

Authorization under the Flood Hazard Area & River Corridor General Permit Reporting Activities - 10 V.S.A. § 754

PERMIT #: FP-5-0001-NOTICE

Date: 2/4/2016

Applicant: Vermont Agency of Transportation

Contact: Heather Voisin

Phone: 802-498-5787

Email: heather.voisin@vermont.gov

Project Location: Middlebury

Flooding Source: Otter Creek

Project Description: WCRS bridge over Otter Creek

Based upon the Findings contained in this authorization, the Secretary has determined that the proposed project complies with the requirements of the 2015 Flood Hazard Area & River Corridor General Permit and the Flood Hazard Area & River Corridor Rule (Environmental Protection Rule, Chapter 29) and is hereby approved subject to the conditions of the 2015 Flood Hazard Area & River Corridor General Permit and this authorization.

I. Findings

The Secretary of Natural Resources has determined that:

- (a) The project is located within the special flood hazard area (Zone AE). The project is also located within the river corridor.
- (b) This project is exempt from municipal regulation because it is a State-owned and operated institution or facility.
- (a) This project authorization includes improvements to the Vermont Railway (VTR) Bridge # 239 over the Otter Creek in the town of Middlebury. Specific to this authorization, the project consists of the removal of native sediment and soils to be replaced with stone fill for the temporary placement of jacking pads used to raise the bridge in-place for repairs. Although the original elevation and grade will be restored, with most of the stone being removed, the surface of these jacking pad areas will remain crushed stone. The remaining stone would cover an area of less than 200 sf and would not reduce the cross-sectional flow area of the Otter Creek.
- (b) Based on the information provided by the applicant, the project is an eligible activity and will meet the standards in the above-referenced General Permit, if built as proposed.

II. General Conditions

- (a) **Compliance with General Permit and this Authorization.** The permittee shall comply with this authorization and all the terms and conditions of the 2015 Flood Hazard Area & River Corridor General Permit.
- (b) **Access to property.** By conducting any activity under this authorization, the permittee agrees to allow Agency representatives access to the property covered by this authorization, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Flood Hazard Area & River Corridor Rule and the General Permit. This authorization does not grant the permittee the right to enter onto any property not owned by the permittee.
- (c) **Authorization for Substantial Changes.** All activity shall be completed and maintained in accordance with the terms and conditions of the General Permit and this authorization. The permittee shall notify the Secretary of any planned changes to the authorized activity. The Secretary may require the permittee to submit additional information on any proposed changes. The Secretary will notify the permittee if, based on the proposed changes to the authorized activity, a revised application for an individual permit must be submitted.
- (d) **Remedial measures.** The Secretary maintains continuing jurisdiction over the activity authorized under this authorization and may at any time order remedial measures if it appears the activity is not in compliance with the General Permit or this authorization.
- (e) **Compliance with other regulations.** This authorization does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
- (f) **Legal responsibilities for damages.** The Secretary, by issuing this authorization, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
- (g) **Revocation.** The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this authorization for cause, including:
 - (1) Violation of the terms or conditions of the General Permit or this authorization;
 - (2) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
 - (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.
- (h) **Duty to comply; enforcement.** The permittee shall comply with all terms and conditions of the General Permit and this authorization. Any noncompliance constitutes a violation of the Flood Hazard Area & River Corridor Rule and may be cause for an enforcement action and/or revocation and reissuance, modification, or termination of this authorization.
- (i) **Transfer of Authorization.** This authorization may be transferred provided that a notice of transfer is submitted to the Secretary no later than five days prior to the transfer and the notice includes the following:
 - (1) The name, mailing address, and contact information of the present permittee;
 - (2) The name, mailing address, and contact information of the prospective permittee;
 - (3) The proposed date of transfer; and
 - (4) A statement signed by the prospective permittee, stating that the prospective permittee has read and is familiar with the terms and conditions of the permit and the authorization and agrees to comply with the permit and authorization.
- (j) **Limitations.** This authorization conveys no vested rights or exclusive privileges. This authorization conveys no title to land nor authorizes any injury to public or private property.
- (k) **Appeals.**
 - (1) **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 (Tel. # 802-828-2358).

- (2) **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 # 802-951-1740.

If the development is constructed as described and according to the above conditions, there is no reason to expect an adverse impact on either the river corridor or flood hazard area.

This permit shall be effective on the date of signing and shall be valid for a period of three years.

Alyssa B. Schuren, Commissioner
Vermont Department of Environmental Conservation

By  dated 2/4/2016
Rebecca Pfeiffer, Floodplain Regulatory Team Lead
Rivers Program

cc: Ann Webster, Middlebury Town Clerk
Abutters:
Megan and August Brakeley



Middlebury WCRS (9)
Project Location

LEGEND

Special Flood Hazard Areas (A Counties)

- AE (1-percent annual chance flood)
- A (1-percent annual chance floodpl.)
- AO (1-percent annual chance zone feet)
- 0.2-percent annual chance flood ha
- River Corridors (Jan 2, 2015)
- Small Streams - 50ft Setback
- Town Boundary

1: 3,159
February 2, 2016

NOTES

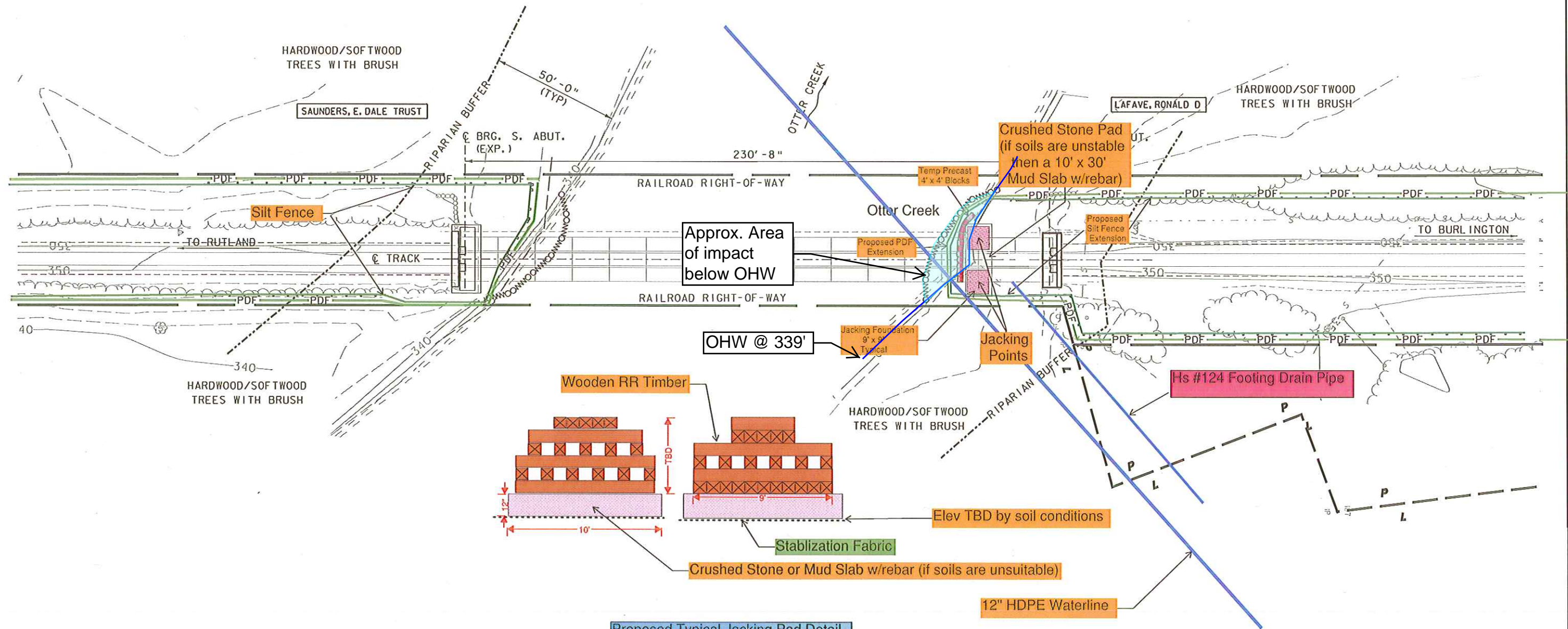
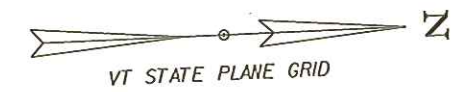
Map created using ANR's Natural Resources Atlas



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

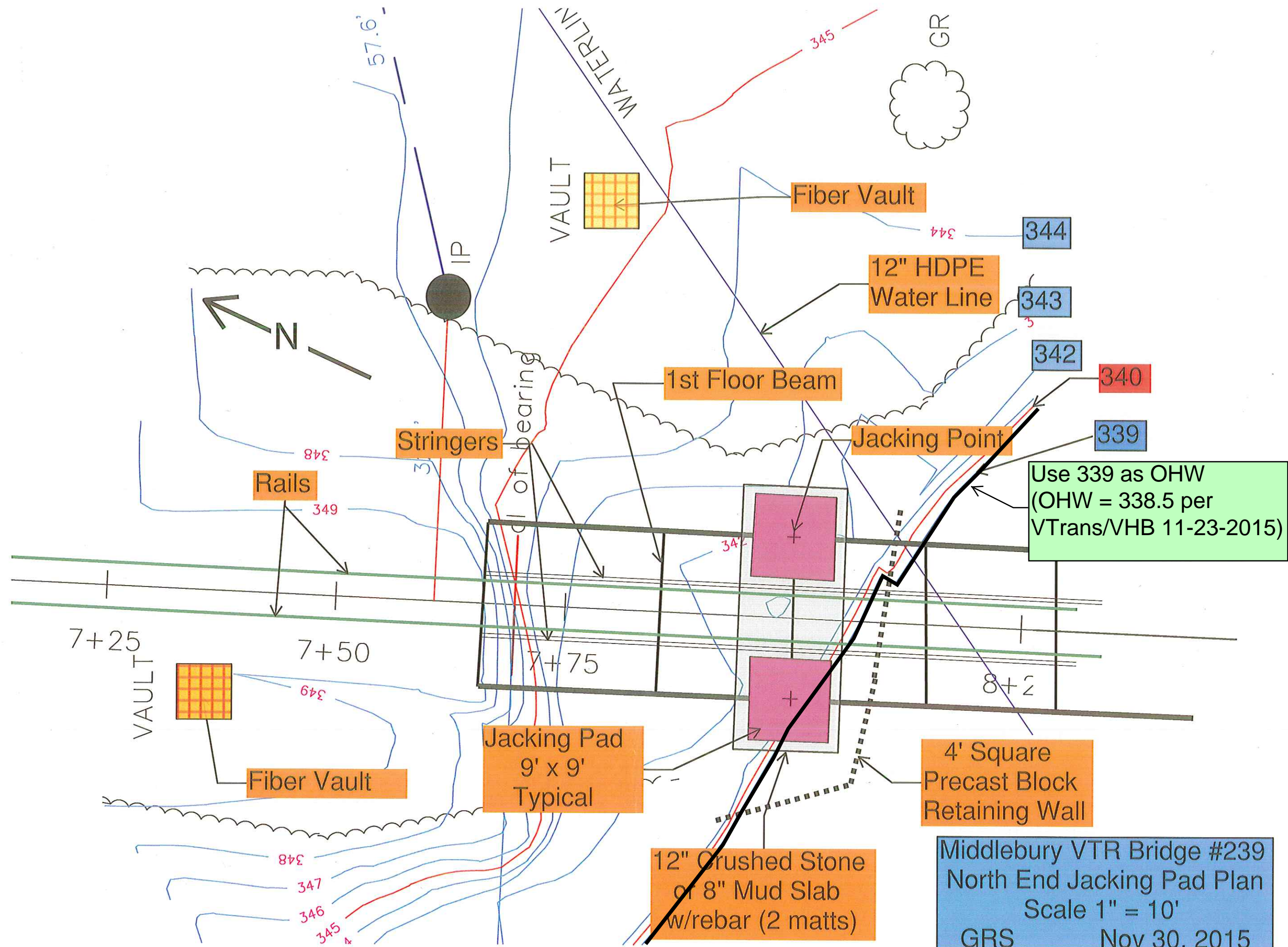
1" = 263 Ft. 1cm = 32 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



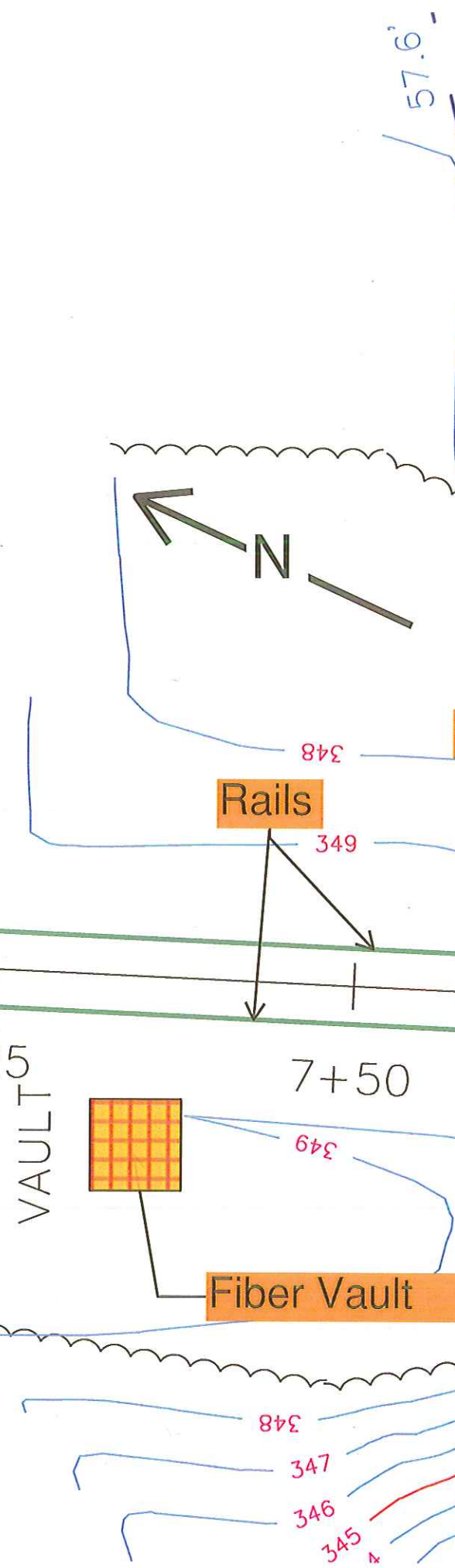
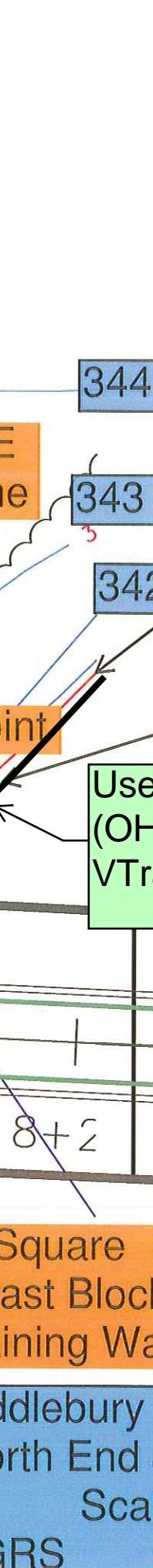
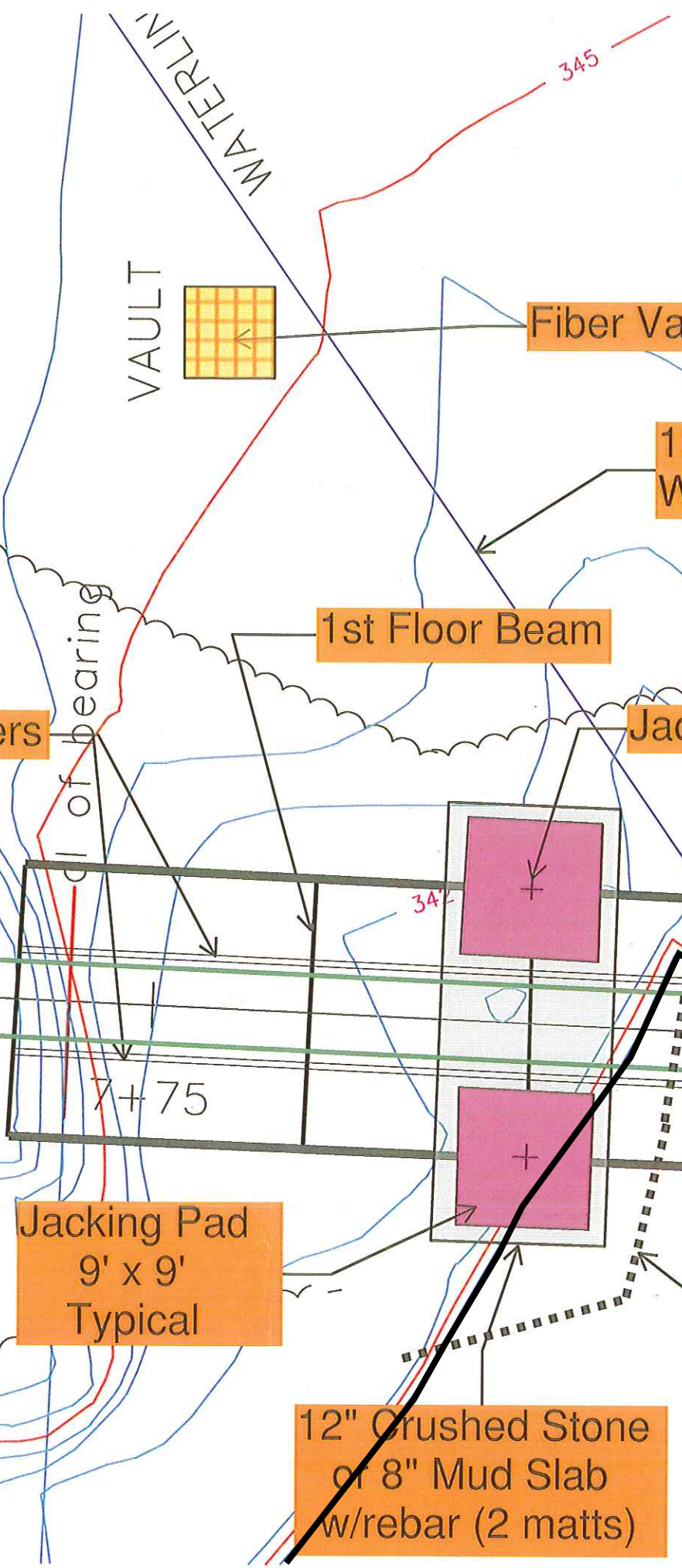
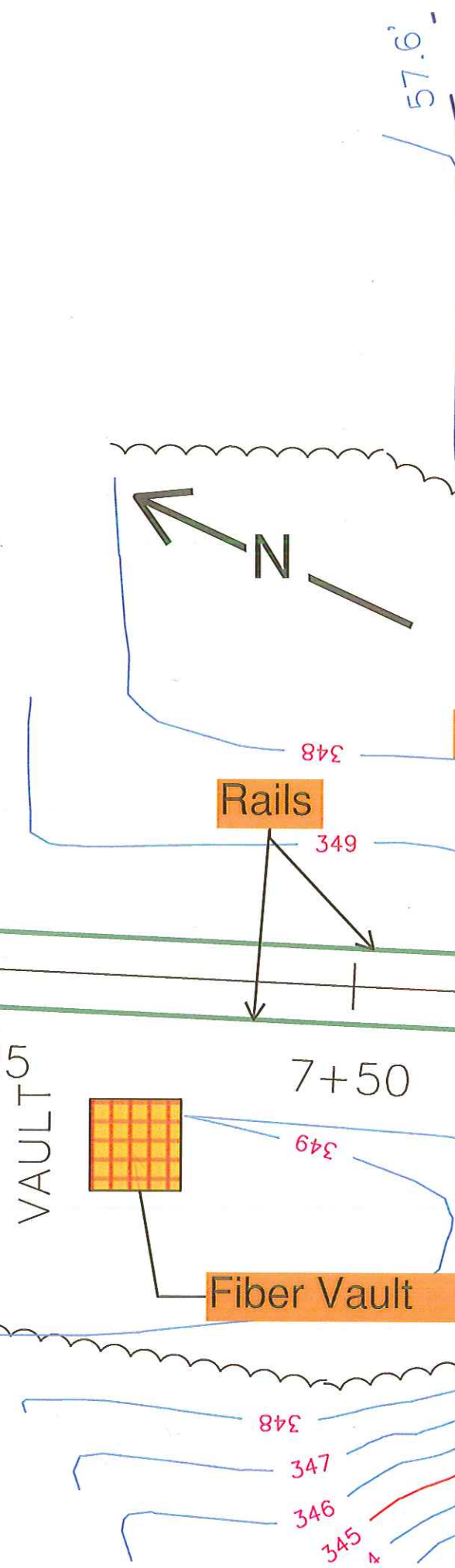
Proposed Typical Jacking Pad Detail
 North End NTS
 GRS Nov 30, 2015

Middlebury VTR Bridge #239
 North End Jacking Pad
 GRS 11-30-2015



Use 339 as OHW
(OHW = 338.5 per
VTrans/VHB 11-23-2015)

Middlebury VTR Bridge #239
North End Jacking Pad Plan
Scale 1" = 10'
GRS Nov 30, 2015



Middlebury WCRS (9)

Flood Hazard Area and River Corridor General Permit Notice

Project Description:

Middlebury WCRS (9) involves improvements to the Vermont Railway (VTR) Bridge # 239 over the Otter Creek in the town of Middlebury. The project consists of the replacement of bearings, new truss stringers, select truss member replacement and strengthening, rehabilitation of bridge bearing seats and related concrete and masonry backwall and seat repairs, along with incidental items.

Constructing the bridge improvements will have unavoidable impacts below ordinary high water (OHW) within the Otter Creek. The impacts are a result of placing temporary jacking pads (~9'x9') that will raise the bridge structure, allowing for the repair work to be conducted in-place. Impacts have been estimated to be 160 sf of temporary impact below OHW and will be minimized by using BMP's for erosion and sediment control and stipulating that a containment device be used to prevent construction debris from entering the Otter Creek. The contractor is planning on placing concrete blocks with clean aggregate behind them for support of the jacking pads. The fill will be temporary only, but there will be native soils excavated and replaced with stone fill. Most of the stone would be removed, such that the original elevation and grade of the streambank is restored. The surface would remain stone, however, resulting in a small area (<200 SF) of ***streambank stabilization that does not reduce the cross-sectional flow area of the river.***

Contact Information:

All of the stone fill work will occur in the Railroad ROW (VTrans) but the contractor will be doing some disturbance in the Brakeley's yard for access to the jacking pads. There will not be any stream embankment work done on the Brakeley property, only in the Railroad ROW.

Adjoining Land Owner: Megan and August Brakeley
127 Water Street, Middlebury, VT
mbrakeley@gmail.com; gusbrakeley@gmail.com
Megan cell: 724-316-0293; Gus cell: 802-989-5034

Contractor: Engineers Construction, Inc.
P.O. Box 2187
South Burlington, VT 05407

Additional project and contact information provided on the attached Emergency Contact and 511 Information Form.

**Highway Division/Construction & Materials Bureau/Regional Section
Emergency Contact & 511 Information
Input Form**

Instructions: Tab Through Form, completing all Gray fields that apply. When Complete please send an electronic version to your Regional office.				
<input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revised <input type="checkbox"/> Final			Date Submitted:	
Project Name & Number:		Middlebury WCRS (9)		
Resident Engineer:		Name	Timothy Pockette, P.E.	Field Office #
		Cell #	793-4027	Reg Office #
				773-1384
Project Field Office Address:		126 Water St, Middlebury, Vt		
Description of Project:		VTR Bridge No. 239, over the Otter Creek at Mile Post 87.10 in Middlebury; this project consists of replacement of Bearings, replacement of Truss Stringers, select Truss Member Replacement and Strengthening, rehabilitation of Bridge Bearing Seats, and related Concrete and Masonry Backwall and Seat Repairs.		
State Route, Interstate, or Bridge Number(s)		VTR Bridge No. 239, at Mile Post 87.10 in Middlebury		
Location Specifics: Use a MM, Exit No., or other identifier when possible. Include Town or City.		VTR Bridge No. 239, over the Otter Creek at Mile Post 87.10 in Middlebury		
Lane Closure or Roadway Restrictions:		N/A		
Type of Detour (Choose One)		All Traffic	N/A	Cars Only
		Trucks Only	N/A	Other
Details & Specifics:		This project consists of replacement of Bearings, replacement of Truss Stringers, select Truss Member Replacement and Strengthening, rehabilitation of Bridge Bearing Seats, and related Concrete and Masonry Backwall and Seat Repairs.		
Duration of Construction or Restriction(s)		Anticipated Begin Date	December 1, 2015	Anticipated End Date
				June 15, 2016
Days of Operation (including weekends)		Monday - Friday		
Hours of Operation (specify day or night hours)		7 am to 5 pm		
Traffic Control or Restrictions In-Place		Flaggers	n/a	Temporary Signal
Please check all that apply with an "X"		Speed Enforcement	n/a	Other
Delay Status (Choose One)		Short	n/a	Long
				n/a
Regional Construction Engineer		Name	Mark H. Mackintosh	
Contact Information		Cell #	522-7385	Regional Office
				786-0023
Construction and Materials Bureau Director		David Hoyne 802-828-2593 (Main Desk)		
Name & Address of Contractor		Engineers Construction, Inc P.O. Box 2187 S. Burlington, Vt 05407		
Superintendent		Name	Mark Nash	Contact #
				598-9995
Emergency Contact Information (after hours)		Name	George Shortsleeves	Contact #
				922-3674 or 878-6793
Contractors Competent Person		Name	Mark Nash	Contact #
				598-9995
Contractors Safety Officer		Name	Matt Orszulak	Contact #
				598-8107
Public Relations Contact		Name	George Shortsleeves	Contact #
				922-3674
Miscellaneous Information				
Any changes during the course of the project should be directed to the Transportation Operations Center at: AOT.HWYMOBTOC@state.vt.us. TOC: 828-2648 if you have questions. Please send an electronic version to the Regional Office to be redistributed.				
Distribution List:				
Municipality (Town or City):				
Traffic Operations Center:		AOT.HWYMOBTOC@state.vt.us		
Operations Maintenance District(s): V				
Regional Office Project File				
Headquarters Project Files				
State Police Barracks via this email address:		PSAPSUPERV@Listserv.dps.state.vt.us		
DMV - Oversized Permits Section: Donna Earle / Kim Plante				
Resident Engineer & Office Engineer, Timothy Pockette and Joe Knipes				
Other:				
(This Email for Distribution Purposes ONLY)				