

Vermont Department of Environmental Conservation

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RESPONSE TO PUBLIC COMMENT**401 WATER QUALITY CERTIFICATION FOR THE HERMITAGE CLUB AT HAYSTACK MOUNTAIN**

The public notice period for the aforementioned Water Quality Certification ran from March 31, 2017 to May 8, 2017. A public meeting was warned pursuant to the notice for the Certification, and was held on May 4, 2017, at the Dover Town Offices. Attendees included representatives of the Agency of Natural Resources and the Hermitage Club at Haystack Mountain. One set of comments was received, the disbursement of which is described in the following.

Commenter: Michael Zahner, on behalf of the Hermitage Club at Haystack Mountain.

Summary of Comment (quoted from the original written submission):

In accordance with our comments at the Public Hearing on May 4th, the Hermitage Club is requesting a clarification regarding whether the proposed and approved Oak Brook on Haystack Mountain crossings are considered to be "riparian impacts" or "riparian mitigation strategies" within the context of the DRAFT Water Quality Certification and the Hermitage Club Stream Riparian Management Plan.

The Watershed Management Division has found:

"The Project will affect streams and stream flows. As indicated in Exhibit 131 (ANR Item 3 SBRMP), 0.89 acres of primary (grading and tree clearing) and 4.98 acres of riparian impacts are anticipated.....The impacts to the stream crossings involve the replacement of existing round culverts with much larger, open arch culverts. All crossings will comply with current Agency policies and regulations, including the "Stream Equilibrium" and "Aquatic Organism Passage" standards. Agency stream alteration Permits have been issued for the primary Oak Brook Crossings. [Permits #IND-07-0002, #SA-07-001-2016]"

When these stream crossings are finally upgraded to much larger, open arch culverts, a fishery habitat will be re-established in this section of Oak Brook for the first time in decades. Thus it would appear that the oversized culverts will have enormous positive benefits for Oak Brook once construction is stabilized. The District Commission's Partial Findings of Fact (#700002-25, February 16, 2016) recognize that "aquatic passage improvements" are viewed as appropriate "mitigation strategies" within the context of preparing Final Riparian Management Plans.

Response:

The comment was considered in the context of the language presented in the draft 401 Certification, and relevant Partial Findings of Fact and Conclusions of Law presented by the District Commission of Act 250 in decision #70002-25.

The Division finds that the draft Certification did not adequately articulate the mitigative benefits of the culvert replacements noted by the commenter. Accordingly, the Certification was clarified to reflect that impacts associated with the construction aspects of culvert replacement will be temporary, and that the new bank full width crossing structures will support aquatic habitat by attaining the Stream Equilibrium and Aquatic Organism Passage standards. The Certification clarifies that these stream restoration activities will promote higher quality habitat, and ensure maintenance of designated uses.