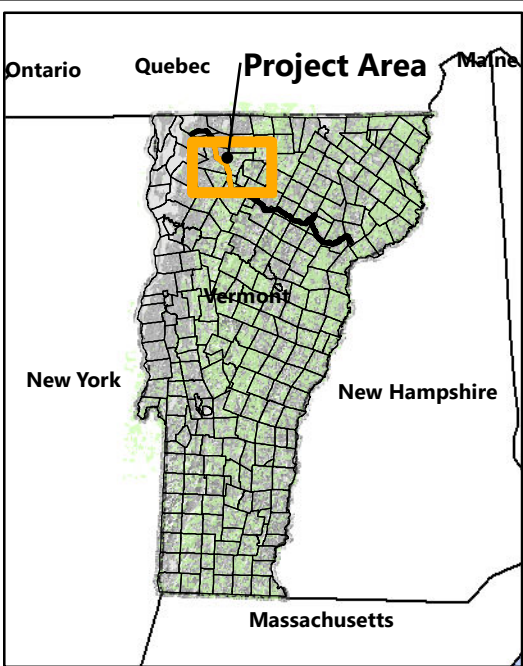
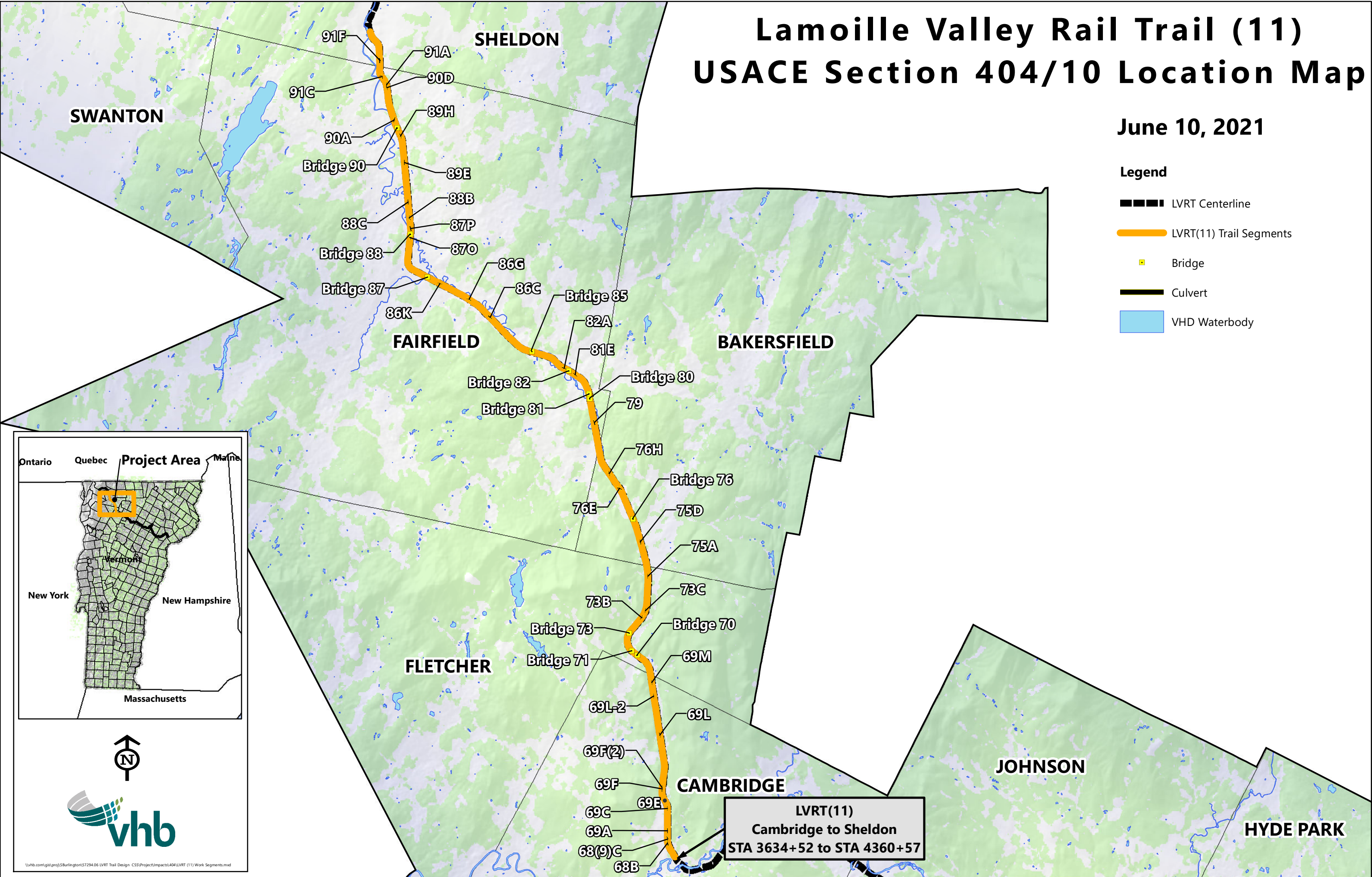
Start of Trail -
St. Johnsbury, VT



Lamoille Valley Rail Trail (11) USACE Section 404/10 Location Map

June 10, 2021

- Legend**
- LVRT Centerline
 - LVRT(11) Trail Segments
 - Bridge
 - Culvert
 - VHD Waterbody



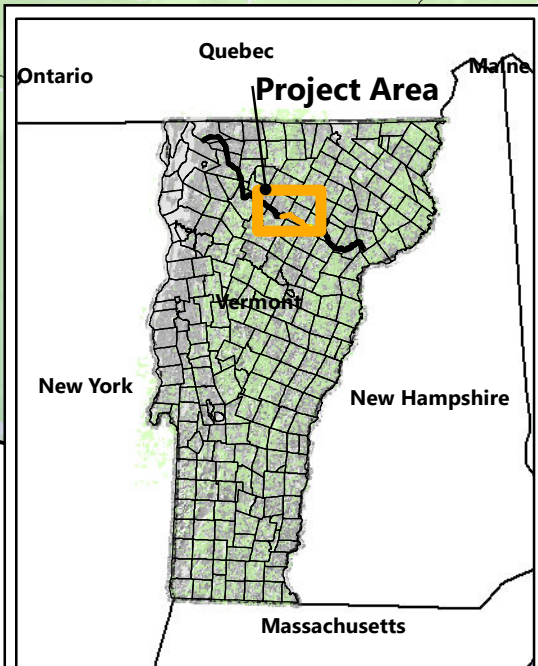
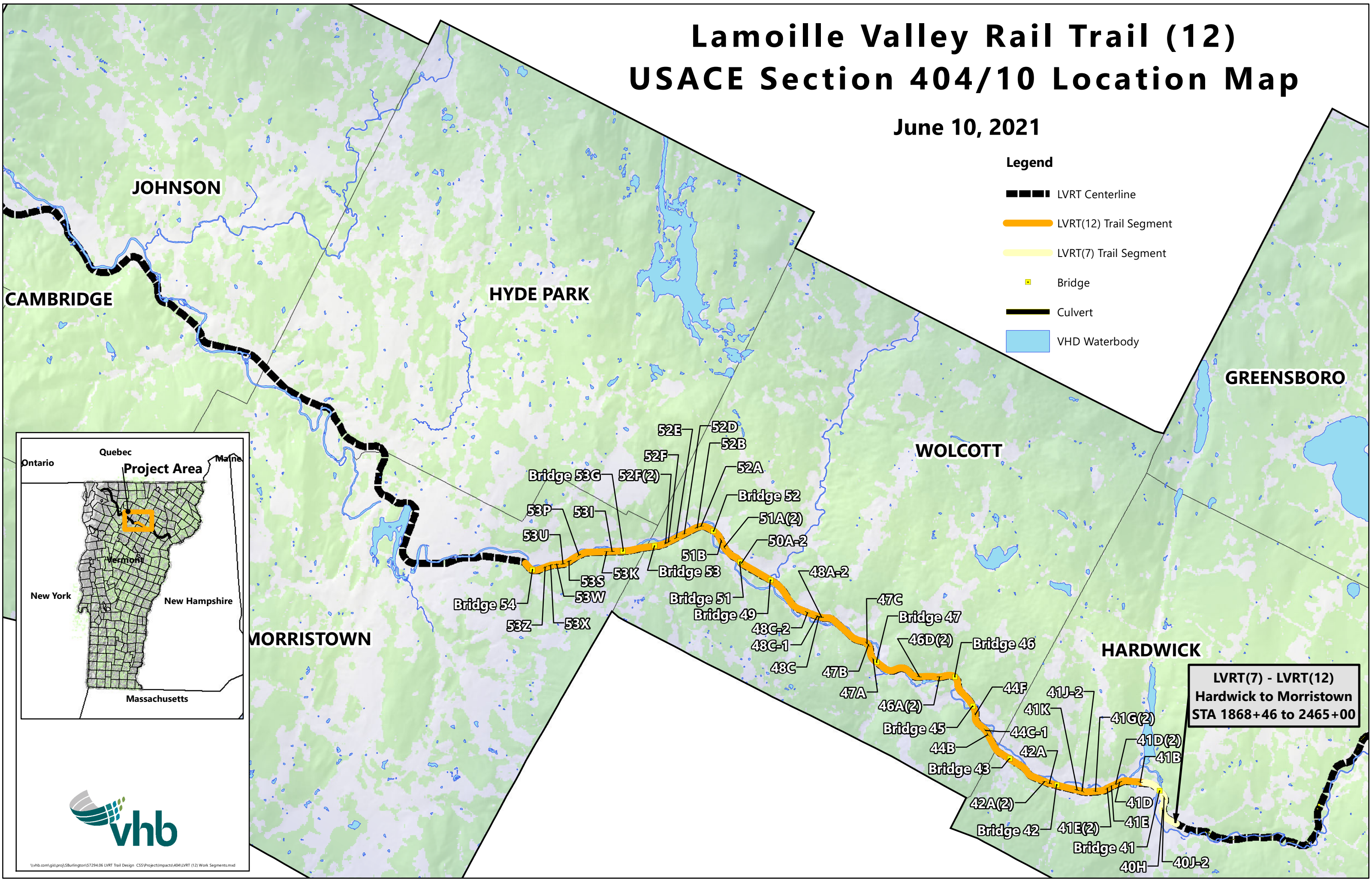
LVRT(11)
Cambridge to Sheldon
STA 3634+52 to STA 4360+57

Lamoille Valley Rail Trail (12) USACE Section 404/10 Location Map

June 10, 2021

Legend

- ■ ■ ■ ■ LVRT Centerline
- LVRT(12) Trail Segment
- LVRT(7) Trail Segment
- Bridge
- Culvert
- VHD Waterbody



LVRT(7) - LVRT(12)
Hardwick to Morristown
STA 1868+46 to 2465+00

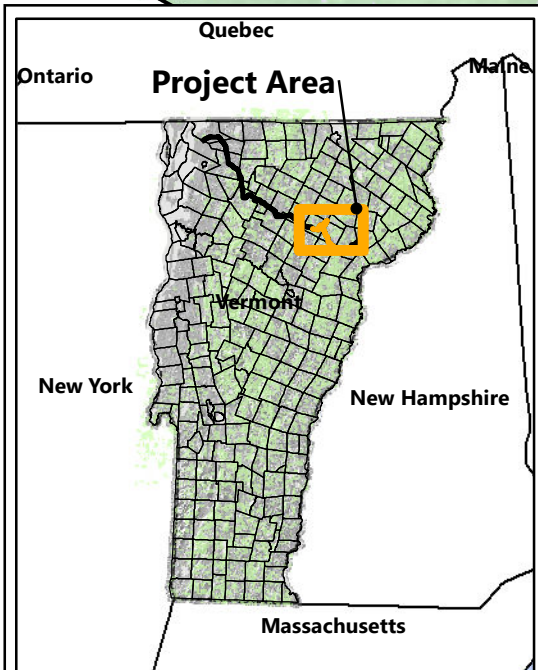
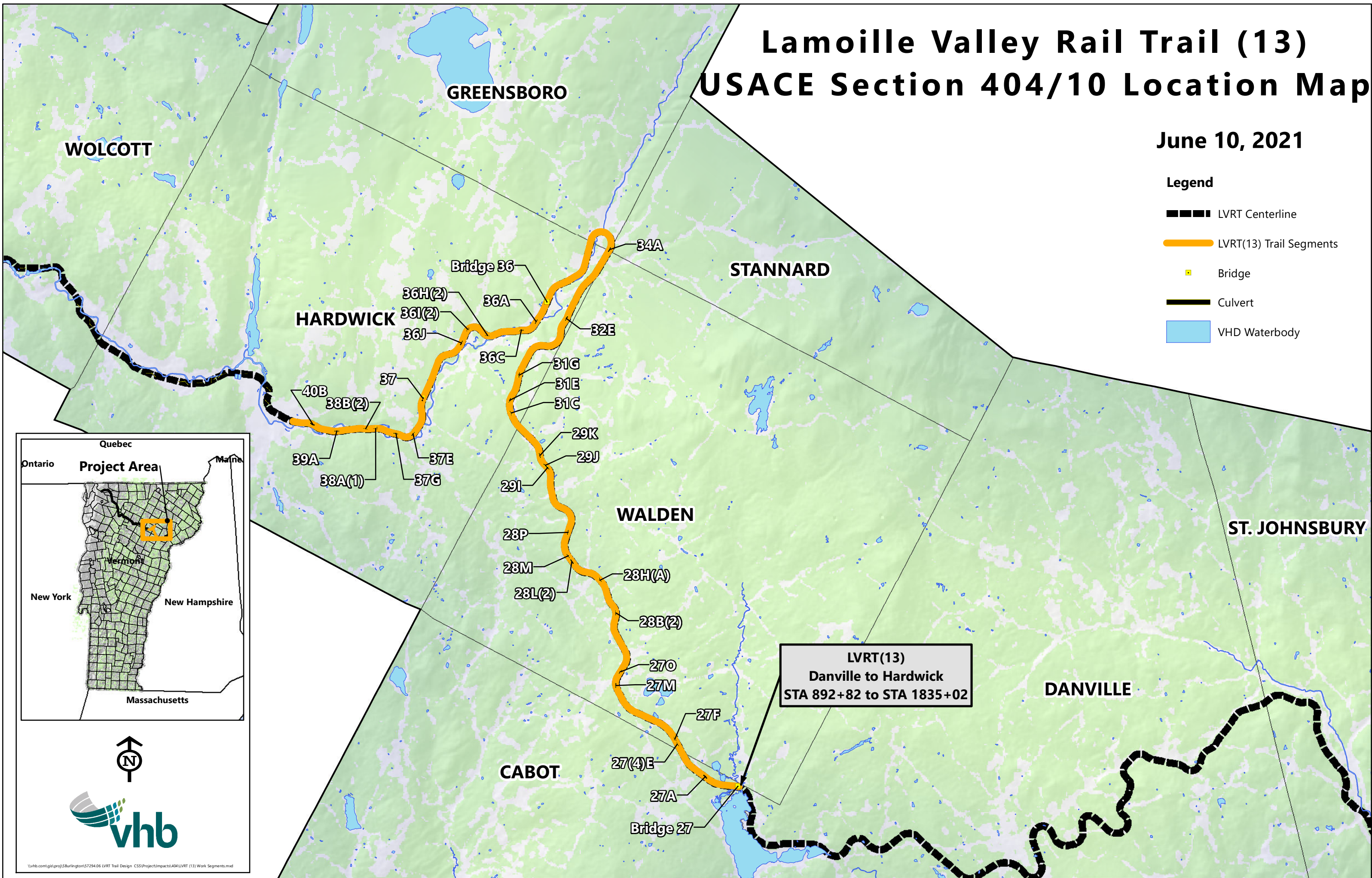


Lamoille Valley Rail Trail (13) USACE Section 404/10 Location Map

June 10, 2021

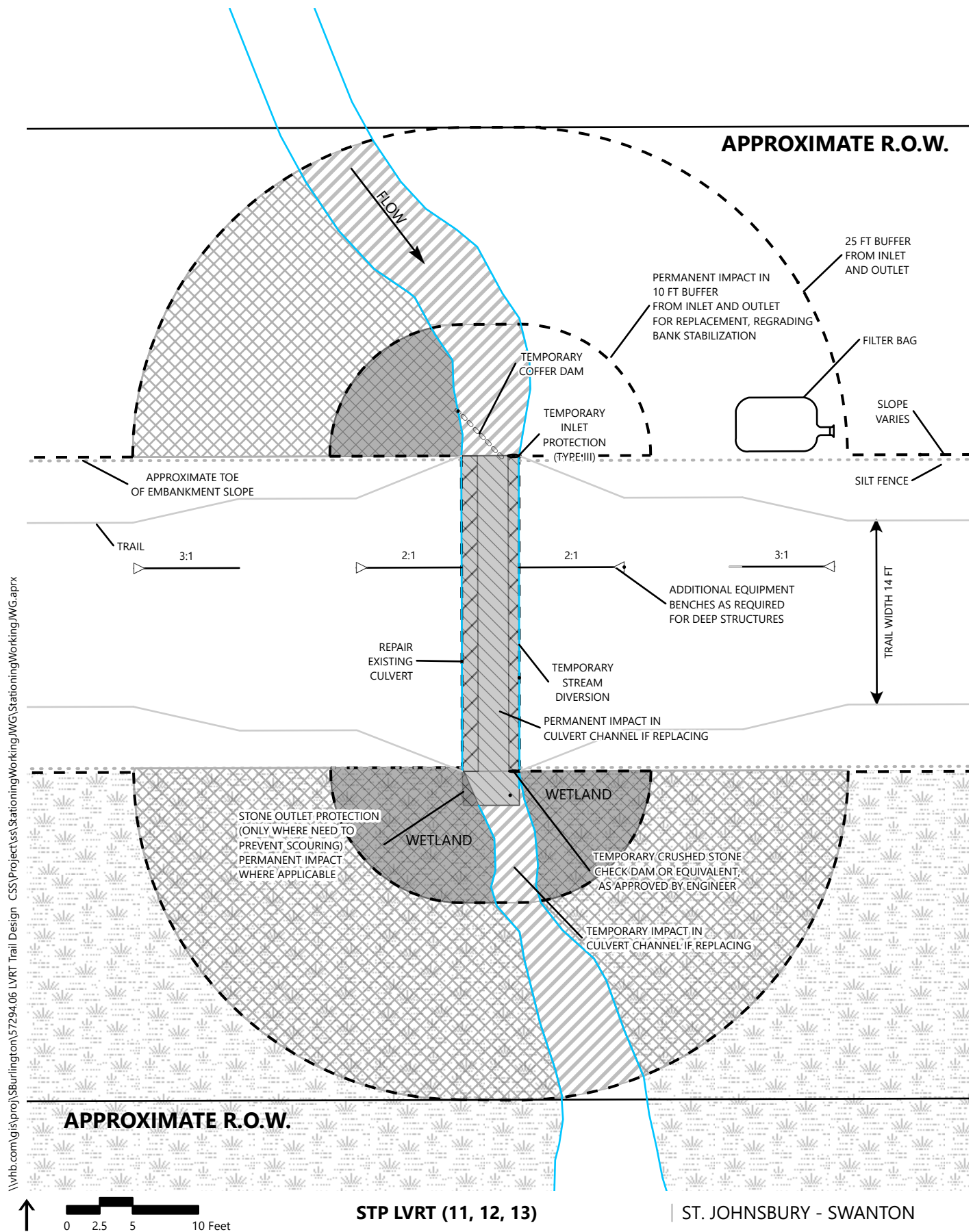
Legend



- ■ ■ ■ ■ LVRT Centerline
- LVRT(13) Trail Segments
- Bridge
- Culvert
- VHD Waterbody



LVRT(13)
Danville to Hardwick
STA 892+82 to STA 1835+02

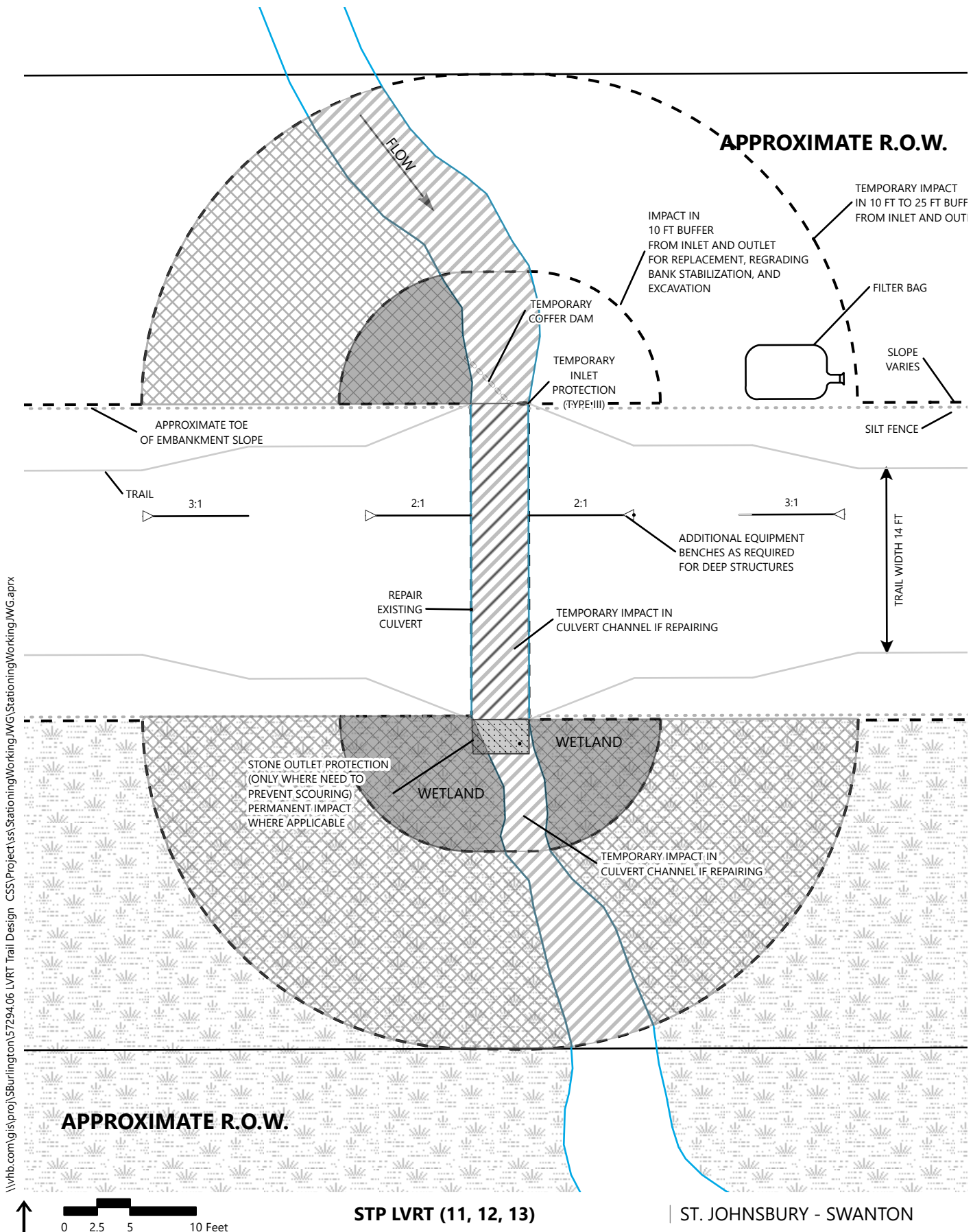




- | | | |
|--------------|------------------------|---|
| — TRAIL | — RIGHT OF WAY |  TYPICAL IMPACTS |
| — STREAM | — TEMPORARY COFFER DAM |  TYPICAL CULVERT |
| — SILT FENCE | — LIMIT OF DISTURBANCE | |

**WETLAND AND WATERS
IMPACT EXHIBIT TYPICAL
CULVERT REPLACE/DITCHING**

\\vhb.com\gis\proj\SBurlington\57294.06 LVRT Trail Design CSS\Project\ss\StationingWorking\WG\StationingWorking\WG.aprx



**WETLAND AND WATERS
IMPACT EXHIBIT TYPICAL
CULVERT REPAIR/DITCHING**