VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

INDIVIDUAL WETLAND PERMIT

In the matter of:

Vermont Gas Systems, Inc.
Attn: Jean-Marc Teixeira
85 Swift Street
South Burlington, VT 05403

Application for revised impacts to certain Class II wetlands and their buffers, resulting from the construction of Phase 1 of the Addison Natural Gas Project, a natural gas transmission mainline, gate stations, distribution mainline, and local distribution network to extend natural gas services from Colchester to Middlebury and Vergennes with proposed revised impacts to 10,058 square feet of wetland and 18,825 square feet of buffer zone.

Located in portions of towns in Chittenden and Addison County, including: Williston, Hinesburg, Monkton, New Haven, and Middlebury.

File #: 2015-464
DEC ID #: WY14-0008

Date of Decision: December 1, 2015
Decision: **Approved**
Expiration Date: June 9, 2019

Any activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use under the Vermont Wetland Rules (VWR) § 6, or unless it receives a permit allowing such activity. 10 V.S.A. § 913. Applicants for an individual permit for a proposed activity in any Class I or Class II wetland or the buffer zones must demonstrate that the proposed activity complies with the Vermont Wetland Rules and will have no undue adverse impact on protected functions and values.

The Vermont Agency of Natural Resources (Agency) received an application dated September 2, 2015 from Vermont Gas Systems, Inc. (Permittee) seeking an individual Vermont Wetland Permit for changes to a project covered under Vermont Wetland Permit #2012-184, involving activities in wetlands and associated buffer zones located in the towns of Colchester, Essex, Williston, St. George, Hinesburg, Monkton, Ferrisburgh, Vergennes, Waltham, New Haven, Weybridge, and Middlebury, Vermont. This permit pertains to the project's revised proposed impacts on those wetlands and their associated buffer zones listed in Paragraph 6 of the Permit Conditions, and supersedes the language in the permit issued on June 9, 2014 related to those specific wetland complexes. Public notice of the application was given in accordance with the VWR § 9.3. Any comments received during the public comment period were considered during review of the application and issuance of this permit.

DECISION AND PERMIT CONDITIONS

1. Based on the findings contained in this permit, the permit application, and information obtained during a site visit by Agency staff, the Secretary finds that the proposed activities will comply with the Vermont Wetlands Statute, 10 V.S.A. § 901 et seq., and the VWR. The Permittee has demonstrated that the project will have no undue adverse effects on the protected functions and values of the subject significant wetlands and associated buffer zones, and adjacent wetland complexes, provided the project is conducted in accordance with the following conditions:

   A. All activities in the wetlands and buffer zones shall be completed, operated and maintained as set forth in the September 2, 2015 permit application #2012-184 and the supporting materials listed in Section 13 of that permit application. No material or substantial changes shall be made to the project without the prior written approval of the Vermont Wetlands Program. Project changes may require a new permit or amendment and additional public notice.

   B. The Permittee shall record this permit name, number, and Vermont Wetlands Program contact information in the land records of the Towns of Williston, Hinesburg, Monkton, New Haven, and Middlebury for all properties subject to the permit. Within 30 days of the date of issuance of this permit, the Permittee shall supply the Vermont Wetlands Program with a copy of the recording of this permit.

   C. Prior to commencement of the project, the Permittee shall notify the Vermont Wetlands Program in writing or by email of the date the project will commence.

   D. **Prohibitions:** No additional activities are allowed in the wetlands and associated buffer zones without the approval of the Secretary unless such activities are allowed uses under the VWR. No draining, dredging, filling, grading or alterations of the water flow is allowed. No cutting, clearing or removal of vegetation within the wetlands and buffer zones is allowed except as approved by this permit.

   E. This permit expires within five years from the date of issuance. If the permittee has not completed all construction activities covered by this permit before the expiration date and wishes to continue construction, the permittee must request a permit extension or apply for a new permit. Any request for an extension must be received by the Agency at least 30 days prior to the end of the five year period in order to prevent the expiration of the permit. A request for extension may be considered a minor modification at the discretion of the Secretary. Projects may not be extended beyond ten years of the issuance date. VWR § 9.1.

   F. Wetland boundary delineations, excluding aerial photograph interpreted boundaries, are valid for five years. The delineations will need to be re-evaluated by a qualified wetland consultant if the project is not constructed during the five-year period and a request for an extension is submitted.

   G. Within 30 days of completion of the work approved by this permit, the Permittee shall supply the Vermont Wetlands Program with a letter certifying that the project was constructed in compliance with the conditions of this permit.

   H. All contractors' equipment shall be cleaned so as to contain no observable soil or vegetation prior to work in wetlands and buffer zones to prevent the spread of invasive species.

   I. Where bedrock is encountered during construction of the project within Class II wetlands or buffers, a bentonite plug will be installed at the base of the trench, through the blasted segment of the wetland.

J. Annual monitoring and control of non-native invasive plant species (NNIS) shall be completed by September 1 of each required monitoring year. Monitoring and control methods will be carried out as specified in the *VGS-ANGP-Phase I Vegetation Management Plan – Transmission Main Plan* dated September 16, 2013. Annual monitoring will begin during the first full growing season following completion of construction at each wetland complex impacted by the project and shall continue for four additional years. Should annual monitoring show that no plants are present, or there is no risk posed to economic or resource value impacts during the first three years of monitoring, the Agency may release the Permittee from further monitoring obligations. The report will include: project background, monitoring methods, monitoring and control results, recommendations for future monitoring, threats and controls, a summary table of NNIS occurrences, NNIS occurrence mapping, and photographic documentation. Reports will be submitted in digital form to the VT ANR Natural Heritage Program's State Botanist and the Vermont Wetlands Program no later than January 31 directly following each monitoring year.

K. Annual impact monitoring of rare plants shall be completed by September 1 of each required monitoring year. Annual monitoring will begin the first full growing season following completion of construction at each wetland complex impacted by the project and continue for three to six years. Monitoring and control methods shall be carried out as specified in the *VGS-ANGP-Phase I Vegetation Management Plan – Transmission Main Plan* dated September 16, 2013. An annual report shall be produced, which will include: project background, monitoring methods, monitoring and mitigation results, recommendations for future monitoring and mitigation, a summary table of rare plant impact monitoring locations, pre and post construction rare plant occurrence mapping, and photographic documentation. Reports will be submitted in digital form to the VT ANR Natural Heritage Program's State Botanist and the Vermont Wetlands Program no later than January 31 directly following each monitoring year.

2. The Agency maintains continuing jurisdiction over this project and may at any time order that remedial measures be taken if it appears that undue adverse impacts to the protected functions and values of the wetlands or buffers are occurring or will occur.

3. This permit does not relieve the Permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.

4. Prior to construction, the Permittee shall either provide the Agency with documents that demonstrate the legal ownership or control over the land that is the subject of the permit, or certify that it has the legal ownership or control of the land that is the subject of the permit.

5. The Permittee shall allow the Secretary or his/her representatives, at reasonable times and upon presentation of credentials, to enter upon and inspect the permitted property for the purpose of ascertaining compliance with this permit, the VWR, and the Vermont Water Quality Standards and to have access to and copy all records required to be prepared pursuant to this permit. The Agency, 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 project. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations. This permit does not obviate the necessity of obtaining such federal, state or local permits or approvals as may be required by law. Nothing in this permit shall be construed to preclude the institution of legal action or relieve the

Permittee from any responsibilities, liabilities or penalties to which the Permittee is or may be subject to under other laws.

6. The Agency, by issuing this permit, supersedes those sections within permit #2012-184 which pertain to impacts to wetlands 2012-CM-88, 2012-CM-89, 2012-PW-85, 2012/2013-PW-71/72/73, 2012-RS-9, 2014-CM-4, 2013-AW-CM-8, 2012-AW-CM-9, 2013-AW-CM-10, and 2013-AW-CM-7. All areas of impact for these wetlands which are not outlined in impact sheets submitted in this application and last revised June 29, 2015 are not considered permitted.

7. Within 15 days of the date of the decision, the Permittee, any person entitled to notice under Section 9.2 of the VWR, or any person who filed written comments regarding the permit application may request in writing reconsideration of the decision by the Secretary in accordance with Section 9.6 of the VWR.

8. 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.

FINDINGS

1. A Vermont Individual Wetlands Permit was issued for the project on June 9, 2014 (#2012-184).

2. A complete application was received from Vermont Gas Systems, Inc. on September 2, 2015, for a Vermont Individual Wetlands Permit for changes in assessed impacts to multiple wetlands allowed under permit #2012-184.

3. The wetlands and adjacent 50-foot buffer zones are located throughout the length of the proposed gas pipeline. See Item 4 of the application for more details.

4. Alan Quackenbush, Wetlands Program Manager, conducted a site visit to the subject property with Wetlands Program Ecologists Nina Kalantari and Chelsea Martin of Vanasse Hangen Brustlin, Inc on October 4, 2012. Alan Quackenbush and Wetlands Program Ecologist Laura Lapierre visited the site with Adam Crary of Vanasse Hangen Brustlin, Inc. on June 30, 2013. Laura Lapierre conducted a site visit to the 2014-2015 delineated wetlands on September 8, 2015.

5. The subject wetlands are Class II wetlands because: (1) they are identified as palustrine wetlands on the Vermont Significant Wetlands Inventory maps and are therefore designated as Class II wetland under the VWR; or (2) they are contiguous to Class II wetlands; or (3) they meet the presumptions of Section 4.6, in which the Secretary has determined, based on an evaluation of the functions and values of the subject wetlands, that they are significant Class II wetlands.

6. The wetlands in question are described in detail in Section 7 and Section 8 of the permit application. An informative summary of all impacted Class II wetlands is located in Table 1 of this permit.

Table 1: Summary of Impacted Class II Wetlands

Wetland Complex ID	Wetland ID	Cowardin Classification of Wetland Complex[1]	Size of Wetland Complex (Acres)	Subject Wetland Landuse	Subject Wetland Vegetation	Subject Wetland Soils and Hydrology
19	2012-CM-88	PFO	2.6	Partially mowed and cleared ROW	PEM/PSS - Sensitive fern and Joe-Pye weed	Depleted matrix (F3), Saturation (A3)
19	2012-CM-89	PFO	2.6	Partially mowed and cleared ROW	PEM/PSS - Sensitive fern and Joe-Pye weed	Depleted matrix (F3), Saturation (A3)
27	2014/2015 -CM-1	PEM/PSS/PFO	274	Mowed field along ROW and agricultural fields	PEM/PSS - red maple and Joe-Pye weed	Histic Epipedon (A2), High Water table (A2), Saturation (A3)
30	2012-PW-85	PEM/PSS	6.2	naturally vegetated	PEM/PSS - cattail and grey dogwood	Histic Epipedon (A2), High Water table (A2), Saturation (A3)
31	2012/2013-PW-71/72/73	PSS/PFO	416.4	naturally vegetated and partially mowed	PEM/PSS/PFO - red maple, black ash, sensitive fern	Histic Epipedon (A2), Surface water (A1)
31	2014-CM-3	PSS/PFO	416.4	naturally vegetated and partially mowed	PEM/PSS/PFO - red maple, black ash, sensitive fern	Histic Epipedon (A2), Surface water (A1)
38	2012-RS-9	PFO	7.2	naturally vegetated and powerline ROW	PEM/PSS/PFO - elm and sensitive fern	Depleted matrix (F3), Saturation (A3)
52	2014-CM-4	PEM	7.1	natural and mowed	PEM - reed canary grass and cattail	Depleted matrix (F3), High Water table (A2), Saturation (A3)

[1] Cowardin Classifications (Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitat of the United States.) PEM - Palustrine emergent wetland PSS - Palustrine scrub shrub wetland PFO – Palustrine forested wetland

7. The proposed project is for the construction of a natural gas transmission mainline, gate stations, distribution mainline, and local distribution network to extend natural gas services from Colchester to Middlebury and Vergennes. The proposed project is described in detail in Section 10 and 11 of the permit application.

8. Impacts to the wetlands and buffer zones as proposed in Section 11 of the permit application are as follows:

Table 2: Summary of total impacts to Class II wetlands

Wetland Alteration:		**Buffer Zone Alteration:**	
Wetland Fill:	0 s.f.		
Temporary:	6,720 s.f.	Temporary:	8,730 s.f.
Permanent: :	3,529 s.f.	Permanent: :	15,760 s.f.
Total Wetland Impact	10,058 s.f.	**Total Buffer Zone Impact:**	18,825 s.f.

9. Specific impacts to subject wetland and buffer zones are as follows:

Table 3: Summary of Impacts for Individual Class II Wetlands and associated 50 ft. Buffer

Wetland ID[1]	Class II Wetland Impact				Class II Wetland Buffer Impacts			
	Wetland Fill (Sq. Ft)	Temporary Wetland Impacts (Sq. Ft)	Permanent Wetland Clearing Impacts (Sq. Ft)	*TOTAL WETLAND IMPACTS (Sq. Ft)*	Buffer Fill Impact (Sq. Ft)	Temporary Buffer Impacts (Sq. Ft)	*Other Permanent Impacts (Sq. Ft)*	*TOTAL WETLAND IMPACTS (Sq. Ft)*
2012-CM-88	0	0	0	*0*	0	313	*808*	1,121
2012-CM-89	0	60	0	60	0	1266	0	1266
2014/2015 -CM-1	0	1291	3142	4433	0	2155	5871	8026
2012-PW-85	0	172	0	172	0	1049	0	1049
2012/2013-PW-71/72/73	0	1944	387	2331	3065	1500	6016	10581
2014-CM-3	0	2786	0	2786	0	1693	0	1693
2012-RS-9	0	467	0	467	517	0	517	222
2014-CM-4	0	0	0	0	0	237	0	237

10. The protected functions of the wetlands include the following: water storage for flood water and storm runoff (§5.1 of the VWR), surface and groundwater protection (§5.2), fish habitat (§5.3), wildlife and migratory bird habitat (§5.4), exemplary wetland natural community (§5.5), threatened and endangered species habitat (§5.6), education and research in natural science (§5.7), recreational value and economic benefits (§5.8), open space and aesthetics (§5.9), and erosion control through binding and stabilizing the soil (§5.10).

    A summary of functions and values associated with the Class II wetlands is located in Table 4 below:

Table 4: Summary of the Protected Function and Values associated with each Class II Subject Wetland

Subject Wetland ID	Significant Function and Values of Wetland Complex	Determination of No Undue Adverse Impact on the Function and Values of each Subject Wetland
2012-CM-88	Water Storage for Flood Water and Storm Runoff	Project activities are limited to clearing and trench and fill wihtin a limited portion of the wetland buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to clearing and trench and fill wihtin a limited portion of the wetland buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
2012-CM-89	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a limited portion of wetland and wetland buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
2014/2015 -CM-1	Water Storage for Flood Water and Storm Runoff	Project activities are limited to clearing and trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to clearing and trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Fish Habitat	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Wildlife and Migratory Bird Habitat	Project activities are taking place in a location distant from where the wetland is functioning as wildlife habitat, therefore the project will have no undue adverse impact to this function.
	Rare, Threatened and Endangered Species Habitat	Project activities are taking place in a location distant from where the wetland is functioning as rare, threatened and endangered species habitat, therefore the project will have no undue adverse impact to this function.
	Open Space and Aesthetics	Project activities are taking place in a location distant from where the wetland is functioning as open space, therefore the project will have no undue adverse impact to this function.
	Erosion Control through Binding and Stabilizing the Soil	Project activities are limited to clearing and trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 25 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.

Subject Wetland ID	Significant Function and Values of Wetland Complex	Determination of No Undue Adverse Impact on the Function and Values of each Subject Wetland
2012-PW-85	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Fish Habitat	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Wildlife and Migratory Bird Habitat	Project activities are taking place in a location distant from where the wetland is functioning as wildlife habitat, therefore the project will have no undue adverse impact to this function.
	Exemplary Wetland Natural Community	Project activities are not taking place within or near the exemplary natural community, therefore the project will have no undue adverse impact to this function.
	Erosion Control through Binding and Stabilizing the Soil	Project activities are limited to trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 25 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
2012/2013-PW-71/72/73	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Fish Habitat	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Wildlife and Migratory Bird Habitat	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone which is in active agriculture. After the area is restored, this portion of wetland will remain similar in nature. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Exemplary Wetland Natural Community	Project activities are taking place in a location distant from the exemplary community, therefore the project will have no undue adverse impact to this function.
	Rare, Threatened and Endangered Species Habitat	The program disagees with the applicant and finds that this wetland complex is significant for rare species because of an S3 population of plants. Project activities are taking place in a location distant from the population within this subject wetland, therefore the project will have no undue adverse impact to this function.
	Education and Research in Natural Sciences	Project activities are taking place in a location distant from where the wetland is used for education and research, therefore the project will have no undue adverse impact to this function.
	Recreational Value and Economic Benefits	Project activities are taking place in a location distant from where the wetland is used for recreation, therefore the project will have no undue adverse impact to this function.
	Open Space and Aesthetics	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Erosion Control through Binding and Stabilizing the Soil	Project activities are limited to trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 25 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.

Subject Wetland ID	Significant Function and Values of Wetland Complex	Determination of No Undue Adverse Impact on the Function and Values of each Subject Wetland
2014-CM-3	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Fish Habitat	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Wildlife and Migratory Bird Habitat	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone which is in active agriculture. After the area is restored, this portion of wetland will remain similar in nature. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Exemplary Wetland Natural Community	Project activities are taking place in a location distant from the exemplary community, therefore the project will have no undue adverse impact to this function.
	Rare, Threatened and Endangered Species Habitat	The program disagees with the applicant and finds that this wetland complex is significant for rare species because of an S3 population of plants. Trench and fill activities will take place within the rare species population but will not impact more than 10% of the population or will transplant. The proposed project will not result in an undue advers impact to this population.
	Education and Research in Natural Sciences	Project activities are taking place in a location distant from where the wetland is used for education and research, therefore the project will have no undue adverse impact to this function.
	Recreational Value and Economic Benefits	Project activities are taking place in a location distant from where the wetland is used for recreation, therefore the project will have no undue adverse impact to this function.
	Open Space and Aesthetics	Project activities are taking place in a location distant from where the wetland is functioning as fish habitat, therefore the project will have no undue adverse impact to this function.
	Erosion Control through Binding and Stabilizing the Soil	Project activities are limited to trench and fill wihtin a limited portion of the wetland and buffer zone. Based on the factors described in Section 12 and 25 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
2012-RS-9	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a portion of the wetland and buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
2014-CM-4	Water Storage for Flood Water and Storm Runoff	Project activities are limited to trench and fill wihtin a portion of the wetland buffer zone. Based on the factors described in Section 12 and 16 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Surface and Groundwater Protection	Project activities are limited to trench and fill wihtin a portion of the wetland buffer zone. Based on the factors described in Section 12 and 17 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.
	Erosion Control through Binding and Stabilizing the Soil	Project activities are limited to trench and fill wihtin a limited portion of the wetland buffer zone. Based on the factors described in Section 12 and 25 of the application, as confirmed by Agency staff, the proposed project will not result in an undue adverse impact to this function.

11. Under 10 V.S.A. §913 and Section 9 of the VWR, the Secretary may authorize activities in a significant wetlands or in the adjacent buffer zones if the Secretary determines that it complies with the Wetland Rules and will have no undue adverse effect on the protected functions and values. The Secretary has determined that the proposed project, as described in these findings and in the permit application, will have no undue adverse effects on protected functions and values of the subject Class II wetlands or the adjacent wetland complex.

12. Pursuant to VWR § 9.5(b), the Permittee has demonstrated the proposed activity in the subject wetlands cannot practicably be located outside the wetlands or on another site owned, controlled or available to satisfy the basic project purpose. All practicable measures have been taken in this proposal to avoid, minimize and promptly restore adverse impacts on protected functions, as described in the application. Minimization measures include but are not limited to the use of matting for construction access, the reduction of construction zone widths in certain wetland areas and the implementation of a vegetation management plan.

13. Public comments were received during the public comment period. Procedural comments were received pertaining to the notice requirements of the application, and questioning whether VELCO should be a co-permittee because of VELCO's dual responsibility over the Right of Way and VELCO's status as a party to the draft operations and management agreement. The Agency finds that the noticing requirements for this permit were upheld as all individuals adjacent to impacted wetland area, interpreted as 500ft from the impact area, were sent notice. A newspaper notice was also posted. VELCO is not required to be a co-permittee in this application because they are not involved in the specific construction-related activities which are authorized under this permit. The Agency also notes that the applicant is still required to field verify and study the functions and values of those wetlands that are covered under Vermont Wetland Permit #2012-184, but were not previously field assessed, before any project work is permitted in those areas. Once these field verifications take place the permittee will submit a new permit application and a new permit will be granted permitting project work in those areas.

    Substantive public comments included concerns about waste clean-up along the corridor, water backing up in the wetland near the proposed valve station, concerns about springs at 553 Pond Road, and whether the permit review is for the entirety of wetland impacts, or just the changes in assessed impacts articulated in the September 2, 2015 application. The waste clean-up along the corridor is outside of the scope of review of this permit, and the valve station is not located within any wetland or buffer zone and so is outside of the scope of review for this permit. Activities associated with this project at 533 Pond Road were previously reviewed and permitted in permit number #2012-184, and are outside of the scope of review for this application. Well contamination issues have been under review by Agency staff outside of the wetland program and are being reviewed by the Public Service Board. The Agency notes that the permit application has been reviewed in conjunction with total project impacts.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

by: E-SIGNED by Laura Lapierre on 2015-12-01 13:34:06 GMT

Laura Lapierre, Program Manager
Wetlands Program
Watershed Management Division

Dated at Montpelier, Vermont
this first day of December, 2015

ABS/LVPL