

Vermont Department of Environmental Conservation

Watershed Management Division
Rutland Regional Office
88 Merchants Row, Suite 430 Asa Bloomer Building
Rutland, VT 05701-5903

Agency of Natural Resources

[cell] 802-490-6163

[fax] 802-786-5915

<http://dec.vermont.gov/watershed>

Statutory Authority:

*This permit is issued under Title 10,
Vermont Statutes Annotated, Chapter 41,
Subchapter 2, Alteration of Streams.*

Town of Brandon
Attn: Daryl Burlett
49 Center Street
Brandon, VT 05733
phone: (802) 247-3635

email: dburlett@townofbrandon.com

Permit No.: SA-07-002-2016 INDIVIDUAL STREAM ALTERATION PERMIT

Project: **Center Street Overflow Structure**

Lat/Lon: **N 43° 47' 57.61" / W 73° 5' 19.72"**

Description: Project is located in the Town of Brandon and will consist of excavation through ledge to install a three-sided precast concrete overflow structure to convey flood flows of the Nesobe River. Bankfull flows will be maintained in the existing stream channel and portions of flood flows will be conveyed to the new structure.

The subject project is hereby authorized under the above statutes, subject to the following conditions:

- 1) **Construction Drawings** - The reviewed design plans are dated 02/01/2016, with revisions, as prepared by DuBois and King, Inc. (design engineer). Any change to these approved plans will require a review and acceptance by the Vermont Agency of Natural Resource (ANR) River Management Engineer (RME).
- 2) **Pre-Construction Meeting** - Applicant and/or Contractor shall contact Josh Carvajal at (802) 490-6163 or joshua.carvajal@vermont.gov, at least two weeks prior to commencement of construction to schedule an onsite meeting to discuss the project schedule, sequencing of stream work, and flow control plans.
- 3) **Instream Work Dates** - Construction activities within the bed and bank of the stream may commence upon the issuance of this final authorization and the submittal of any additional information requested. Instream work activity must be completed between June 1 and October 15, unless approved by RME.
- 4) **Inspections and Reporting** - Design Engineer (or an applicant approved designee) will conduct onsite inspections and prepare weekly reports on current activities at the site or as discussed with the RME.

This permit expires on December 31, 2017 and it may be revoked at any time an inspection reveals the project is in non-compliance with any of the above listed conditions or a stop work order is issued in writing by ANR.

This authorization will be posted for a ten-day public comment period. This letter constitutes final approval.

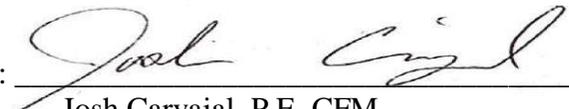
Please be aware that the proposed project is located in a municipality that participates in the National Flood Insurance Program (NFIP) and involves a development activity (including construction of structures, the placement of fill, storage of equipment, grading, excavating, etc...) within the Special Flood Hazard Area (SFHA) as delineated on the FEMA Flood Insurance Rate Maps (FIRMs). A review will be required by the municipality's floodplain manager for compliance with local flood hazard regulations. Please contact the local zoning administrator for more information and the ANR Regional Floodplain Manager for technical assistance.

This permit does not relieve you of the responsibility of obtaining permission from the affected property owners, nor the responsibility of obtaining any and all other necessary Local, State, or Federal permits.

Recent litigation involving the public trust doctrine raises concern that agency permits for stream alterations, dams or a water quality certificate may be challenged for lack of jurisdiction or authority. We want to alert you to the possibility that litigation or legislative action may modify or retroactively affect the agency's actions.

If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of VT Water Quality Standards.

Signed this 17th day of August, 2016
Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

by: 

Josh Carvajal, P.E. CFM
River Management Engineer

cc: Project e-file
David Atherton - Town of Brandon
David Conger - DuBois & King
Brayton West - ANR Regional Floodplain Manager
Chet MacKenzie - Fisheries Biologist