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.
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 fulfill 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.
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: ____________________________
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.
- 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.
APPROX. EXISTING PROPERTY BOUNDARY
(PARCELS BOUNDED BY THIS LINE, BURKE HOLLOW ROAD, DARLING HILL ROAD, AND THE OHNL OF THE EAST BRANCH, PASSUMPSIC RIVER ON THE RIGHT BANK)

SURVEY SOURCES:
1. SITE TOPOGRAPHY, DAM LOCATION, AND DAM INVERTS SURVEYED AND PROVIDED BY J.E. BELANGER LAND SURVEYING, PLLC OF DUNBARTON, NH (JAN. 2011)
2. DAM PLAN, ELEVATION, AND SECTION DIMENSIONS DETERMINED BY PHYSICAL (TAPE) MEASUREMENTS IN 2004, CONDUCTED BY GOMEZ AND SULLIVAN ENGINEERS, PC.
3. TOP OF SEDIMENT UPSTREAM OF DAM AND CHANNEL INVERTS ESTIMATED FROM LIMITED CROSS SECTIONAL MEASUREMENTS (TRANSCECT) GATHERED BY GOMEZ AND SULLIVAN ENGINEERS, PC (2006). CURRENT ELEVATIONS MAY DIFFER.
4. ITEMS 2 AND 3 ARE REFERENCED TO THE SITE TOPOGRAPHY DATUM (NGVD 29).
5. WETLAND BASED ON DELINEATION BY ARROWWOOD ENVIRONMENTAL (2012) VIA SUB-METER GRADE GPS.
7. PROPERTY LINES SHOWN ARE APPROXIMATE. PROPERTY SURVEY SHALL BE OBTAINED PRIOR TO THE START OF WORK. LIMITS OF WORK SHALL BE COORDINATED WITH THE PROPERTY BOUNDARIES.

FLOW DATA:
1. AVERAGE MONTHLY FLOWS:
   - JAN 87
   - FEB 73
   - MAR 128
   - APR 390
   - MAY 284
   - JUN 149
   - JUL 91
   - AUG 74
   - SEPT 82
   - OCT 109
   - NOV 134
   - DEC 114
2. AVERAGE ANNUAL FLOW: 142.5 CFS
3. FLOW AT 2-YEAR STORM: 1650 CFS

PROJECT TITLE:
EAST BURKE DAM PROJECT

PROJECT LOCATION:
EAST BURKE, VERMONT

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

PREPARED BY:
GOMEZ AND SULLIVAN ENGINEERS
Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH
www.gomezandsullivan.com
CONSTRUCTION ACCESS

- Access to downstream of dam, coordinate location with owner.
- Existing concrete wing wall.
- Existing stone retaining wall.
- Oil boom downstream of construction area across river at angle, securely anchored.
- Construction access from left bank is not available.

CONSTRUCTION SEQUENCE:

1. Notify Digi-Safe at 811 at least 72 business hours in advance of starting excavation.
2. Flag existing wetlands in accordance with jurisdictional determination and flag limits for clearing and grubbing.
3. Obtain owner approval of flagged wetland and clearing limits.
4. Install temporary construction fence to mark limits of wetland protection.
6. Install temporary oil boom downstream of dam.
7. Install silt fence and rock dam along edge of stream.
8. Clear and grub area within approved limits.
9. Remove stop logs and breach sluiceway/dam as required to lower water elevation to top of sediment to perform work.
10. Install stabilized construction access in stream as needed.
11. Dredge and remove sediment upstream of dam.
12. De-water sediment adequately for offsite removal. Use staging area if required.
13. Remove sediment from site and dispose of offsite.
15. Remove all temporary construction access in stream and dispose of material offsite.
16. Install stabilized downstream access for equipment required for dam removal.
17. Remove left side of dam to abutment including right sluiceway.
18. Remove all equipment, temporary access and stabilize site and streambanks. Refer to the site restoration plan.

PREPARED BY:

GOMEZ AND SULLIVAN
ENGINEERS
Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH
www.gomezandsullivan.com

CONSTRUCTION ACCESS AND EROSION CONTROL PLAN
SCALE: 1" = 100'

PROJECT TITLE:
EAST BURKE DAM PROJECT
PROJECT LOCATION:
EAST BURKE, VERMONT

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

SHEET 5 of 11

REV. FEB. 5, 2015
REV. JAN. 16, 2015
REV. NOV. 14, 2014
REV. OCT. 17, 2014
JULY 11, 2014
EXIST. 15" CMP CROSS CULVERT INV IN = 821.9' 
OUTLET = 819.6'

EXIST. CONCRETE WING WALL 
EXIST. STONE RETAINING WALL

RESTORE ALL AREAS DISTURBED FOR ACCESS TO 
THE SITE

BENCH MARK = 821.22' 
CHEELED SQUARE IN 
BRIDGE WING (NOD 1929)

EXIST. METAL 
GUARD RAIL

SITE RESTORATION PLAN

SHEET 7 OF 20
JULY 11, 2014

PREPARED BY:
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NORTH

0' 100' 200' 300'

PROJECT TITLE: EAST BURKE DAM PROJECT

PROJECT LOCATION: EAST BURKE, VERMONT

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

RESTORATION LEGEND:

CLASS A SEED WITH BONDED FIBER MATRIX

CLASS B SEED WITH BONDED FIBER MATRIX

CLASS B SEED WITH BONDED FIBER MATRIX AND 
BIODEGRADABLE MECP, STAKED WITH WOOD STAKES

STONE SLOPE PROTECTION TYPE II STONE FILL (STONE VARYING 
IN SIZE FROM 2" TO 36", WITH AT LEAST 50% > 12")
STA. 0+00 to 0+80

Station 0+00 to 0+80
Scale: 1"=10' Horizontal, 1"=10' Vertical
(LOOKING UPSTREAM)

REMIND TO REMOVE (SHORE SIDE) OF BREACH, LEAVE AS COMPETENT AND GENERALLY UNIFORM SURFACE.

LEFT ABUTMENT

IRREGULAR SURFACE (ELEVATION VARIES)

LOCATION OF SECTION A-A'

RIGHT SIDE OF DAM: REMOVE STRUCTURE ABOVE STREAMBED, SLUICENAY, AND SEDIMENT DIRECTLY UPSTREAM

SCALE: AS NOTED

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PROJECT TITLE:
EAST BURKE DAM PROJECT

PROJECT LOCATION:
EAST BURKE, VERMONT

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

SHEET 8 OF 20

REV. FEB. 5, 2015
REV. JAN. 16, 2015
REV. NOV. 14, 2014
REV. OCT. 17, 2014
JULY 11, 2014
NOTES:
1. EXCAVATE SEDIMENT TO NATIVE SUBSTRATE OR BEDROCK.
2. DO NOT ATTEMPT TO MATCH PROPOSED GRADING IN AREAS WHERE BEDROCK IS ENCOUNTERED. EXCAVATE OVERLYING SEDIMENT AND RETURN TO GRADING PLAN AS SOON AS PRACTICABLE.
3. ALL TRANSECTS ON THIS SHEET ARE LOOKING DOWNSTREAM.
4. TRANSITION FROM NEW STREAM BOTTOM AT TRANSECT T-5 UPSTREAM TO EXISTING CHANNEL BOTTOM AT A SLOPE OF 2H:1V.

PROJECT TITLE: EAST BURKE DAM PROJECT
PROJECT LOCATION: EAST BURKE, VERMONT
PASSUMPSIC VALLEY LAND TRUST
PO BOX 624, ST. JOHNSBURY, VT 05819
PREPARED BY: GOMEZ AND SULLIVAN ENGINEERS
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CHANNEL TRANSECTS AND SEDIMENT REMOVAL LIMITS
SCALE: AS NOTED
0' 50' 100' 200'

0' 50' 100' 200'

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

TYPE II STONE FILL

FILTER FABRIC (ARMAF PF500 OR APPROVED EQUIVALENT)

NOTE: CONTRACTOR MAY, AT HIS OPTION, PLACE LAYER OF FINE GRANULAR MATERIAL OVER FILTER FABRIC TO PREVENT DAMAGE TO FILTER FABRIC.

1 TYPICAL STONE SLOPE PROTECTION

1/8 NOT TO SCALE

CONSTRUCTION SPECIFICATIONS

1. BALEs SHALL BE USED IN CONJUNCTION WITH SILT FENCE ON THE UPSTREAM SIDE OF THE SILT FENCE AROUND ALL DAMMING AREAS.
2. BALEs SHALL BE PLACED WITH BISSECTING THE ADJACENT BALES.
3. EACH Bale SHALL BE EMBODIED IN THE SOIL A MINIMUM OF (4) INCHES, AND PLACED SO THE SHORTENING ARE HORIZONTAL.
4. BALEs SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR CEMENTED IN PLACE. THE FIRST STAKES IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAY BALE AT AN ANGLE TO FORGE THE BALE TOGETHER. STAKE SHALL BE DRIVEN FLUSH WITH THE BALE.
5. INSPECTION SHALL BE PERIODIC AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. BALEs SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPROVE STREAM FLOW OR DRAGAGE.

FLOW

FLOW

- VERTICAL FACE

- VERTICAL FACE

DRAINAGE AREA NO MORE THAN 1/4 ACRE PER 100 FEET OF STRAW BAILE Dike FOR SLOPES LESS THAN SIDE

ANGLE FIRST STAKES TOWARDS PREVIOUSLY LAY BALE

BOUND BAILES PLACED ON CONTOR.

ANCHOR DETAIL NOT TO SCALE

2 TYPICAL STRAW BAILE DIKE DETAIL

1/8 NOT TO SCALE
EAST BRANCH PASSUMPSIC EXISTING PROFILE

SCALE: AS NOTED

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

PREPARED BY:

GOMEZ AND SULLIVAN ENGINEERS
Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH
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EAST BRANCH PASSUMPSIC TRANSECT LOCATIONS
SCALE: AS NOTED

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

PREPARED BY:
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PROJECT TITLE:
EAST BURKE DAM PROJECT

PROJECT LOCATION:
EAST BURKE, VERMONT

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

Legend
- East Burke Dam
- East Branch Transects
- Dish Mill Transect
- East Branch Passumpsic River
- Dish Mill Brook
- Impoundment
- Upstream Extent
- Bridge
- Roads

Scale: AS NOTED

Passumpsic Valley Land Trust
PO Box 624, St. Johnsbury, VT 05819

Prepared by:
Gomez and Sullivan Engineers
Williamsville, NY • Utica, NY • Albany, NY • Henniker, NH
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Project Title:
East Burke Dam Project

Project Location:
East Burke, Vermont

Rev. Feb. 5, 2015
Rev. Nov. 14, 2014
July 11, 2014

Legend:
- East Burke Dam
- East Branch Transects
- Dish Mill Transect
- East Branch Passumpsic River
- Dish Mill Brook
- Impoundment
- Upstream Extent
- Bridge
- Roads

Scale: AS NOTED