# **PUBLIC NOTICE**

US Army Corps of Engineers ® New England District

New England District Vermont Project Office 11 Lincoln Street, Room 210 Essex Junction, Vermont 05452 Comment Period Begins: March 24, 2015 Comment Period Ends: April 23, 2015

File Number: NAE-2005-2554 In Reply Refer To: Marty Abair

Phone: (802) 872-2893

E-mail: Martha.a.abair@usace.army.mil

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

APPLICANT: Passumpsic Valley Land Trust, Inc., ATTN: Leonard Gerardi, P.O. Box 624, St. Johnsbury, Vermont 05819

**ACTIVITY:** Conduct work and place fill in the East Branch of the Passumpsic River in conjunction with the removal of the East Burke Dam and stabilization of the riverbanks near the intersection of Route 114 and Darling Hill Road East in East Burke, Vermont.

# WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in the East Branch of the Passumpsic River near the intersection of VT Route 114 and Darling Hill Road East in East Burke, Vermont (Latitude 44.5884° N; Longitude 71.9465° W).

#### **AUTHORITY**

Permits are required pursuant to:

- X 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

# CENAE-R FILE NO. NAE-2005-2554

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 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 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 (978) 318-8484 or (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.

# CENAE-R FILE NO. NAE-2005-2554

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 <u>NOT</u> AN AUTHORIZATION TO DO ANY WORK.

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

Chaisson at (9) check here (	efer not to continue receiving Public Notices by email, please contact Ms. Tina 78) 318-8058 or e-mail her at <a href="mailto:bettina.m.chaisson@usace.army.mil">bettina.m.chaisson@usace.army.mil</a> . You may a and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.	lso
NAME: ADDRESS: PHONE:		•

#### PROPOSED WORK AND PURPOSE

The proposed project will consist of:

- 1) Construction of a temporary access road along the right (northwest) bank of the river to facilitate the dam removal and the excavation. This will involve the discharge of about 600 cy of clean fill and will impact about 12,000 sq. ft. (0.28 acre) of river bottom (below OHW). This temporary fill will be removed from the waterway and disposed of at an upland, non-wetland site upon project completion.
- 2) Removal of the dam. This will involve the excavation of about 500 cy of material from below OHW of the river:
- 3) Excavation of 8500 cy of sediment (below OHW) from an area extending from the dam to about 700 ft. upstream. This work will impact about 0.96 acre of the river (below OHW). The banks and bed of the river within this reach will be reshaped. The sediment consists primarily of sand, with greater depths of sand immediately behind the dam and decreasing further upstream.
- 4) Stabilization of about 1600 linear ft. of riverbank. About 100 cy of Type II stone will be placed on the banks at each dam abutment and on both banks upstream of the excavation limits (a total of about 140 linear ft.). The remaining 1460 linear ft. of bank will be stabilized with a combination of seeding and erosion control mattresses.
- 5) Disposal of the excavated sediment at an offsite upland, non-wetland location.

The existing 4.75 acre impoundment contains an additional 7000 cy (+/-) of sediments which will be released upon removal of the dam. Pre and post-construction monitoring will be conducted both upstream and downstream of the dam to determine if any other long-term impacts occur and to determine any remedial action as necessary.

Removal of the dam and the resultant lowered water surface elevation of the river will also have an effect on the hydrology of a 3.4 acre scrub-shrub wetland located about 1000 ft. upstream of the dam. Pre and post-construction monitoring will be conducted to assess impacts to the wetland and determine if any remedial action or mitigation is necessary.

The purpose of the project is to restore this section of the river to its natural condition, remove a fish migration barrier, reconnect habitat for aquatic biota, facilitate natural sediment transport and fluviogeomorphic processes, improve water quality, and eliminate a safety hazard.

The work is described on the enclosed plans, in eleven sheets, entitled "EAST BURKE DAM PROJECT", dated "JULY 11, 2014" and "JULY 11, 2014; REV. FEB. 5, 2015"

#### **ALTERNATIVES**

The project involves the removal of an existing dam. The applicant investigated three on-site alternatives:

The first alternative was to remove a minimal amount of sediment immediately upstream of the dam to enable access for dam removal. Following dam removal the remaining sediment upstream of the dam would be allowed to be transported downstream naturally over time. This alternative would have the construction access road traversing through an onsite wetland. This alternative was rejected due to the potential for adverse effects on downstream aquatic habitat from the large amount of sediment to be naturally transported.

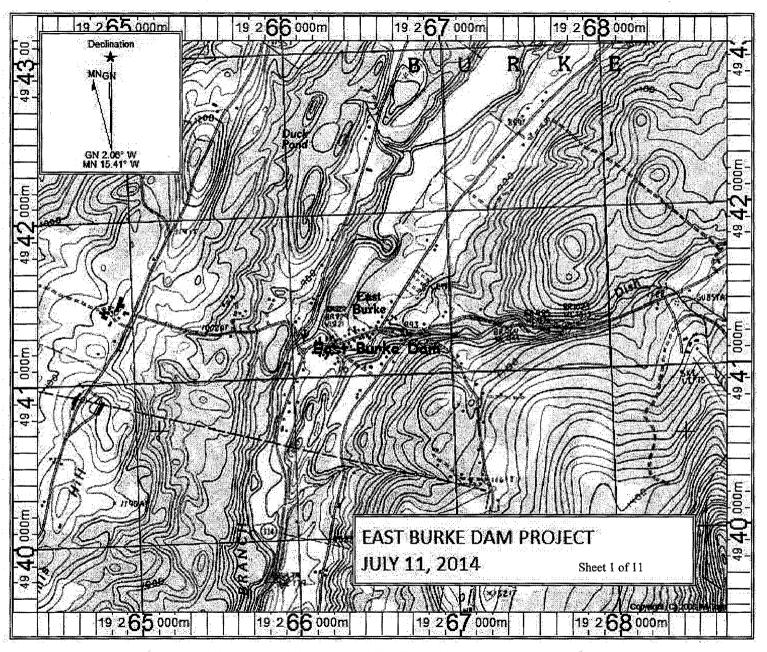
# CENAE-R FILE NO. NAE-2005-2554

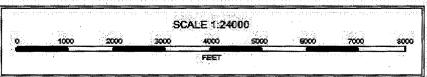
- The second alternative would extend excavation to encompass the entire length of the impoundment (about 1.1 miles). This alternative was rejected because it would require a large area for sediment disposal, be the most costly, and would eliminate a source of sediment for sediment-starved reaches downstream of the dam. The length of river impacted for this alternative would be 3-4 times larger than that of the preferred alternative. In addition, the applicant concluded that moving large equipment to access the relatively small amount of sediment furthest upstream would create greater environmental impacts than allowing the sediment to naturally transport downstream.
- The third alternative is the applicant's preferred alternative. This would involve dam removal and excavation of accumulated sediments to about 700 ft. upstream of the dam, where sediment deposition is deepest. This alternative would result in about half of the sediment behind the dam being mechanically removed. This alternative also relocates the construction access road to avoid the onsite wetland. It will require off-site disposal of sediment. This alternative would provide gradual transport of the remaining sediments from the upper portion of the impoundment to sediment-starved reaches downstream of the dam.

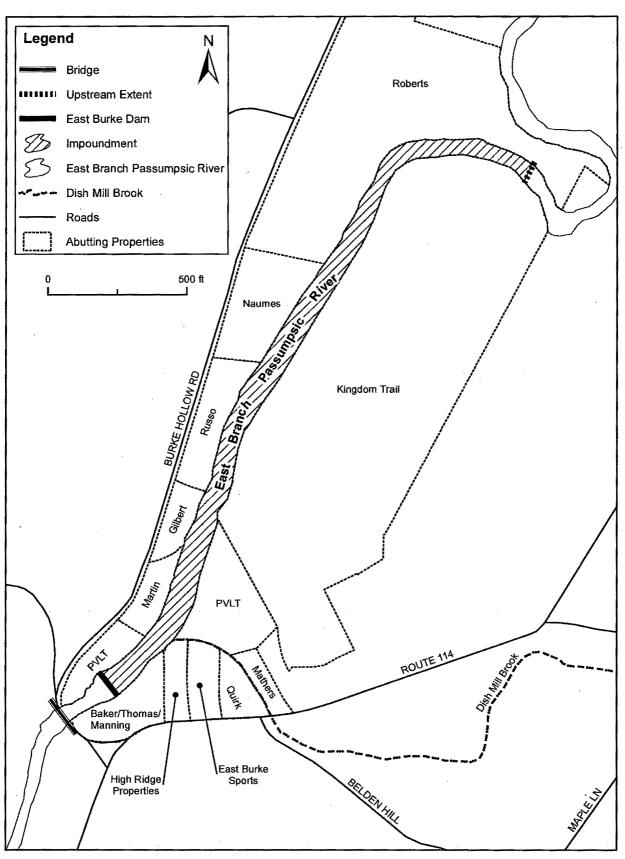
The only other alternative to the project would be the "no build" alternative, which would not allow the applicants to achieve their stated project purpose.

# **MITIGATION**

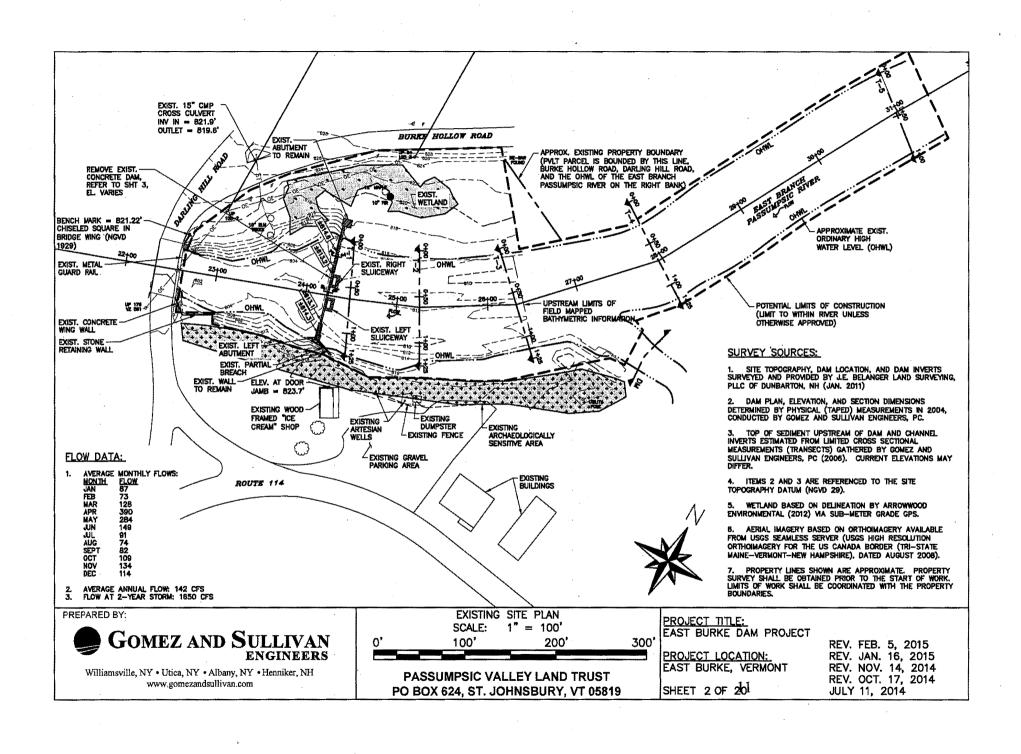
The project will restore this reach of the river to a natural condition. We have determined that no compensatory mitigation is necessary.

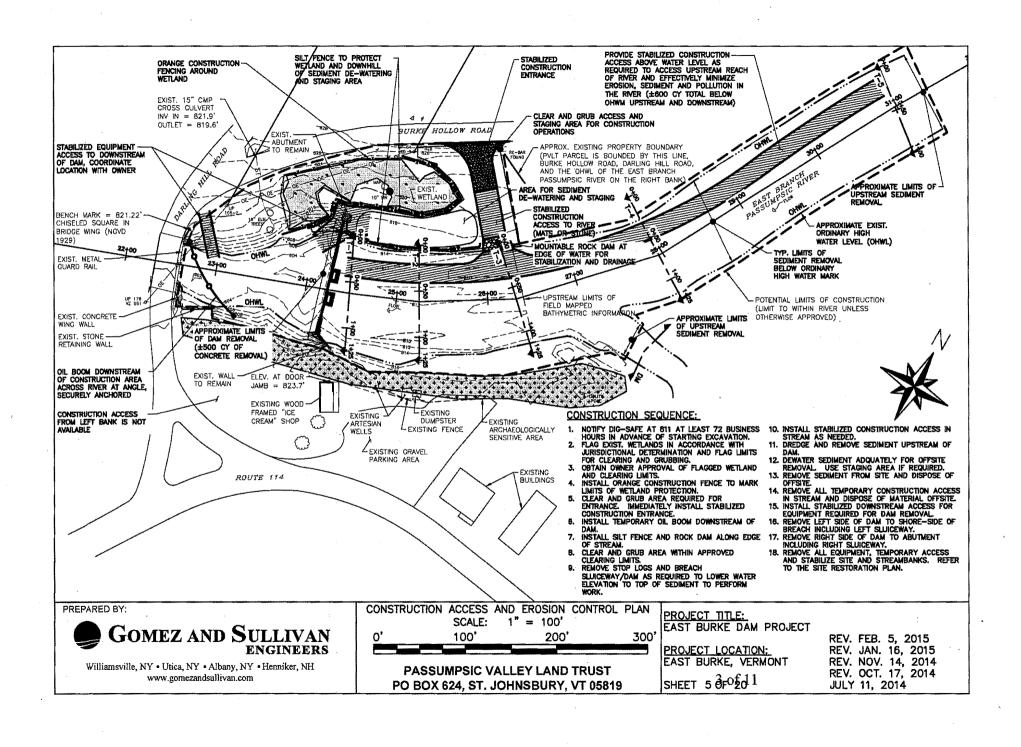


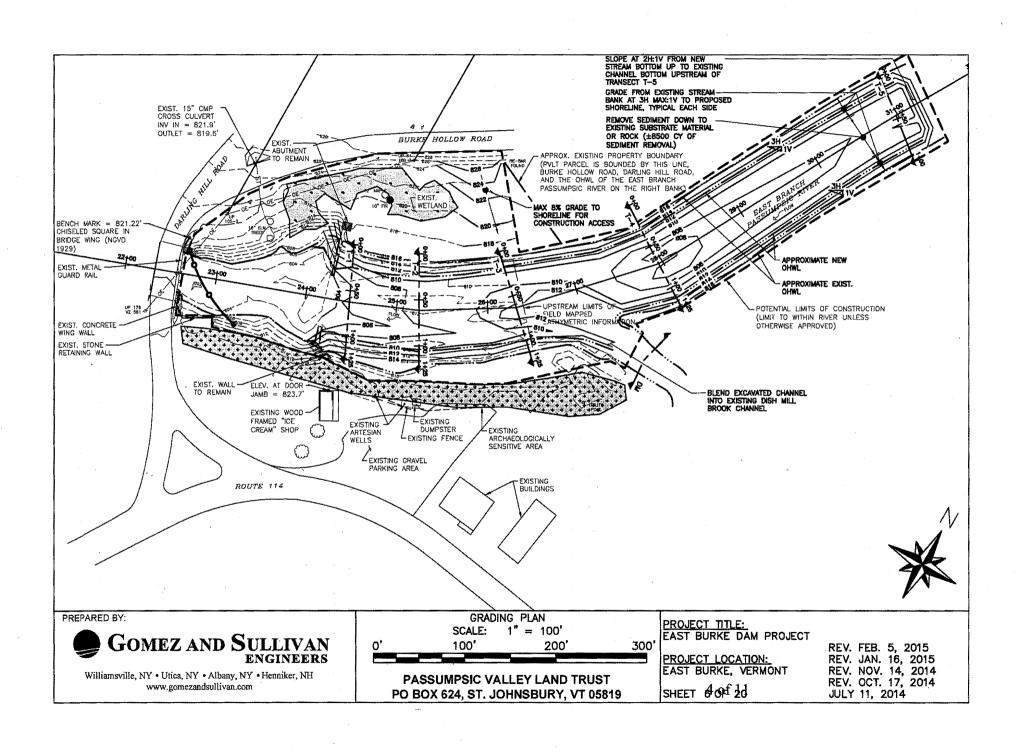


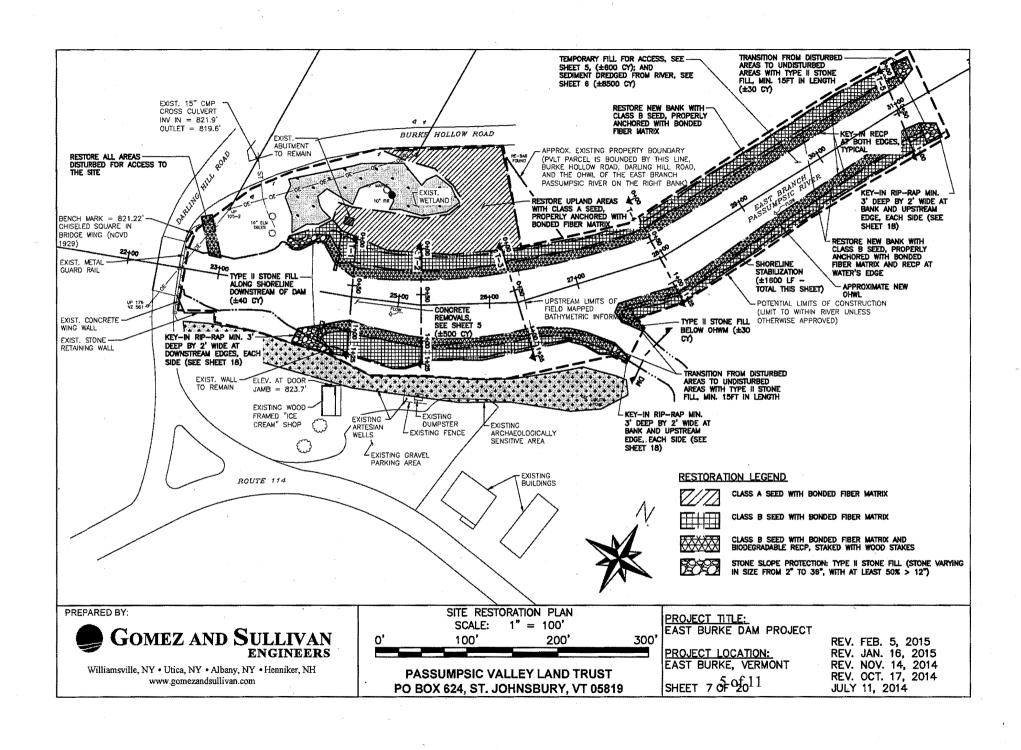


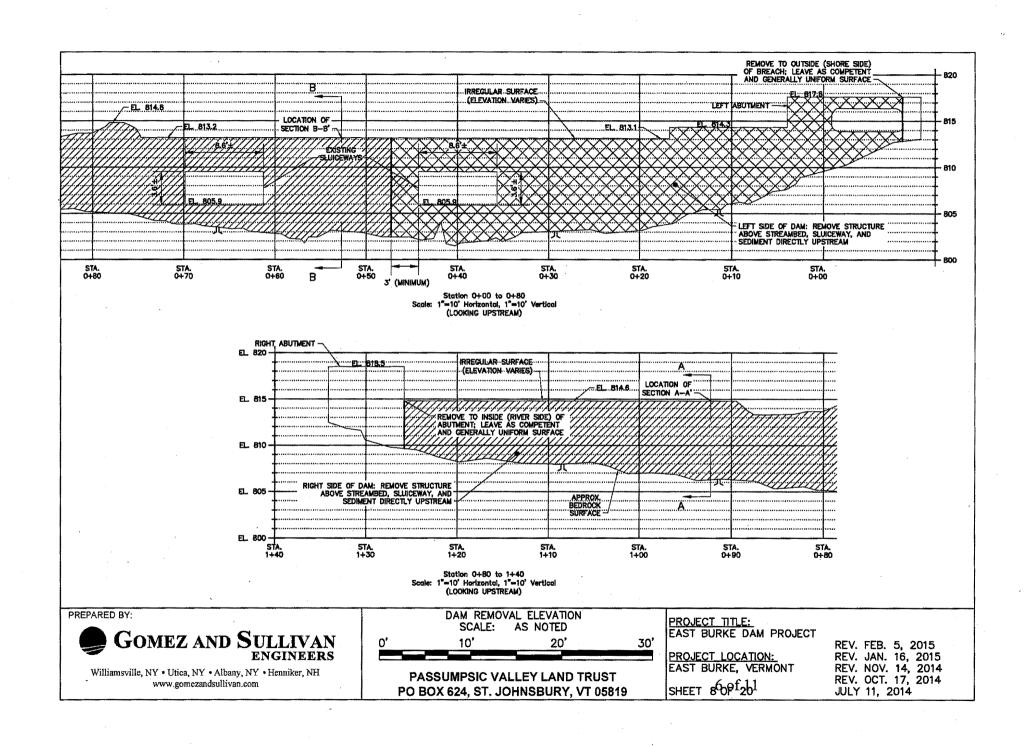
EAST BURKE DAM PROJECT JULY 11, 2014 SHEET 1A OF 11

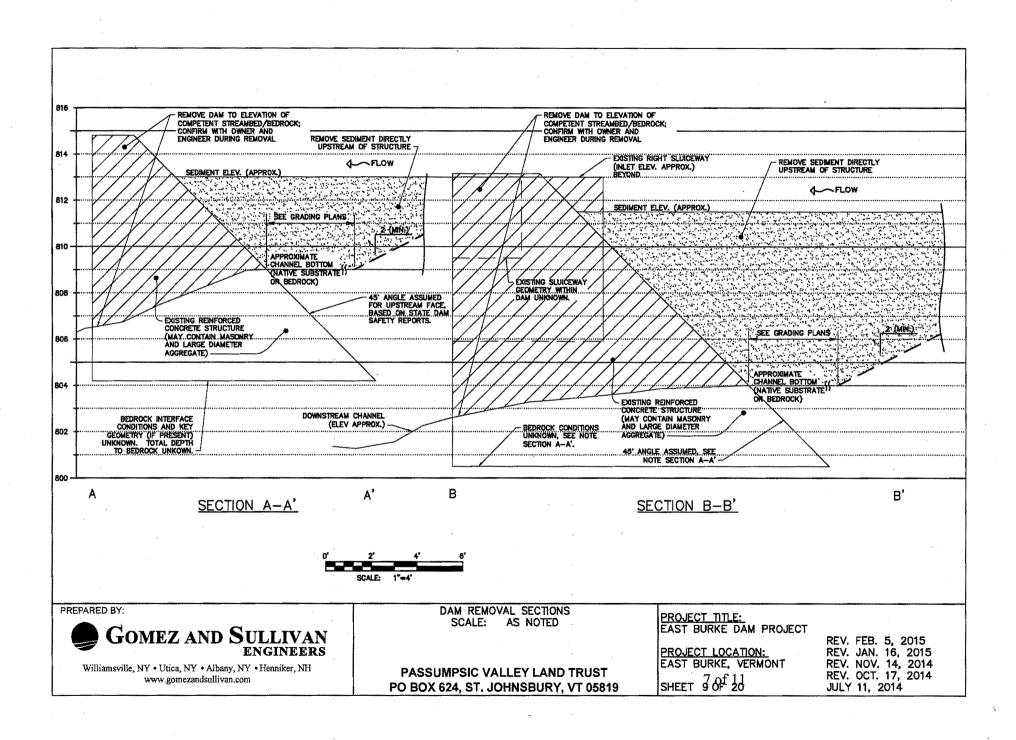


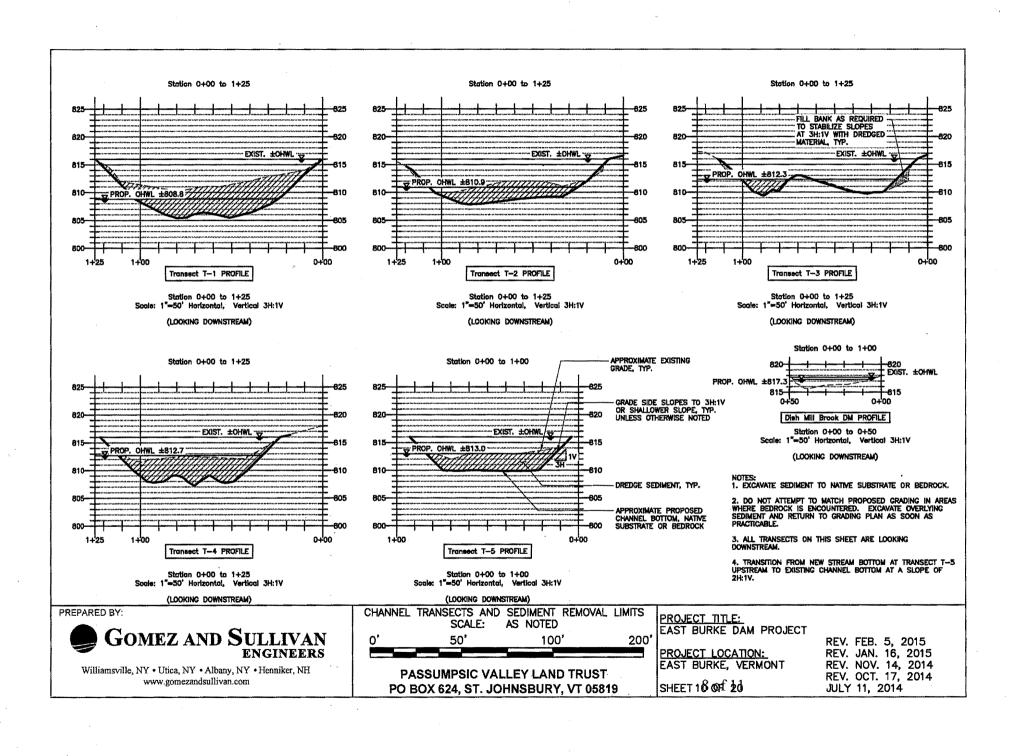


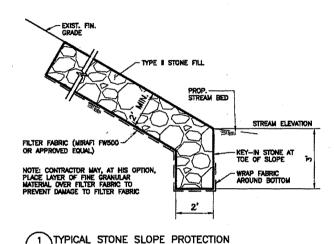


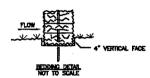


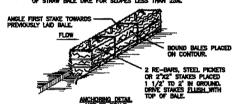












- CONSTRUCTION SPECIFICATIONS

  BALES SHALL BE USED IN CONJUNCTION WITH SILT FENCE ON THE UPSTREAM SIDE
  OF THE SILT FENCE AROUND ALL DEMATERING AREAS.

  BALES SHALL BE PLACED WITH EIRIS TOWNING THE ADMOCRAT BALES.

  BALES SHALL BE PLACED WITH EIRIS TOWNING THE ADMOCRAT BALES.

  BALES SHALL BE EIRICODED IN THE SON, A MAINMAIN OF (4) INCHES, AND

  PLACED SO THE BROWNING ARE HORIZOWING THE PLACED BY EITHER TWO STAKES OR

  BENEFING SHALL BE SEDURLLY ANCHORED IN PLACE BY EITHER TWO STAKES OR

  BENEFING TOWNING THE BALE THE PREST STAKE IN EACH BALE SHALL

  BENEFING SHALL BE FREMUND THE BALE THE PLACEMENT SHALL BE MADE

  PROMITLY AS NEEDED.

  PROMITLY AS NEEDED.

  BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEPTULINESS SO AS

  NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAWAGE.

TYPICAL STRAW BALE DIKE DETAIL

PREPARED BY:



18 /NOT TO SCALE

Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH www.gomezandsullivan.com

STONE SLOPE PROTECTION AND STRAW BALE DIKE **DETAILS** SCALE: AS NOTED

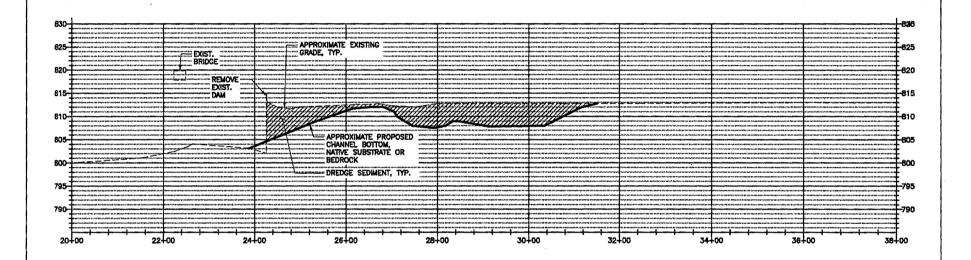
PASSUMPSIC VALLEY LAND TRUST PO BOX 624, ST. JOHNSBURY, VT 05819 PROJECT TITLE:

EAST BURKE DAM PROJECT

PROJECT LOCATION: EAST BURKE, VERMONT

SHEET 18 OF 20

REV. FEB. 5, 2015 REV. JAN. 16, 2015 REV. NOV. 14, 2014 REV. OCT. 17, 2014 JULY 11, 2014



East Branch Passumpsic PROFILE

Station 20+00 to 38+00 Scale: 1"=200' Horizontal, Vertical 10H:1V (DOWNSTREAM to UPSTREAM)

PREPARED BY:



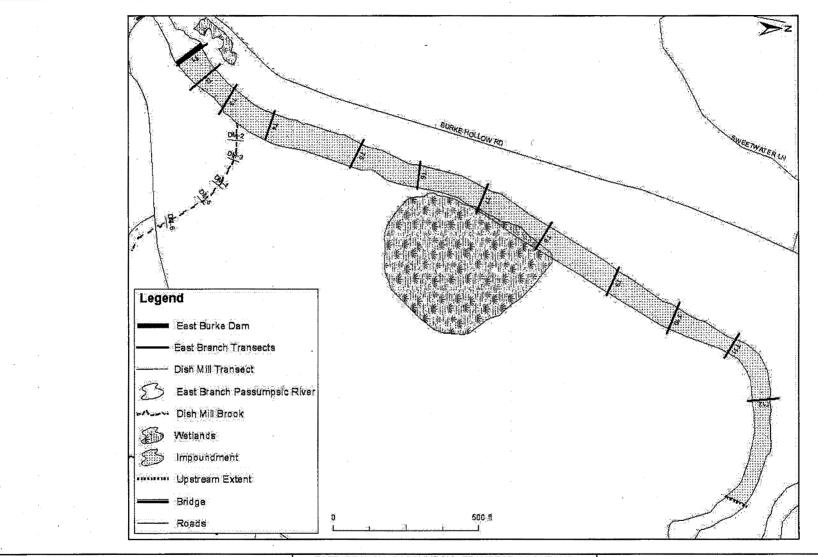
Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH www.gomezandsullivan.com

EAST BRANCH PASSUMPSIC EXISTING PROFILE SCALE: AS NOTED

0' 200' 400' 600'

PASSUMPSIC VALLEY LAND TRUST PO BOX 624, ST. JOHNSBURY, VT 05819 PROJECT TITLE: EAST BURKE DAM PROJECT

PROJECT LOCATION: EAST BURKE, VERMONT SHEET 19 00 26 11 REV. FEB. 5, 2015 REV. JAN. 16, 2015 REV. NOV. 14, 2014 REV. OCT. 17, 2014 JULY 11, 2014



PREPARED BY:



Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH www.gomezandsullivan.com

EAST BRANCH PASSUMPSIC TRANSECT LOCATIONS SCALE: AS NOTED

PASSUMPSIC VALLEY LAND TRUST PO BOX 624, ST. JOHNSBURY, VT 05819 PROJECT TITLE: EAST BURKE DAM PROJECT

PROJECT LOCATION:
EAST BURKE, VERMONT
SHEET 20 0F0 20 1

REV. FEB. 5, 2015 REV. JAN. 16, 2015 REV. NOV. 14, 2014 REV. OCT. 17, 2014 JULY 11, 2014