

**VERMONT AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**INDIVIDUAL WETLAND PERMIT**

In the matter of:

VT Transco/Vermont Electric Power Co. (Collectively VELCO)  
C/O Tim Follensbee  
366 Pinnacle Ridge Road  
Rutland, VT 05701

**Application for the construction of a permanent access road for maintenance, replacement, repair and emergency access to electrical transmission infrastructure with proposed impacts to 28,862 square feet of wetland and 17,236 square feet of buffer zone.**

Between Wilderness Road in Mount Holly and Woods Road in Ludlow

File #: 2016-331  
DEC ID #: RU16-0208

Date of Decision: November 9, 2016  
Decision: **Approved**  
Expiration Date: November 9, 2021

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) 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 its buffer zone must demonstrate that the proposed activity complies with the VWR and will have no undue adverse effects on protected functions and values. VWR § 9.5(a).

The Vermont Agency of Natural Resources (Agency) received an application dated August 11, 2016 from VT Transco/Vermont Electric Power Co. (Collectively VELCO) (permittee) seeking an individual Vermont Wetland Permit for a project involving activities in Class II wetlands and/or associated buffer zones located Mount Holly and Ludlow, Vermont. The Agency gave notice of the application in accordance with the VWR. The Agency considered all comments received during the public comment period during review of the application and issuance of this permit.

**DECISION AND PERMIT CONDITIONS**

1. Based on the Findings contained in this permit below, the Secretary has determined that the proposed project will comply with 10 V.S.A. chapter 37 and the VWR and will have no undue adverse effect on protected functions and values of the wetlands. The permittee has demonstrated that the project will have no undue adverse effects on the protected functions and values of the significant wetlands and associated buffer zones, 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 permit application #2016-331 and the supporting materials submitted with the permit application including:
- Wetland impact Exhibit- Access Road Improvement Project K32 Line-Wilderness Rd to Woods Rd Mount Holly to Ludlow, VT authored by Power Engineers, dated August 10, 2016.
  - Access Road and Culvert Typical- K32 Access Road Improvement Project; Access Road Surfacing Typical dated August 12, 2016 and Permanent Stream Crossing Typical; Typical Embedded Culvert Crossing dated August 7, 2016.
  - Velco Environmental Guidance Manual, Authored by VELCO, dated May 2012.

No material or substantial changes shall be made to the project without the prior written approval of the Vermont Wetlands Program. Project changes, including transfer of property ownership prior to commencement of a project, may require a permit amendment and additional public notice.

- B. The permittee shall record this permit in the land records of the Towns of Mount Holly and Ludlow 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 approved project, the permittee shall notify the Vermont Wetlands Program digitally in writing 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 VWR § 6. 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 with the exception of the proposed project area as approved by this permit.
- E. This permit expires 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. Pursuant to VWR § 9.1, projects may not be extended beyond ten years of the issuance date.
- F. Wetland boundary delineations 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. At all wetland and buffer crossings the wetlands shall be clearly flagged and signs shall be placed at the beginning and end of all crossings.
  - I. At minimum, the permittee shall comply with the following: silt fence or filter socks shall be placed in areas with significant soil disturbances near wetlands. Disturbed soils shall be seeded and mulched within 48 hours of final grading. All sediment barriers and construction fencing shall be removed following the successful establishment of vegetation.
  - J. 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. The permittee shall monitor the portion of the wetland in question annually during early July for five years following construction for the nuisance plant species purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). All nuisance plants found shall be pulled by hand and disposed of by burial or burning in a non-wetland location. If hand pulling is not feasible, a state approved invasive species control plan is required.
2. The Secretary 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. The permittee shall allow the Secretary or the Secretary's 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.
  5. The Agency 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. Within 15 days of the date of the decision, the permittee, any person entitled to notice under VWR § 9.2, 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 VWR § 9.6.

- Any person with an interest in this matter may appeal this decision pursuant to 10 V.S.A. § 917. Pursuant to 10 V.S.A. chapter 220, any appeals of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. § 8506. 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 on line at [www.psb.vermont.gov](http://www.psb.vermont.gov). The address for the Public Service Board is 112 State Street, Montpelier, Vermont, 05620-2701 (Tel. # 802-828-2358).

### FINDINGS

- The Agency received a complete application from VT Transco/Vermont Electric Power Co. (Collectively VELCO) for Vermont Wetland Permit on August 11, 2016.
- The wetlands and adjacent 50-foot buffer zones are located at the following location:

Wetland ID	General Location	Wetland Latitude (N)	Wetland Longitude (W)	General Landscape position
LU20a	On the K32 ROW to the west of Woods Rd in Ludlow.	43 26' 46.631"	72 43' 17.068"	Upper reaches of local watershed
MH7	On the K32 ROW to the east of Wilderness Rd in Mt Holly.	43 27' 0.740"	72 44' 8.578"	Upper reaches of local watershed
MH12a	On the K32 ROW to the east of Wilderness Rd in Mt Holly.	43 27' 6.929"	72 44' 30.257"	North base of Sawyer Rocks; Upper reaches of local watershed
MH13a	On the K32 ROW to the east of Wilderness Rd in Mt Holly.	43 27' 19.484"	72 45' 24.479"	North base of Sawyer Rocks; Upper reaches of local watershed

- Zapata Courage, District Wetlands Ecologist, conducted a site visit to the subject property with Tim Follensbee, Jake Reed, Steve Damiano on July 6, 2016.
- The subject wetland complexes meet the presumptions listed in VWR § 4.6, the wetland contains dense, persistent non-woody vegetation and is adjacent to a stream, river or open body of water (VWR §4.6c), and the Secretary has determined based on an evaluation of the functions and values of the wetlands that they are significant wetlands and therefore are designated as Class II wetlands.
- The wetland complexes and the subject wetlands in question are described in detail in the multiple wetland application table of the permit application and summarized in Table 1 below.

**Table 1: Summary of Wetland Characteristics, Functions & Values Under the Vermont Wetland Rules for Each Subject Wetland Impacted by The Project.**

Wetland Complex				Subject Wetland				
Wetland Complex ID	VWR Section 4.6 Presumptive Criteria <sup>1</sup>	Cover Types Present	Wetland Complex Functions and Values <sup>4</sup>	Subject Wetland ID	Subject Wetland Vegetation	Subject Wetland Soils <sup>3</sup>	Subject Wetland Hydrology <sup>4</sup>	Subject Wetland Functions and Values <sup>2</sup>
LU20a	§4.6 (b)(d)	80% emergent; 20% forested	5.1, 5.2, 5.4, 5.10	LU20a	<i>Carex crinita, Osmunda cinnamomea, Phalaris arundinacea, Carex intumescens, Spiraea alba, and Salix nigra</i>	Histic Epipedon (A2)	Surface Water, High Watertable, Saturation	5.1, 5.2, 5.4, 5.10
MH7	§4.6 (b)	80% emergent; 20% forested	5.1, 5.2, 5.4, 5.10	MH7	<i>Carex crinita, Osmunda cinnamomea, Phalaris arundinacea, Onoclea sensibilis, Spiraea alba, acer rubrum, Solidago canadensis and Typha angustifolia</i>	Depleted Below Dark Surface (A11)	Surface Water, High Watertable, Saturation	5.1, 5.2, 5.4, 5.10
MH12a	§4.6 (b)	80% emergent; 20% forested; Beaver Pond	5.1, 5.2, 5.4, 5.10	MH12a	<i>Carex crinita, Osmunda cinnamomea, Lysimachia lanceolata, Spiraea alba, and Spiraea tomentosa</i>	Histosol (A1)	Surface Water, High Watertable, Saturation	5.1, 5.2, 5.4, 5.10
MH13a	§4.6 (b)	100% emergent	5.1, 5.2, 5.4, 5.10	MH13a	<i>Carex crinita, Carex intumescens, Phalaris arundinacea, Eupatoriadelphus dubius, Viburnum dentatum and Spiraea alba</i>	Depleted Below Dark Surface (A11)	Surface Water, High Watertable, Saturation	5.1, 5.2, 5.4, 5.10

<sup>1</sup> VWR §4.6 (a): wetland is of the same type and threshold size as those mapped on the VSWI maps; (b) wetland contains woody vegetation and is adjacent to a stream, river or open body of water, (c) the wetland contains dense, persistent non-woody vegetation and is adjacent to a stream, river or open body of water, (d) the wetland is a vernal pool that provides amphibian breeding habitat, (e) the wetland is a headwater wetland, (f) the wetland is adjacent to impaired waters and the impairment is related to wetland water quality functions, (g) the wetland contains a species that appears in the NNHP database as rare, threatened, endangered or uncommon; or is a natural community type that is rare or uncommon, (h) the wetland has been previously designated as a significant wetland , (i) it is within sixty (60) days after the landowner has received notice of a preliminary wetland determination pursuant to Section 8.1 of these rules.

<sup>2</sup> Defined in the VWR Section 5: §5.1-Water Storage for flood Water and Storm Runoff; §5.2-Surface and Ground Water Protection, § 5.3-Fish Habitat, §5.4 Wildlife Habitat, §5.5 Exemplary Natural Community, §5.6 Threatened and Endangered Species Habitat, §5.7 Education and Research, §5.8 Recreation and Economics §5.9 Open Space and Aesthetics, and §5.10 Erosion Control

<sup>3</sup>ACOE Delineation Manual soil description

<sup>4</sup>ACOE Delineation Manual description

6. The proposed project is described in detail in Sections 17 and 18 of the permit application. The project consists of the construction of a permanent access road for maintenance, replacement, repair and emergency access to electrical transmission infrastructure.
7. Proposed impacts to the subject wetlands and buffer zones, summarized in Section 19 and detailed within the multiple wetland table of the permit application, are as follows (Tables 2 and 3 below):

**Table 2. Cumulative Impacts across all subject wetlands and buffers (sq. ft.) for Project**

Wetland Alteration:		Buffer Zone Alteration:	
Wetland Fill:	28,862 sq. ft.		
Temporary:	0 sq. ft.	Temporary:	0 sq. ft.
Other Permanent:	0 sq. ft.	Permanent:	17,236 sq. ft.
<b>Total Wetland Impact</b>	<b>28,862 sq. ft.</b>	<b>Total Buffer Zone Impact:</b>	<b>17,236 sq. ft.</b>

**Table 3. Summary of Specific Subject Wetland Impact Descriptions and Impacts (sq. ft.)**

Wetland Complex ID	Subject Wetland ID	Subject Wetland Impact Description	Wetland Impacts (sq. ft.)	Buffer impacts (sq. ft.)
LU20a	LU20a	Permanent fill for road crossings, road width design includes typical 16-foot wide level travel surface with fill height of 1.5 feet and a 3:1 side-slope which equates to a total road footprint or fill width of - 25 feet wide. Also Typical "equalizer" culverts (typically 12" diameter 20' long) will be placed perpendicular to road fill to maintain pre-existing down-gradient overland flow through wetlands where necessary.	3,582	4,183
MH7	MH7	Permanent fill for road crossings, road width design includes typical 16-foot wide level travel surface with fill height of 1.5 feet and a 3:1 side-slope which equates to a total road footprint or fill width of - 25 feet wide. Also Typical "equalizer" culverts (typically 12" diameter 20' long) will be placed perpendicular to road fill to maintain pre-existing down-gradient overland flow through wetlands where necessary.	2,761	2,545
MH12a	MH12a	Permanent fill for road crossings, road width design includes typical 16-foot wide level travel surface with fill height of 1.5 feet and a 3:1 side-slope which equates to a total road footprint or fill width of - 25 feet wide. Also Typical "equalizer" culverts (typically 12" diameter 20' long) will be placed perpendicular to road fill to maintain pre-existing down-gradient overland flow through wetlands where necessary.	16,113	2,788
MH13a	MH13a	Permanent fill for road crossings, road width design includes typical 16-foot wide level travel surface with fill height of 1.5 feet and a 3:1 side-slope which equates to a total road footprint or fill width of - 25 feet wide. Also Typical "equalizer" culverts (typically 12" diameter 20' long) will be placed perpendicular to road fill to maintain pre-existing down-gradient overland flow through wetlands where necessary.	6,406	7,720

8. The protected functions of the wetland complexes include the following: water storage for flood water and storm (VWR § 5.1), surface and groundwater protection (VWR § 5.2), wildlife habitat (VWR § 5.4), and erosion control through binding and stabilizing the soil (VWR § 5.10).
9. The following functions of the wetland complexes are either not present or are present at such a minimal level as to not be protected functions: fish habitat (VWR § 5.3), exemplary wetland natural community (VWR § 5.5), threatened and endangered species habitat (VWR § 5.6), education and research in natural science (VWR § 5.7), recreational value and economic benefits (VWR § 5.8), and open space and aesthetics (VWR § 5.9).

A summary of functions and values associated with the Class II subject wetlands is presented in Table 4 below.

10. The wetland complexes are significant for the water storage for flood water and storm runoff function as demonstrated in Section 7 of the permit application. Based on the factors described in Section 7.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function. A summary of impacts to the subject wetland and statement of no undue adverse impact to this function for the subject wetland is located in Table 4 below.
11. The wetland complexes are significant for the surface and ground water protection function as described in Section 8 of the permit application. Based on the factors described in Section 8.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function. A summary of impacts to the subject wetland and statement of no undue adverse impact to this function for the subject wetland is located in Table 4 below.
12. The wetland complexes are significant for the wildlife and migratory bird habitat function as described in Section 10 of the permit application. Based on the factors described in Section 10.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function. A summary of impacts to the subject wetland and statement of no undue adverse impact to this function for the subject wetland is located in Table 4 below.
13. The wetland complexes are significant for the erosion control function demonstrated in Section 16 of the permit application. Based on the factors described in Section 16.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
14. A summary of impacts to the subject wetland and statement of no undue adverse impact to this function for the subject wetland is located in Table 4 below.

**Table 4. Summary of Impacts and Statement of No Undue Adverse Impact to Function and Values for The Subject Wetland**

Wetland Complex ID	Subject Wetland ID	Subject Wetland Impact Description	Subject Wetland Functions and Values <sup>1</sup>	Subject Wetland Contribution to Functions and Values <sup>1</sup>	No Adverse Impact Statement and Avoidance
LU20a	LU20a	Permanent fill for road with total fill width of 25 ft. wide and installation of culverts 12" X 20' long	§ 5.1	Contains physical space for floodwater expansion (storage) and dense, persistent, emergent vegetation or dense woody vegetation that slows down flood waters or stormwater runoff during peak flows and facilitates water removal by evaporation and transpiration	The proposed access road will cross wetlands at their driest and/or narrowest width. Also, road fill material will maintain overall wetland surface and subsurface hydrology, and the capacity of the wetland for water storage and runoff attenuation.
			§ 5.2	Provides low water velocity through dense, persistent vegetation, and hydroperiods. Contains a high degree of microtopography and has a hydroperiod with periodic flooding or persistent saturation	Road slopes will be re-vegetated and stabilized so as to not cause erosion/sedimentation into the wetland and remaining areas of wetland and buffer will maintain existing vegetative cover. Ground water seeps will remain undisturbed and culverts will be installed to maintain hydrological patterns of drainage. Road crossing are occurring at the narrowest and/or driest areas of wetland and furthest from the potential vernal pool. Also road fill material was chosen for the purpose of maintaining overall wetland surface and subsurface hydrology, and capacity of the wetland for water storage and runoff attenuation.
			§ 5.4	Field evidence indicates a seasonal potential vernal pool is located in the northeast forested (uncleared) ROW. Also located on State Wildlife Management Area land.	Proposed wetland fill will result in a minimal loss of wetland vegetation, hydroperiod function, and connectivity to other wetlands and LOD will remain within the open ROW corridor of the existing utility line and as far away from the vernal pool as possible and will not result in undue adverse impacts to the wildlife habitat potential.
			§ 5.10	Located in a upper watershed landscape position and contributes to down-gradient erosion control through dense persistent vegetation and storage capacity, Stream flows sinuously through LU20 and discharges to a small perennial stream channel to the south.	The proposed loss of wetland vegetation has been minimized to the extent possible. The brief duration of work along with the utilization of stone aggregate fill will reduce the potential for soil erosion.
MH7	MH7	Permanent fill for road with total fill width of 25 ft. wide and installation of	§ 5.1	Contains physical space for floodwater expansion (storage) and dense, persistent, emergent vegetation or dense woody vegetation that slows down flood waters or stormwater runoff during peak flows and facilitates water removal by evaporation and transpiration	The proposed access road will cross wetlands at their driest and/or narrowest width. Also, road fill material will maintain overall wetland surface and subsurface hydrology, and the capacity of the wetland for water storage and runoff attenuation.



		culverts 12" X 20' long	§ 5.2	Provides low water velocity through dense, persistent vegetation, and hydroperiods. Contains seeps.	Road slopes will be re-vegetated and stabilized so as to not cause erosion/sedimentation into the wetland and remaining areas of wetland and buffer will maintain existing vegetative cover. Ground water seeps will remain undisturbed and culverts will be installed to maintain hydrological patterns of drainage. Road crossing are occurring at the narrowest and/or driest areas of wetland and furthest from the potential vernal pool. Also road fill material was chosen for the purpose of maintaining overall wetland surface and subsurface hydrology, and capacity of the wetland for water storage and runoff attenuation.
			§ 5.4	Provides important feeding habitat for black bear, bobcat, or moose based on an assessment of use and is adjacent to a stream	Proposed wetland fill will result in a minimal loss of wetland vegetation, hydroperiod function, and connectivity to other wetlands and LOD will remain within the open ROW corridor of the existing utility line and will not result in undue adverse impacts to the wildlife habitat potential
			§ 5.10	Dense, persistent vegetation along a sinuous stream bank that reduces an adjacent erosive force. Good interspersion of persistent emergent vegetation and water along course of water flow.	The proposed loss of wetland vegetation has been minimized to the extent possible. The brief duration of work along with the utilization of stone aggregate fill will reduce the potential for soil erosion.
MH12a	MH12a	Permanent fill for road with total fill width of 25 ft. wide and installation of culverts 12" X 20' long	§ 5.1	Has a constricted outlet. Contains physical space for floodwater expansion (storage) and dense, persistent, emergent vegetation or dense woody vegetation that slows down flood waters or stormwater runoff during peak flows and facilitates water removal by evaporation and transpiration.	The proposed access road will cross wetlands at their driest and/or narrowest width. Also, road fill material will maintain overall wetland surface and subsurface hydrology, and the capacity of the wetland for water storage and runoff attenuation.
			§ 5.2	Has a constricted outlet. Provides low water velocity through dense, persistent vegetation, and hydroperiods. Contains seeps and has a hydroperiod with periodic flooding or persistent saturation.	Road slopes will be re-vegetated and stabilized so as to not cause erosion/sedimentation into the wetland and remaining areas of wetland and buffer will maintain existing vegetative cover. Ground water seeps will remain undisturbed and culverts will be installed to maintain hydrological patterns of drainage. Road crossing are occurring at the narrowest and/or driest areas of wetland. Also road fill material was chosen for the purpose of maintaining overall wetland surface and subsurface hydrology, and capacity of the wetland for water storage and runoff attenuation.
			§ 5.4	Supports an active beaver dam, one or more lodges, or evidence of use in two or more consecutive years by an adult beaver population,	Proposed wetland fill will result in a minimal loss of wetland vegetation, hydroperiod function, and connectivity to other wetlands and LOD will remain within the open ROW corridor of the existing utility line

				and has evidence that it is used by wetland dependent wildlife species.	and will not result in undue adverse impacts to the wildlife habitat potential
			§ 5.10	Located in a upper watershed landscape position and contributes to down-gradient erosion control through dense persistent vegetation and storage capacity.	The proposed loss of wetland vegetation has been minimized to the extent possible. The brief duration of work along with the utilization of stone aggregate fill will reduce the potential for soil erosion.
MH13a	MH13a	Permanent fill for road with total fill width of 25 ft. wide and installation of culverts 12" X 20' long	§ 5.1	Contains physical space for floodwater expansion (storage) and dense, persistent, emergent vegetation or dense woody vegetation that slows down flood waters or stormwater runoff during peak flows and facilitates water removal by evaporation and transpiration	The proposed access road will cross wetlands at their driest and/or narrowest width. Also, road fill material will maintain overall wetland surface and subsurface hydrology, and the capacity of the wetland for water storage and runoff attenuation.
			§ 5.2	Provides low water velocity through dense, persistent vegetation, and hydroperiods. Contains seeps and a high degree of microtopography. It is adjacent to surface waters and has a hydroperiod with periodic flooding or persistent saturation	Road slopes will be re-vegetated and stabilized so as to not cause erosion/sedimentation into the wetland and remaining areas of wetland and buffer will maintain existing vegetative cover. Ground water seeps will remain undisturbed and culverts will be installed to maintain hydrological patterns of drainage. Road crossing are occurring at the narrowest and/or driest areas of wetland. Also road fill material was chosen for the purpose of maintaining overall wetland surface and subsurface hydrology, and capacity of the wetland for water storage and runoff attenuation.
			§ 5.4	The wetland is large in size and high in quality with a diversity of habitats and in proximity to other wetlands within a ¼ mile.	Proposed wetland fill will result in a minimal loss of wetland vegetation, hydroperiod function, and connectivity to other wetlands and LOD will remain within the open ROW corridor of the existing utility line and will not result in undue adverse impacts to the wildlife habitat potential
			§ 5.10	Located in a upper watershed landscape position and contributes to down-gradient erosion control through dense persistent vegetation and storage capacity by attenuating flow; however, the stream is artificially channelized and/or lacks vegetation that contributes to controlling the erosive force along the channel.	The proposed loss of wetland vegetation has been minimized to the extent possible. The brief duration of work along with the utilization of stone aggregate fill will reduce the potential for soil erosion.
<sup>1</sup> Defined in the VWR Section 5: § 5.1-Water Storage for flood Water and Storm Runoff; § 5.2-Surface and Ground Water Protection, § 5.3-Fish Habitat, § 5.4- Wildlife Habitat, § 5.5-Exemplary Natural Community, § 5.6-Rare, Threatened and Endangered Species, § 5.7-Education and Research in Natural Sciences, § 5.8-Recreational Value and Economic Benefits, § 5.9-Open Space and Aesthetics, and § 5.10-Erosion Control					

15. Under 10 V.S.A. § 913 and VWR § 9.5, the Secretary may authorize activities in a Class II wetland or in its buffer zone if the Secretary determines that it complies with the VWR and will have no undue adverse effect on the protected functions and values. Based on the permit application, the site visit(s) by Agency staff, and the foregoing findings and analysis, the Secretary has determined that the proposed project will have no undue adverse effects on the protected functions and values of the subject Class II wetlands.
16. Pursuant to VWR § 9.5(b), the permittee has demonstrated that the proposed activity in the subject wetland cannot practicably be located outside the wetland 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 adverse impacts on protected functions, as described in the application.

The proposed road cannot be entirely located outside the buffer zone. Where practical within the cleared ROW, the proposed road alignment was designed, especially for wetlands that do not span the entire wetland or parallel wetland boundaries, to be located to avoid the 50-foot wetland buffer zones where possible.

The road alignment through the wetlands is at their narrowest point and/or driest location and uses technologies which will maintain surface hydrology. In addition, the installation of stabilized permanent access crossings will reduce the likelihood of future crossings through the un-impacted portions of the wetlands and buffers.

17. No public comments were received during the public comment period.

Alyssa B. Schuren, Commissioner  
Department of Environmental Conservation

by: \_\_\_\_\_  
Laura Lapierre, Program Manager  
Wetlands Program  
Watershed Management Division

Dated at Montpelier, Vermont  
this ninth day of November, 2016