

Flood Hazard Area & River Corridor Individual Permit
10 V.S.A. § 754

PERMIT #: FP-1-0021-IND

Date: 2/23/2017

Applicant: Vermont Agency of Transportation

Contact: Jeff Ramsey

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Project Location: VT RT 17-Weybridge/New Haven

Flooding Source: Otter Creek

Project Description: Replacement of Bridge No. 8 with the additional construction of a paved public access area and boat launch.

Based upon the Findings contained in this permit, the Secretary has determined that the proposed project will comply with the Flood Hazard Area & River Corridor Rule (Environmental Protection Rule, Chapter 29) and is hereby approved under the following conditions and specifications.

I. Findings

The Secretary of Natural Resources has determined that:

- (a) The project is located within the Special Flood Hazard Area (Weybridge: Zone AE, New Haven: Zone A6) and the regulatory floodway. 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.
- (c) This project authorization includes: The removal of the existing 3-span (2 pier) bridge, to be replaced by a 2-span (1-pier) bridge on the same alignment. The temporary placement of the new central pier prior to the removal of the 2 existing piers during the course of construction. The construction of a new paved public access area and boat launch stairway adjacent to the bridge site to the northwest.
- (d) The public access area and boat launch stairway can be allowed within the River Corridor (§29-303(b)(3) of the Flood Hazard Area and River Corridor Rule) provided the proposed recreational access area grants the general public access to the water and promotes the public trust uses of the water.
- (e) This project meets the Standards of the Flood Hazard Area & River Corridor Rule (Subchapter 4), based on the following:
 - (1) There is no expected rise in the base flood elevation due to the new proposed final 2-span bridge design, or the access area and boat launch. This is shown by the hydraulic modelling demonstrating no net rise in the base flood elevation.

- (2) The temporary construction condition (6-months or less) where the new center pier will be placed prior to the removal of the existing 2 piers shows a negligible impact to the local base flood elevation with modeled increases totaling 0.01'-0.02' respectively. As the 3 pier design will be in place for a limited six month duration this is satisfactory as the impact is temporary and negligible.
- (3) Volumetric analysis submitted for the replacement bridge has detailed that the compensatory storage requirement has been waived, as the finished 2-span bridge design will not result in a loss of flood storage and therefore, would not divert floodwaters onto adjacent property.
- (4) Volumetric analysis submitted for the public access area and boat launch demonstrates that the proposed 50.23 cubic yard fill will be offset with an equal cut volume. As such the finished construction of the access area and boat launch will not result in a loss of flood storage and therefore, would not divert floodwaters onto adjacent property.
- (5) Bank full width has been surveyed for the project and is between 200' and 230'. The river corridor performance standard is met for the proposed bridge replacement due to the overall increase in conveyance resulting from the new, wider, 240', 2-span design which will accommodate bank full flows.
- (6) The project will not adversely affect public safety by increasing flood elevations, flood velocities, or decreasing flood storage volume.
- (7) The project is designed to be reasonably safe from flooding as required by §29-401(c)(2) of the Rule.
- (8) The project is designed to comply with the NFIP Floodplain Management Criteria in 44 C.F.R. § 60.3.

II. Specific Conditions

- (a) All construction shall be completed and sequenced as depicted on the plans submitted with the application materials for this Flood Hazard Area and River Corridor permit.
- (b) All staging of materials and equipment during construction shall be removed from both the Special Flood Hazard Area and the River Corridor at project completion.
- (c) The first phase of construction for the new pier specifies that this construction shall take place during the winter of 2017/2018. The temporary causeway for pier construction has been planned for installation in November 2017 with removal occurring on or before March 15th, 2018. The construction causeway shall be removed 180 days or less after the date of installation.
- (d) The remainder of bridge reconstruction is scheduled to begin in June, 2018 with substantial completion planned within 60 days. Bridge reconstruction shall follow the submitted timeline with completion occurring by the end of the 2018 construction season.
- (e) The temporary causeway used during the remainder of bridge reconstruction is planned for installation in June, 2018 with planned removal within the fall of the same year. The temporary construction causeway shall be removed from the SFHA and river corridor within 180 days or less of the installation date.
- (f) For the stairs and parking at the Fish & Wildlife property to meet the No Adverse Impact River Corridor Standard, the State shall not provide streambank stabilization or armoring to limit lateral river channel migration. Specifically, future lateral river channel migration may result in the need to relocate the stairs and parking in order to allow the river to attain channel width, depth, meander pattern, and slope associated with its equilibrium condition.
- (g) The permittee must notify the Floodplain Manager by phone or email when construction begins and when the project is complete.

- (h) As-built documentation prepared by a licensed land surveyor or professional engineer shall be submitted to the Floodplain Manager when the project is complete.

III. General Conditions

- (a) **Access to property.** By conducting any activity authorized under this permit, the permittee agrees to allow Agency representatives access to the property covered by this permit, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Flood Hazard Area & River Corridor Rule and this permit. This permit does not grant the permittee the right to enter onto any property not owned by the permittee.
- (b) **Changes to authorized activity.** All activity shall be completed and maintained in accordance with the terms and conditions of this permit. The permittee shall notify the Secretary of any planned changes to the authorized activity prior to carrying out such changes. The Secretary may require the permittee to submit additional information on the proposed change. The Secretary may require an amendment to this permit, which may require re-noticing of the project for public comment.
- (c) **Remedial measures.** The Secretary maintains continuing jurisdiction over an activity authorized under this permit and may at any time order remedial measures if it appears the activity is not in compliance with this permit.
- (d) **Compliance with other regulations.** This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
- (e) **Legal responsibilities for damages.** The Secretary, by issuing permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
- (f) **Revocation.** The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this permit for cause, including:
- (1) Violation of the terms or conditions of this permit;
 - (2) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
 - (3) A change in any condition or new information that requires either a temporary or permanent reduction or elimination of the authorized activity.
- (g) **Duty to comply; enforcement.** The permittee shall comply with all terms and conditions of this permit. Any permit 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 permit.
- (h) **Transfer of permit.** The permittee may transfer this permit by submitting a notice of transfer on a form provided by the Secretary. The notice shall be submitted at least 10 days prior to transfer and shall include at a minimum, the name and address of the new permittee, the name and address of the former permittee, the date of transfer, and a statement signed by the new permittee stating that he/she has read and is familiar with the terms and conditions of this permit and agrees to comply with it.
- (i) **Reopener.** If, after granting this permit, the Secretary determines, at his or her discretion, that there is evidence indicating that an authorized activity does not comply with the requirements of the Flood Hazard Area & River Corridor Rule, the Secretary may reopen and modify this permit to include different limitations and requirements.
- (j) **Limitations.** This permit conveys no vested rights or exclusive privileges. This permit 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 on line 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 five years.

Joanna Pallito, Commissioner
Vermont Department of Environmental Conservation

By  dated February 23, 2017
Rob Evans, State Floodplain Manager
Rivers Program
Watershed Management Division

cc: Brenda Jaring – Weybridge Town Clerk- Clerk@townofweybridge.org,
Pam Kingman – New Haven Town Clerk – newhaventownclerk@gmavt.net,
Addison County Regional Planning Commission

Abutters:

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