



STATE OF VERMONT

AGENCY OF NATURAL RESOURCES

**Department of Environmental Conservation
Watershed Management Division**

Department of Fish and Wildlife
Department of Forests, Parks & Recreation
Department of Environmental Conservation

1 National Life Drive, Main 2
Montpelier, VT 05602-3522

Statutory Authority:

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

TEL 802-371-8342

Applicant: Rochester Ranger District, U.S. Forest Service
Attn: Chris Mattrick
99 Ranger Road
Rochester, VT 05767

Authorization to Conduct Instream Work

Permit #: SA-06-009-2016

Project Name: West Branch White River Restoration – Phase II
Project Description: Habitat Improvements
Project Location: Town of Rochester, VT (44.850,-72.840)

Based upon the Findings contained in this permit, the Secretary of Natural Resources has determined that the proposed project complies with the Vermont Stream Alteration Rule (Environmental Protection Rule, Chapter 27) and hereby approves the proposed project subject to the conditions contained in this permit.

(a) Findings

1. The proposed project as approved under Stream Alteration Permit SA-06-009-2016 consist of a series of habitat improvement composed of large woody debris and stone structures along the West Branch of the White River located in the town of Rochester, VT.
 - A. The project is described through the plans submitted to the Secretary dated 06/02/2016 developed by The US Department of Agriculture Forest Service Region 9, dated 03/03/2016 and 01/15/2016.
2. The proposed project meets the Standards of the Vermont Stream Alteration Rule (Subchapter 4) as set forth below:
 - A. Because the project will not impede the subject stream reach from achieving equilibrium conditions, aquatic organism passage will be not be further impeded at the project location.

(b) Specific Conditions

- (1) This project shall be completed according to plans submitted to this Agency of Natural Resources (Agency) dated March 3, 2016 developed by The US Department of

Agriculture Forest Service Region 9. No changes shall be made to the approved permit information and or plans without prior written approval from the Agency.

- (2) All construction equipment shall be clean and well maintained, free of fuel, hydraulic and gear oil leaks
- (3) To prevent significant damage to fish life and wildlife, all in-stream work shall be restricted to the period from July 1st to October 1st. Exceptions to the work window restrictions may be made if appropriate water controls are employed, following site specific consultation and approval by the Agency.
- (4) The project site shall be stabilized with erosion prevention and sediment control (EPSC) measures as approved in the preconstruction meeting.

(c) General Conditions

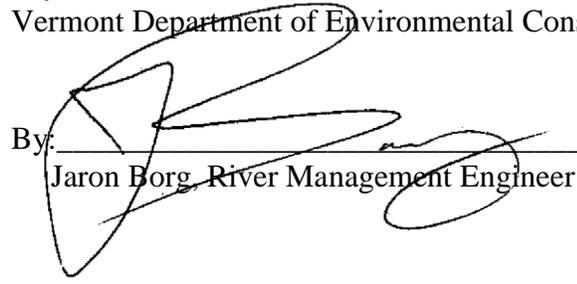
- (1) Access to property. By conducting any activity authorized under this permit, the permittee agrees to allow Agency representatives access to the property covered by this permit, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Stream Alteration Rule and this permit. This permit does not grant the permittee the right to enter onto any property not owned by the permittee.
- (2) Changes to authorized activity. All activity shall be completed and maintained in accordance with the terms and conditions of this permit. The permittee shall notify the Secretary of any planned changes to the authorized activity prior to carrying out such changes. The Secretary may require the permittee to submit additional information on the proposed change. The Secretary may require an amendment to this permit, which may require re-noticing of the project for public comment.
- (3) Remedial measures. The Secretary maintains continuing jurisdiction over an activity authorized under this permit and may at any time order remedial measures if it appears the activity is not in compliance with this permit.
- (4) Compliance with other regulations. This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
- (5) Legal responsibilities for damages. The Secretary, by issuing this permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
- (6) Revocation. The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this permit for cause, including:
 - (A) Violation of the terms or conditions of this permit;
 - (B) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
 - (C) A change in any condition or new information that requires either a temporary or permanent reduction or elimination of the authorized activity.
- (7) Duty to comply; enforcement. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Vermont Stream Alteration Rule and 10 V.S.A. Chapter 41 and may be cause for an

enforcement action and/or revocation and reissuance, modification, or termination of this permit.

- (8) Transfer of permit. The permittee may transfer this permit by submitting a notice of transfer on a form provided by the Secretary. The notice shall be submitted at least 10 days prior to transfer and shall include, at a minimum, the name and address of the new permittee, the name and address of the former permittee, the date of transfer, and a statement signed by the new permittee stating that he or she has read and is familiar with the terms and conditions of this permit and agrees to comply with it.
- (9) Limitations. This permit conveys no vested rights or exclusive privileges. This permit conveys no title to land nor authorizes any injury to public or private property.
- (10) Appeals.
 - (A) Renewable Energy Project. If this decision relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the Clerk of the Public Service Board within 30 days of the date of this decision; the appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For further information, see the Rules and General Orders of the Public Service Board, available online at www.psb.vermont.gov. The address for the Public Service Board is: 112 State Street, Montpelier, Vermont, 05620-2701. Telephone # 802-828-2358.
 - (B) All Other Projects. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the appellant's attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org. The address for the Environmental Division is: 32 Cherry St.; 2nd Floor, Suite 303; Burlington, VT 05401. Telephone # 802-9511740.

This permit amendment shall expire on October 1, 2017

Alyssa B. Schuren, Commissioner
Vermont Department of Environmental Conservation

By:  Dated: July, 15, 2016
Jaron Borg, River Management Engineer

cc: Greg Russ, White River Partnership
Robert Gubernick, US Forest Service.