

## Individual Permit Application

### For a Lake Encroachment Permit under

Chapter 11 of Title 29, § 401 *et seq.*

*For Lake Encroachment Permitting Use Only*

Application Number: **2161-LEP**

Submission of this application constitutes notice that the person in Section B intends to encroach beyond the mean water level of a lake or pond, and certifies that the project will comply with Chapter 11 of Title 29, § 401 *et seq.* All information required on this form must be provided, and the requisite fees (Section I) must be submitted made payable to the State of Vermont, to be deemed complete.

#### A. Project Information

1. Physical Address (911 Address): 197 Farrant Street

2a. Town- County: Newport - Orleans

2b. Zip: 05855

3. Span (School Parcel Account Number is required for your application to be deemed complete. It can be obtained from your property tax bill. If you cannot locate your property tax bill, please obtain this information from your Town Clerk)

435-136-15190

4. Name of Lake/Pond: Memphremagog Lake - Newport

5. Have you ever applied for a permit with the Department of Environmental Conservation associated with this parcel?  Yes  No

#### B. Applicant (Landowner if applicable) Contact Information

1. Name: Newport Marina Condominium Association attn Mike Hamblett

2a. Mailing Address: PO Box 353

2b. Town: Newport

2c. State: VT

2d. Zip: 05855

3. Phone: 802 334-2326

4. Email: mjhamblett@gmail.com

#### C. Application Preparer Contact Information:

1. Name: Mitch Wonson

2a. Mailing Address: 865 Twin Brdige Road

2b. Town: Holland

2c. State: VT

2d. Zip: 05830

3. Phone: 802 895-4928

4. Email: mitchlw@pshift.com

#### D. Abutting Land Owners

Using the abutter addendum available on [dec.vermont.gov](http://dec.vermont.gov), attach a list of land owners who abut the proposed project.

#### E. Project Description

1. Describe the proposed project including the description of the materials and mechanical equipment which may be used during construction and the anticipated work schedule. Identify whether or not the project includes placement or removal of fill and if so, specify the number of cubic yards of fill or dredged materials to be placed or removed beyond the shoreline at mean water level.

See attached plans and overview. Essentially, the project consists of removal of approximately 350 cubic yards of accumulated sediment from Lake Memphremagog. The project is similar to that done twice before since 1996. A temporary stone rip rap pad will be extended into the lake approximately 130 feet from an existing boat launch to provide access to the material by a tracked excavator. A silt curtain will be installed around the entire excavation area and maintained until the water clarifies. The excavated sediment and rip rap will be hauled a short distance off site. This area is not within 50 feet of the lake and consists of a low area in a grass yard. Silt fencing will be installed around the disposal location.

2. Describe the purpose of the proposed project:

The purpose of the project is to reclaim access to the four boat slips adjacent to the boat launch on the northern side of the facility and to ensure continued future access to all slips along this side, as well as the current public boat launch.

3. Describe what less intrusive feasible alternatives have been considered:

The marina explored the opportunity to remove the sediment via a vacuum pumping system; however the cost to remove the sediment in that fashion was infeasible given the finances of the Marina association.

4. Describe the public benefits of the proposed project:

The two principal public benefits of the project are to maintain viable access to the existing boat slips , including a boat slip available for public use immediately adjacent to shore, and maintain the operational integrity of the existing public boat launch at this location. Without the proposed dredging, neither of these will continue to be used. While the Newport Marina is a private organization, it provides the following services to the boating public: boat slips available for public rental, boat launch and launch assistance, boat repairs and maintenance, a fueling facility, boat rentals, public restrooms, and property taxes. Also the marina is referenced in the 2015 City Municipal Plan as offering " full services and is the only marina on the U.S. side of the lake", while one policy calls for the City to "support improved access and increased recreational utilization of the lake" . The lake, and access to it, is a major economic asset for the City of Newport.

**F. Encroachment Effects (describe how the proposed project will affect the following)**

1. What measures are proposed to minimize the project's effects on water quality (e.g., use of a turbidity curtain)?

As in the past, a silt curtain will be installed and maintained during the course of the project until the water clarifies. The marina is committed to maintaining water quality, as the less sediment in the lake, the more the longer term viability of the marina can be continued.

2. How will the project minimize effects to fish and wildlife habitat (e.g., project is not to commence until after fish spawning July 1 of any calendar year)?

The project is anticipated to occur in the fall of 2017, at a time of traditionally lower water levels and after fish spawning has taken place.

3. Does the project propose removal of aquatic or shoreline vegetation? If so, what measures are proposed to reduce the effects of vegetation removal?

No shoreland vegetation is proposed for removal. The area to be dredged contains limited aquatic vegetation.

4. Describe the surrounding shoreline. Is the project consistent with these surroundings? What measures are proposed to ensure the project is in-keeping with the surroundings?

The marina is located just west of downtown Newport at the southern end of the lake between Farrant's Point and Prouty bay with the marina being main feature of this portion of the lake. To the south of the proposed work area is the main marina complex including a number of boat slips and the storage and maintenance buildings. To the south of the complex is the Central Maine and Quebec Railroad, to the west is the railroad and an existing manufacturing plant, to the north is a single family home.

5. Will the project affect navigation, recreation, and other public uses? If so, how will these effects be minimized?

The project will improve navigation to/from the boat slips and boat launch in this part of the marina, thus improving the recreational opportunities on the lake. Without the project, the navigation and recreational opportunities will be lost over time.

#### G. Applicant Certification

As APPLICANT, I hereby certify that the statements presented on this application are true and accurate and recognize that by signing this application, I agree to complete all aspects of the project as authorized. I understand that failure to comply with the foregoing may result in violation of the Chapter 11 of Title 29, § 401 *et seq.*, and the Vermont Agency of Natural Resources may bring an enforcement action for violations of the Act pursuant to 10 V.S.A. chapter 201.

Applicant (landowner if applicable) Signature: Michael Herbert Date: 8-11-2016

#### I. Applicant Preparer Certification (if applicable)

As APPLICATION PREPARER, I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Application Preparer Signature: Michael H. Warner Date: 8/11/16

#### J. Additional Required Documentation: (please check to ensure you have completed the following)

- All sections of the application are complete or otherwise indicate "not applicable";
- Application includes site plans with aerial and cross section views;
- Application description includes dimensions and surface areas of cleared areas and impervious surfaces; and
- Application includes photos of project area.

<b>K. Permit Application Fees</b>		
Select the most applicable permit description and requisite fee. If the proposed project involves more than one of the project types, multiple fees may apply. For example, a project involving structural erosion control and marina improvement will require both fees (2) and (3).		
<b>1. Non-structural erosion control project (e.g., rip rap):</b>		
Non-structural erosion control project: \$155.00		
<b>Total:</b>		
<b>2. Structural erosion control project</b>		
Structural erosion control project: \$250.00		
<b>Total:</b>		
<b>3. Other Projects (e.g., marina improvements):</b>		
Other Project: \$300.00		300.00
Project Cost Fee: 0.01 times project cost	Total Project Cost: \$25,000 x 0.01	250
<b>Total:</b>		550

**Submit this form and application fee, payable to:**  
**State of Vermont**  
**Vermont Department of Environmental Conservation**  
**Watershed Management Division**  
**1 National Life Dr, Main 2**  
**Montpelier, VT 05620-3522**

Direct all correspondence or questions to Lake Encroachment Permitting at:  
[ANR.WSMDShoreland@vermont.gov](mailto:ANR.WSMDShoreland@vermont.gov)

For additional information visit: <http://dec.vermont.gov/watershed/lakes-ponds>.

**Michael L. "Mitch" Wonson      Land Use Consultant**  
**Permitting \* Zoning \* Traffic and Transportation Studies**  
**865 Twin Bridge Rd Holland VT 05830 Phone/Fax 802 895-4928 *mitchlw@pshift.com***

Date: August 13, 2016

Mr. Misha Cetner  
Vermont Dept. Of Environmental Conservation  
1 national Life Drive  
Montpelier, VT 05620

Dear Misha:

Please find enclosed the application, required attachments, and check for the proposed dredging project at the private Newport Marina, which we have discussed.

Please contact me if you need more information or have questions/concerns on the project.

Thank you for continued assistance with this project.

Sincerely,



Mitch Wonson

cc:



## **Newport Marina Condominium Association Maintenance Dredging Project Overview - August , 2016**

The Newport Marina Condominium Association is the owner of the Newport Marina located on the west side of Lake Memphremagog in the City of Newport - see location map. The property has been the subject of numerous local, State, and Federal permits since 1982. Periodic maintenance dredging has previously been approved with the latest being issued in 2007 by the U.S. Corps of Engineers( NAE-2007-1) and the State of Vermont ( SJ96-0009).

The current project entails dredging of material on the north side of the existing boat slips in the same location as the dredging permitted in 1996 and 2007. The purpose is to reclaim access and usage of the boat slips which have been compromised by sediment. Much of the sediment enters the lake via a small ditch connected to the City of Newport storm water system and consist mainly of material washed from City streets. The City installed sediment catch basins upstream from this area. While those catch basins are well maintained and have reduced the flow of sediment into this area of the lake, sediment has still accumulated ( likely as a result of a number of significant rain events over the last few years) to the point where removal is necessary to maintain the viability of the boat slips. The difference in the current proposal ( described in the next paragraph) versus those previously approved are two: 1) to extend the dredging along the entire length of the boat slips to ensure continued access to all slips ( a definitive ridge is evident at a 678 elevation which is the edge of the 2007 dredging) and 2) to dredge to a depth of 676 versus the previous 677 to allow a greater period of time prior to the need to dredge again. The essential mechanics of the dredging operation are identical to those previously approved.

As shown on the plans prepared by Horizons Engineering , the proposal consists of temporary installation of a rip rap pad extending approximately 130 feet into the lake from an existing boat launch to allow a tracked excavator access to the area. As shown on the Horizon cross sections, approximately 350 cubic yards of sediment will be removed to a bottom elevation of 676. The project is proposed in the fall of 2017 occur during a time of low water levels and take approximately eight days. A silt curtain will be installed around the excavation area prior to project commencement and will be maintained until the water clarifies. No significant vegetation is apparent in the area to be excavated, which principally consists of a sandy muck. An area of emergent reed grass to the north will not be disturbed and will be protected by the silt curtain. Upon project completion, no fill will be placed in the lake or adjacent areas, and there will be no visible impact to the surrounding shoreline. The sediment and rip rap will be removed upon completion of the project and disposed of at an offsite location on Farrant Street in the City of Newport -see location map and letter from the property owners. Silt fencing will installed around the disposal location, which is more than 50 feet from the lake and contains no vegetation other than grass. A permit from the City for this fill is required .

While the Newport Marina is a private organization, the facility provides a number of public benefits. Principal benefits of this project are to maintain access to one of the boat slips available for public usage ( Slip A1) and maintain the operational viability of the boat launch at this location. The Marina provides boat slips for public usage, a fueling facility, boat rentals, boat launch and assistance, public restrooms, and property taxes. Without this dredging project, the boat launch, public slip, and private slips will become unusable over time, with resultant negative ramifications on the overall facility and public enjoyment of the lake..



## Lake Encroachment Application Addendum

### For a Lake Encroachment Permit

Chapter 11 of Title 29, § 401 *et seq.*

This Abutting Land Owner Addendum is intended to accompany a completed *Lake Encroachment Permit Application* in instances of a proposed lake encroachment abutting land owners other than the applicant.

#### I. Abutting Land Owner Information

1. Name: Central Maine & Quebec Railroad Attn: Tom Tardiff

Address: 700 Main Street, Suite 3, Bangor, ME 04401

2. Name: Jim Mulkin

Address: 99 Farrant Point, Newport, VT 05855

3. Name: Numia Holdings LLC

Address: 84 Farrant Street, Newport, VT 05855

4. Name:

Address:

5. Name:

Address:

6. Name:

Address:

7. Name:

Address:

8. Name:

Address:

9. Name:

Address:

10. Name:

Address:

Submit this form as an addendum to a complete Lake Encroachment Application to:

State of Vermont  
 Vermont Department of Environmental Conservation  
 Watershed Management Division  
 Lake Encroachment Permitting 1  
 National Life Drive, Main 2  
 Montpelier, VT 05620-3522

Direct all correspondence or questions to Lake Encroachment Permitting at:  
 ANR.WSMDShoreland@vermont.gov

For additional information visit: <http://dec.vermont.gov/watershed>

Nancy Cook  
57 Farrant Pt.  
Newport, Vt. 05855  
Home Phone 802-334-5711

RE: Turtle Pier, LLC  
200 Farrant St.  
Newport, VT 05855

Upon advisement, I am hereby granting written permission to the Newport Marina Asso., Inc. to dump dredge materials from the Newport Marina on Lake Memphremagog in Newport, VT. onto our property at 200 Farrant St., Newport, VT.

It is understood that the Newport Marina Asso., Inc. will be responsible for attaining all local, State and Federal permits required to complete this project. Also agreed is that the fill is to be leveled, top soil spread on the top and all is to be properly seeded. Proper silt fencing along with baled hay, as needed, will be put in place to stop any possible runoff.

Turtle Pier, LLC shall be held harmless, should there be any complications.

Signatures Turtle Pier, LLC 4/5/16  
Property Owner date

Michael Hambley 4-13-2016  
Newport Marina Asso., President date

Nancy Cook  
Member



Newport Marina 8/16



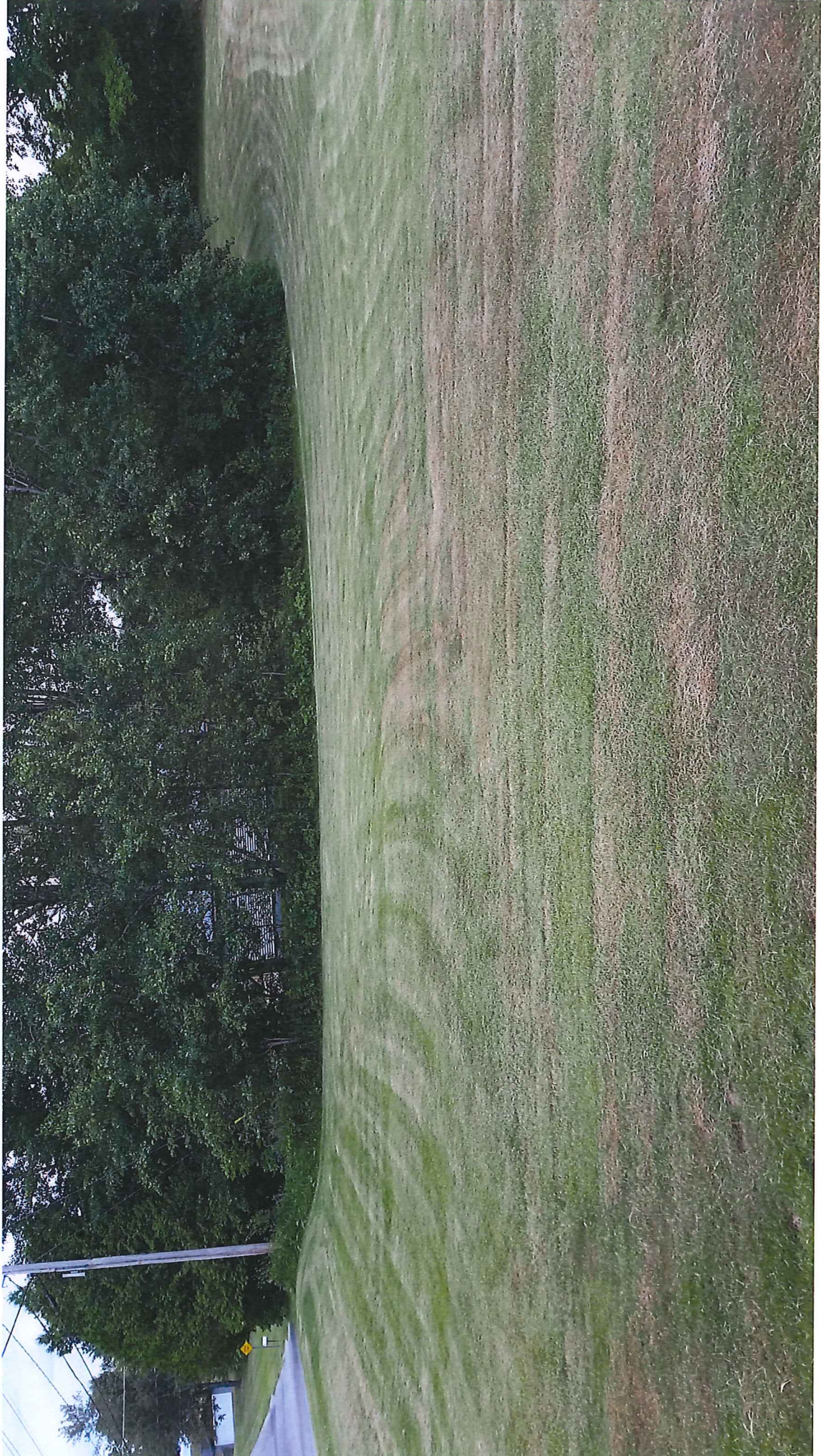
View from Boat launch of dredging area

Newport Merino - 8/16



View from Boat launch of dredging area.  
Dredging stops at weed line

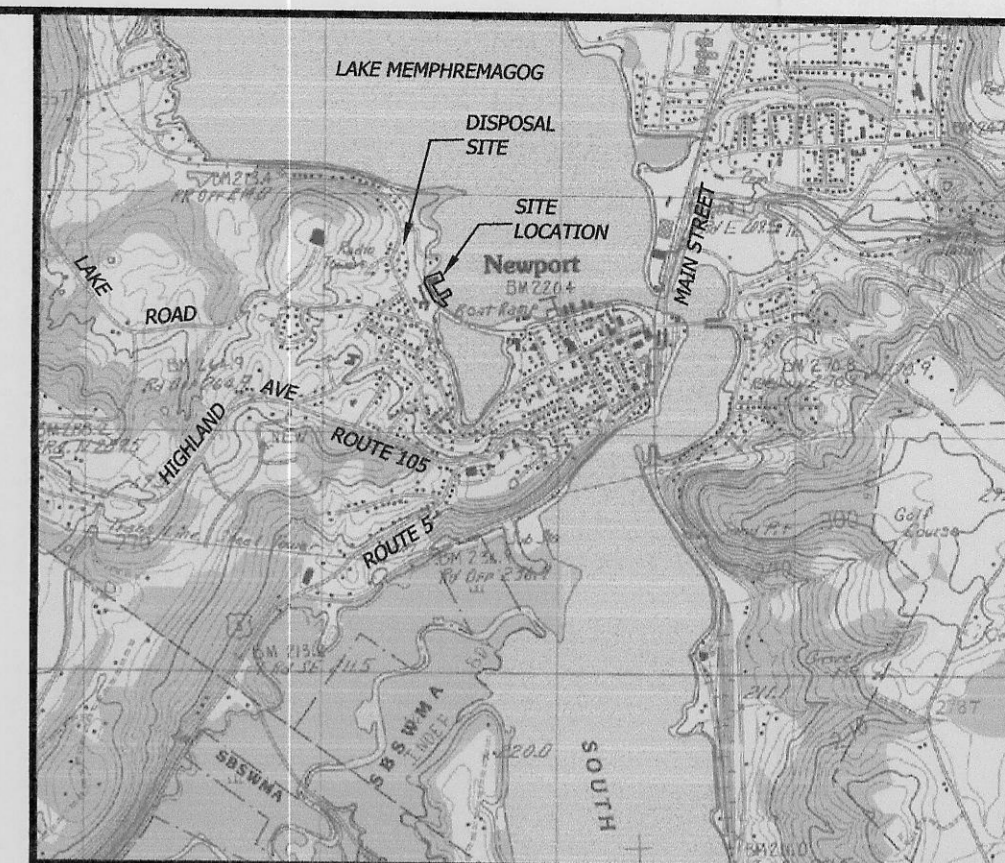
Newport Merina 8/16



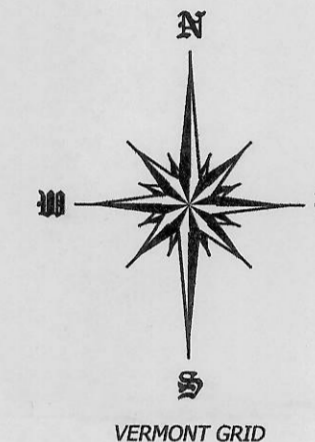
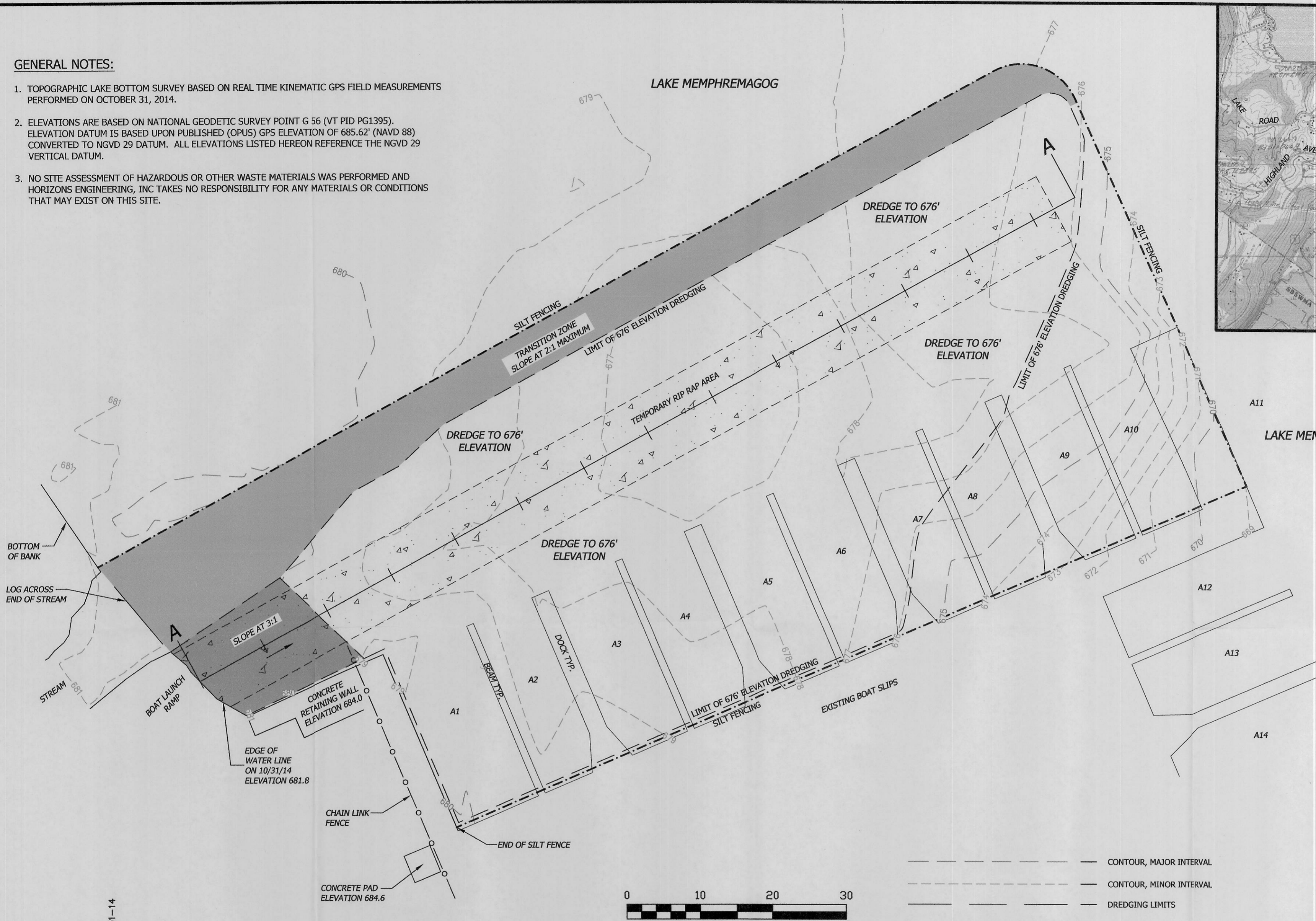
View of fill area - 200 Farrent Street  
Tree line to remain

**GENERAL NOTES:**

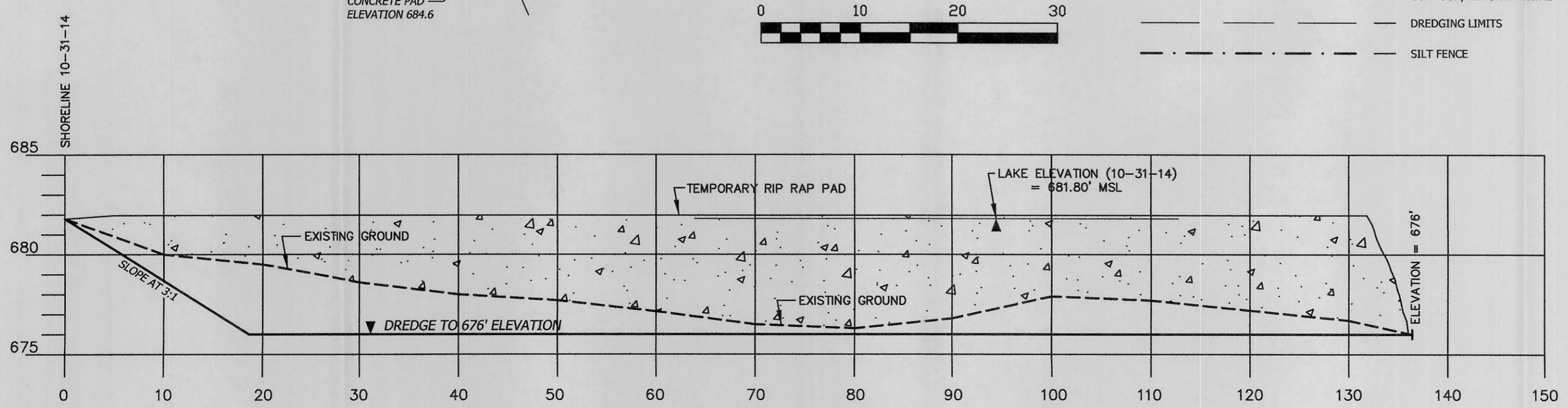
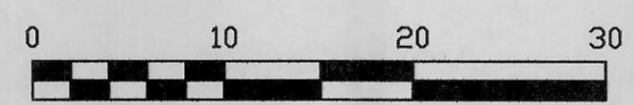
1. TOPOGRAPHIC LAKE BOTTOM SURVEY BASED ON REAL TIME KINEMATIC GPS FIELD MEASUREMENTS PERFORMED ON OCTOBER 31, 2014.
2. ELEVATIONS ARE BASED ON NATIONAL GEODETIC SURVEY POINT G 56 (VT PID PG1395). ELEVATION DATUM IS BASED UPON PUBLISHED (OPUS) GPS ELEVATION OF 685.62' (NAVD 88) CONVERTED TO NGVD 29 DATUM. ALL ELEVATIONS LISTED HEREON REFERENCE THE NGVD 29 VERTICAL DATUM.
3. NO SITE ASSESSMENT OF HAZARDOUS OR OTHER WASTE MATERIALS WAS PERFORMED AND HORIZONS ENGINEERING, INC TAKES NO RESPONSIBILITY FOR ANY MATERIALS OR CONDITIONS THAT MAY EXIST ON THIS SITE.



**VICINITY MAP**



VERMONT GRID



**SECTION A-A**  
1" = 10' H  
1" = 5' V

**horizons**  
*Engineering Inc.*

17 Sunset Terrace  
Newport, Vermont 05855  
Phone 802.334.6434 - Fax 802.334.5602

MAINTENANCE DREDGING PLAN PREPARED FOR

**NEWPORT MARINA  
CONDOMINIUM  
ASSOCIATION**

P.O. BOX 353, GRAVELINE LANE  
NEWPORT, VT 05855

NEWPORT CITY, VERMONT

DATE: 8/3/2016	PROJECT #: 14622
SURV'D BY: NPN	DRAWN BY: CRR
CHECK'D BY: NPN	ARCHIVE #: H-___

2161-L&P