PUBLIC NOTICE



of Engineers ®
New England District
Vermont Project Office
11 Lincoln Street, Rm 210
Essex Junction, Vermont 05452

Comment Period Begins: November 15, 2022 Comment Period Ends: December 14, 2022

File Number: NAE-2021-02695

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 in waters of the United States from Omya Inc (P.O. Box 10, Whipple Hollow Road, Florence, VT). This work is proposed in a wetland adjacent to an unnamed tributary of Otter Creek located at 206 Omya W in Florence, Vermont. The site coordinates are: 43.701889°N, -73.058839°W.

The work involves the placement of fill in 45,869 sq. ft. (1.05 acres) of a wetland adjacent to an unnamed tributary of Otter Creek in conjunction with the disposal of tailings at the existing Verpol Plant (owned by Omya, Inc.) in Florence, Vermont. The purpose of the work is to dispose of tailings that will be generated by the rock quarries over the next 20 to 25 years. Historically, tailings have been disposed of onsite, which is nearing full capacity. The current proposal involves on-site disposal.

The work is shown on the enclosed plans, in four sheets, titled "Omya Inc. Verpol Plant Tailings Management Facility Project" (dated "5/20/2022"), "PROPOSED GRADING/WETLAND IMPACT WORKSHEET" (dated "JUNE 2022"), and "Wetland and Waters Impact Sheet" (dated "August 31, 2022").

Both onsite and offsite alternative locations have been considered. Onsite, the wetland is in the middle of the proposed project, making any avoidance difficult as tailing would be placed in too irregular a shape if the project location was changed. Also, decreasing the project area would not meet the project purpose to find a disposal site for the quarry to continue to operate for the next 20 to 25 years. There were 34 offsite locations assessed for alternatives. However, due to regulatory setbacks only 2 of 34 sites met Vermont Solid Waste Management Rules and natural resources permitting setbacks. Both offsite alternatives are not feasible as one is in use for an active quarry and reserved for reclamation and the other is in agriculture use. The onsite alternative does not require hauling tailings off-site and the associated fuel consumption and emissions, nor does it involve extensive tree-clearing or creating new impacts on an undeveloped site. All impacts have been avoided and minimized to the maximum extent possible, as relocating the disposal of the tailings offsite was not feasible.

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.

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.

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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 (USACE), 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 USACE 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 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 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).

ENDANGERED SPECIES CONSULTATION

The USACE is reviewing 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. Our review will be concluded prior to the final decision.

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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.

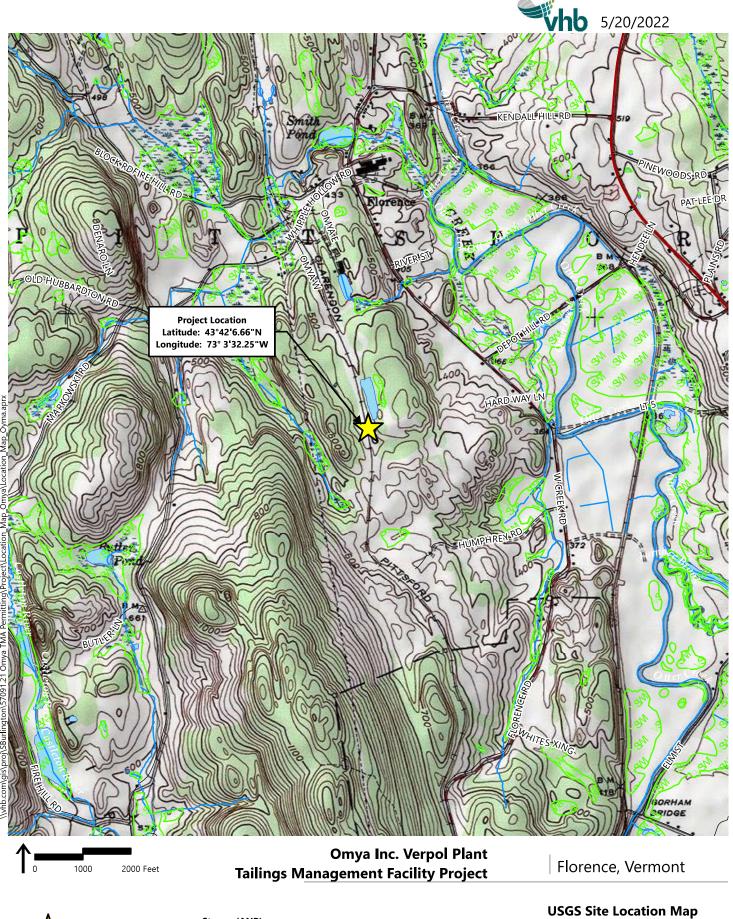
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining 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

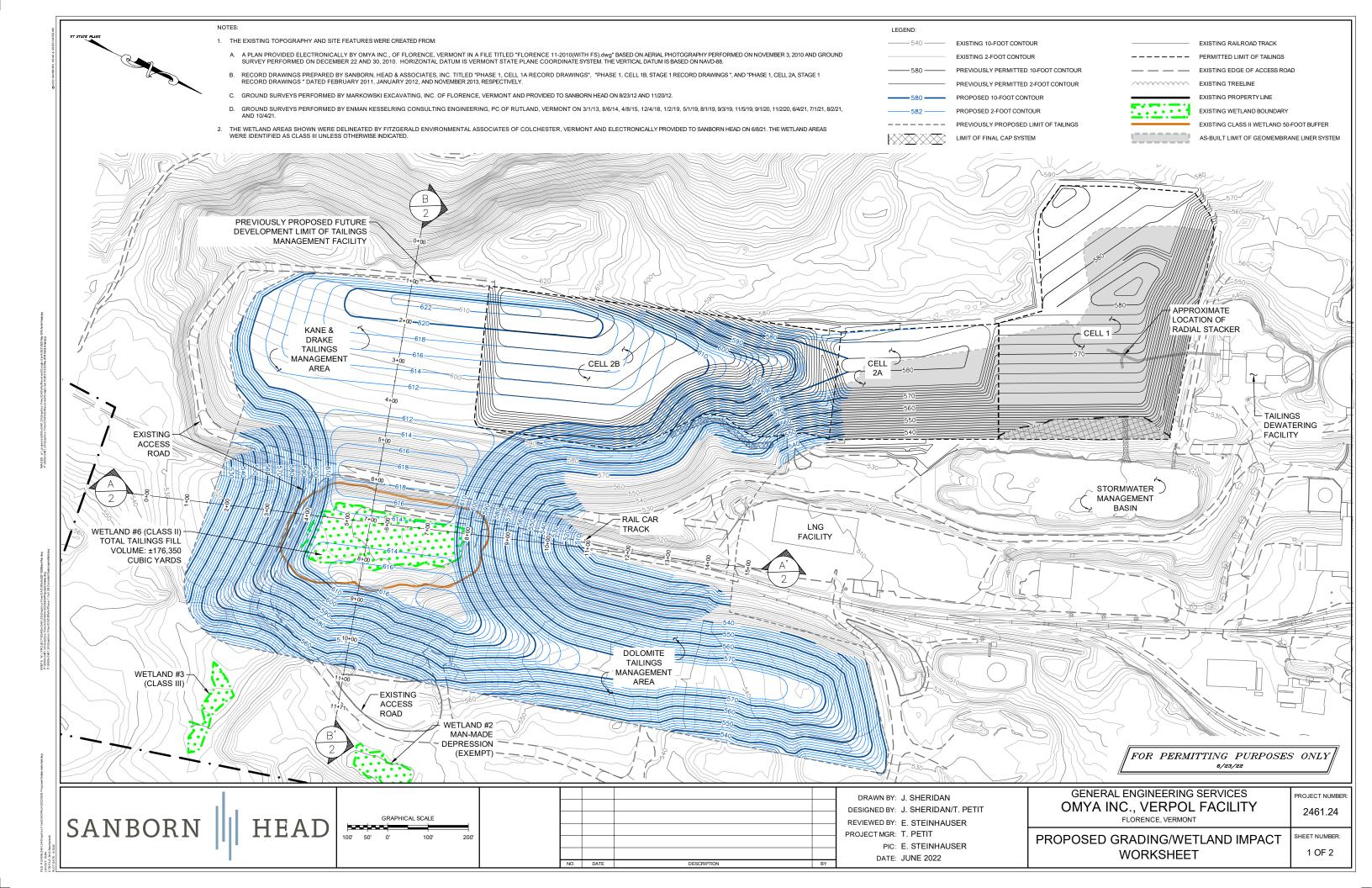
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil.

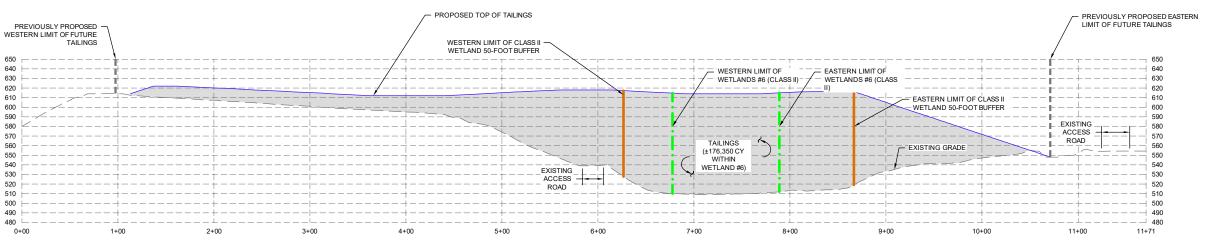




Sources: Background USGS Basemap layer ANR (Vermont Agency of Natural Resources - Various Dates)

VOGP (Vermont Open Geodata Portal - Various Dates) VTrans (Vermont Agency of Transportation - 2017) VHB (2021)





SECTION B-B'

SCALE AS NOTED

NOTE: TAILINGS TO BE PLACED DIRECTLY ON EXISTING GRADE FOLLOWING THE CLEARING OF TREES/BUSHES.

FOR PERMITTING PURPOSES ONLY

SANBORN | HEAD | GRAPHICAL SCALE | SANBORN | HEAD | GRAPHICAL SCALE | SOUTH OF THE PROJECT NUMBER: 2461.24 | Company of the project number: 2461.24 | Company of the project number: 2

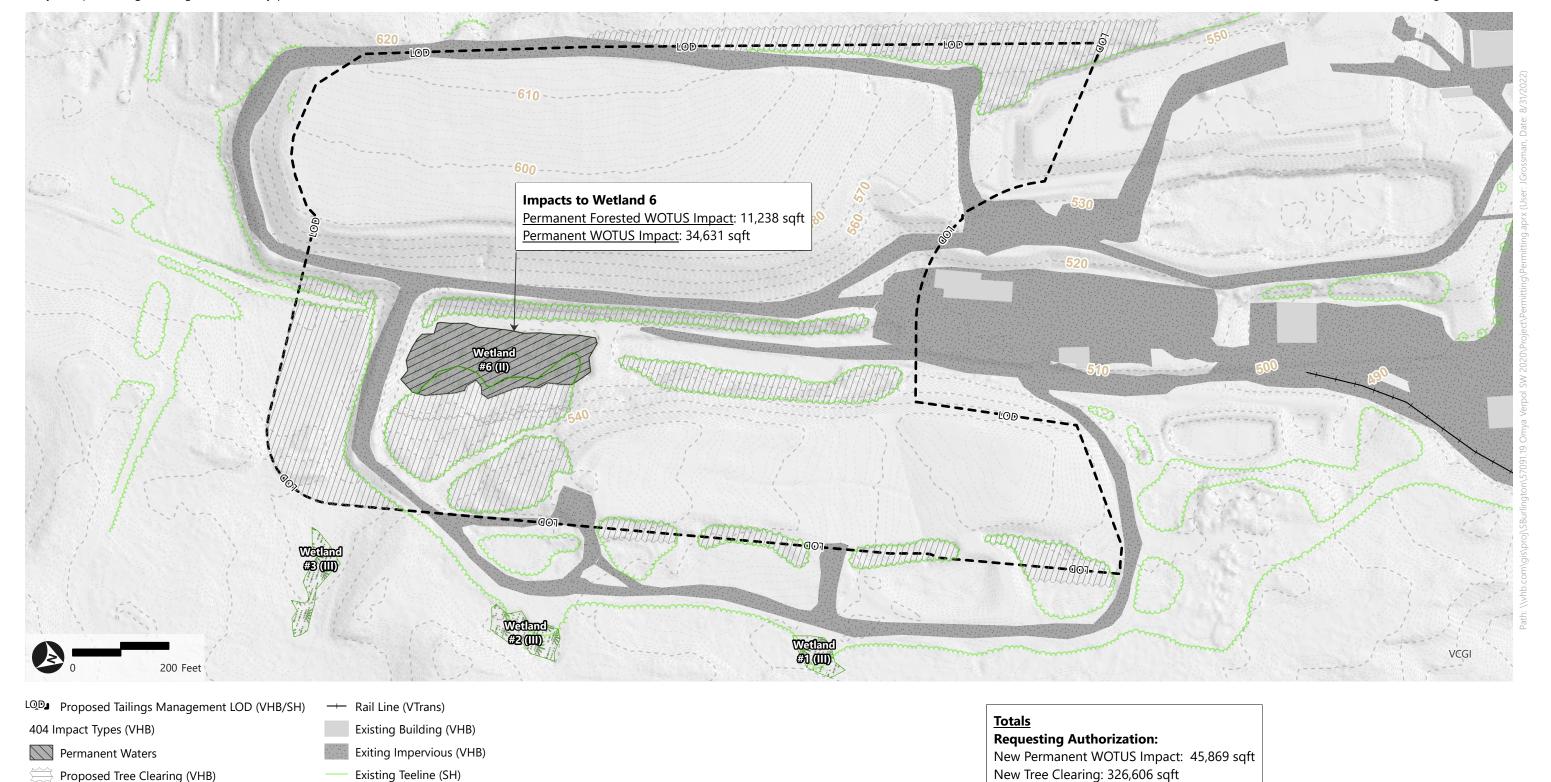
Figure 1: Wetland and Waters Impact Sheet

Omya Verpol Tailings Management Facility | Florence, VT

Proposed Tree Clearing (VHB)

Delineated Wetland (FEA)





Sources: Background Lidar Hillshade by VCGI; FEA - Fitzgerald Environmental Associates LLC (2021); SH - Sanborn Head Engineering (2022); VCGI (Vermont Center for Geographic Information - Various Dates); VHB (2022).

Elevation Contour - 10 ft (VCGI) Elevation Contour - 1 ft (VCGI)