

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

PERMIT #: FP-3-0007-REG

Date: 7/5/2017

Applicant: Green Mountain Power Corporation

Contact: Zach Casey

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Project Location: Along East Barnard Road and Broad Brook Road, Barnard, VT

Flooding Source: North Branch Broad Brook and unnamed tributary to Broad Brook

Project Description: Removal and relocation of existing Barnard Distribution Line 01; specifically, the removal of an existing 34.5kV distribution line and a relocation and upgrade of line to a parallel roadside location.

Based upon the Findings contained in this authorization, the Secretary has determined that the proposed project complies with the requirements of the 2016 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 2016 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 A). The project is also located within the river corridor.
- (b) This project is exempt from municipal regulation because it is a Public utility power generating plant(s) and/or transmission facility.
- (c) This project authorization includes the removal of existing poles along with the installation of 8 new poles within FEMA mapped Special Flood Hazard Area, Zone A and 37 new structures within the ANR mapped River Corridor. No fill or change in flood elevation is expected as a result of this project. All poles will be within the existing road embankment.
- (d) 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 2016 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.

Emily Boedecker, Commissioner
Vermont Department of Environmental Conservation

By  dated July 4, 2017
John Broker-Campbell, Southeast Floodplain Manager
Rivers Program

cc: Diane Rainey, Barnard Town Clerk
Abutters:

Property Owner	Mailing Address	Town
Eric, Laura & Kimberly Louttit	54 Birch Lane	N. Clarendon, VT 05759
Barnard VT Land Nominee Trust	24 Lawson Rd	Winchester, MA 01890
Barbara Darling	1076 E Barnard Rd	S. Royalton, VT 05068
Derek & Linda Ward	1024 E Barnard Rd	S. Royalton, VT 05068
Howard Seitz II	2 Iroquis St.	Rye, NY 10580
Frank & Lorna Lee Muller	974 E. Barnard Rd	S. Royalton, VT 05068
Milan & Beatrice Cole	2879 Broad Brook Rd	S. Royalton, VT 05068
Besarabic-Goldsweig Realty Trust	2400 Beacon St. Unit 213	Chestnut Hill, MA 02467
Floyd & Marjorie Van Alstyne co-trustees of the Van Alstyne Barnard Realty Trust	330 Walker Hill Rd	So. Royalton, VT 05068
Gerald & Arleta Fredrickson	546 E. Barnard Rd	S. Royalton, VT 05068
Dudley L. Leavitt, Jr	52 E. Barnard Rd	S. Royalton, VT 05068
Rodney & Mary Croft	491 E. Barnard Road	S. Royalton, VT 05068
Frank Barth & Melinda Haas	P.O Box 443	Woodstock, VT 05091
Pamylee & Francis Carbino	13 Walker Hill Road	S. Royalton VT, 05068
Daniel & Jill Leavitt	117 Walker Hill Rd	S. Royalton, VT 05068
Karen E. Thorkilsen Elizabeth W. Ferry	153 E. Barnard Rd	S. Royalton, VT 05068
Patrick and Joanna Kell	166 E. Barnard Road	S. Royalton, VT 05068
Frederick Schlabach Janet F. North	138 E. Barnard Rd	S. Royalton, VT 05068
Sabra Field	75 E. Barnard Rd	S. Royalton, VT 05068
Nancy Kennedy	98 East Barnard Road	So. Royalton, VT 05068
Faith Fellows	23 E. Barnard Road	S. Royalton, VT 05068
Margaret Westbrook Estate c/o Kathleen London Executrix	52 Garetta St. Apt. 710B	Pittsburg, PA 15217
E Barnard Community Hall c/o Randy Leavitt, Presiden	427 Broad Brook Rd	S. Royalton, VT 05068
Town of Barnard E. Barnard Cemetery	P.O Box 274	Barnard, VT 05031-0274
Town of Barnard E Barnard Church	P.O Box 274	Barnard, VT 05031-0274
Town of Barnard Broad Brook Fire Dept	P.O Box 274	Barnard, VT 05031-0274
Peter L. Koopman	840 Catlett Road	Sevierville, TN 37862
Glenn & Joan Yankee	5240 Broad Brook Rd	S. Royalton, VT 05068
Stephen Johnson & Hannah Nichols	P.O. Box 92	S. Pomfret, VT 05067
Leonard & Judith Brown	5137 Broad Brook Rd	S. Royalton, VT 05068
Cottonwood Farm LLC c/o Alexander N. Wolff	949 Cider Mill Rd	Cornwall, VT 05753
Richard Avery	1107 Bracts Road	Effort, PA 18330
Abner & Virginia Schlabach	5026 Broad Brook Rd	So. Royalton, VT 05068