

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

PERMIT #: FP-6-0011-IND

Date: 11/6/2017

Applicant: Green Mountain Power

Contact: Scott Lehman, GMP; Tim Upton, GMP; Robert Wildey, vhb

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Project Location: Barre South End Substation, 121 Main Street, Barre City

Flooding Source: Stevens Branch and Jail Branch

Project Description: Reconstruction of existing substation to improve flood resiliency and reliability. Includes increasing grade at the site, installing rip rap on fill slopes, relocation of poles, new poles, extension of gravel access ramp on west side.

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 (Zone AE). The project is also located within the river corridor.
- (b) This project is exempt from municipal regulation because it is covered under a Certificate of Public Good issued by the Public Service Board for a Public utility power generating plant(s) and/or transmission facility.
- (c) This project authorization includes
 1. Fill in the area mapped as Special Flood Hazard Area, and the placement of protective rip rap for the substation pad, as needed to elevate the grade at the substation from 616' NAVD 88 (at the Base Flood Elevation) by three feet to 619' NAVD 88. The area of this work is outside of the mapped Floodway. The fill is all above the regulatory BFE, does not require compensatory storage and will improve the flood resilience of the substation.
 2. 52 cubic yards of fill will also be placed to maintain access to the pad. This includes ramp access to pad and the ramp to poles on the west side. This access is necessary, and there are no opportunities for compensatory storage on site.
 3. Development in the River Corridor as described, such that, except for the two access ramps, the extent of the substation pad, including rip rap will be reduced. The ramp locations are consistent with

Appendix A of the Flood Hazard Area and River Corridor Rule.

4. Pole locations in the River Corridor include:

a) Three poles on the south side, closest to the Jail Branch will be removed. One distribution pole on the south side will be replaced at the edge of the paved drive. This location is consistent with Appendix A of the Rule.

b) Two new transmission poles will be placed on the north edge of the substation. One pole will be relocated. Two of these are within the (narrower) extent of the substation and all of them, including the third (outside the fence in the Northwest corner) will be in locations consistent with Appendix A.

- (d) This project meets the Standards of the Flood Hazard Area & River Corridor Rule (Subchapter 4), based on the following:
- (1) The project as proposed in the application is consistent with the no adverse impact standards in the Flood Hazard Area and River Corridor Rule.
 - (2) The project will not adversely affect the public safety by increasing flood elevations, flood velocities, or decreasing flood storage volume.
 - (3) The project is designed to be reasonably safe from flooding as required by §29-401(c)(2) of the Rule.
 - (4) The project is designed to comply with the NFIP Floodplain Management Criteria in 44 C.F.R. § 60.3.

II. Specific Conditions

- (a) The permittee must notify the Floodplain Manager by phone or email when construction begins and when the project is complete. ned.swanberg@vermont.gov
- (b) 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.

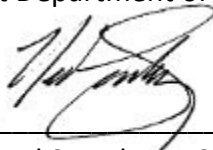
- (f) **Revocation.** The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this permit for cause, including:
- (1) Violation of the terms or conditions of this permit;
 - (2) Obtaining authorization by misrepresentation or failure to fully disclose all 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.

Emily Boedecker, Commissioner
Vermont Department of Environmental Conservation

By  dated 11/6/22017
Ned Swanberg, Central Floodplain Manager
Rivers Program
Watershed Management Division

cc: Barre City Clerk Barre City - Clerk 6 North Main St, Ste 6 Barre, VT 05641 Town
Central Vermont Regional Planning Commission 29 Main Street, Suite 4 Montpelier, VT 05602
Barre City - Planning Director 6 North Main St. Ste 7 Barre, VT 05641

Abutters:

Property Owner Street Address Town Status

Merton A. Supernault and Judy A. Romero 107 South Main Street Barre, VT 05641 Abutter / Landowner
107 South Main Street LLC 109 South Main Street Barre, VT 05641 Abutter / Landowner
Thomas J. & Karen C. Lauzon 111 South Main Street Barre, VT 05641 Abutter / Landowner
Siu Hap Kung & Wai Fan Pau 119 South Main Street Barre, VT 05641 Abutter / Landowner
F&M Bashara LLC 114 South Main Street Barre, VT 05641 Abutter / Landowner
John H. & Joyce E. LaRose 131 South Main Street Barre, VT 05641 Abutter / Landowner
Wall Street Investments Brooklyn Street (vacant land) Barre, VT 05641 Abutter / Landowner
Ernest & Linda Labrie 125 Brooklyn Street Barre, VT 05641 Abutter / Landowner
Marcel J. Lafond Estate 121 Brooklyn Street Barre, VT 05641 Abutter / Landowner
Monsignor Raymond R. Crosier Revocable Trust Brooklyn Street Barre, VT 05641 Abutter / Landowner
City of Barre (vacant land) Barre, VT 05641 Abutter / Landowner
Lyle Remick II 14 Elmore Street Barre, VT 05641 Abutter / Landowner
George H. Wilson, IV; David R. Copping; & William C. 8 Elmore Street Barre, VT 05641 Abutter / Landowner
Green Mountain Power 121 South Main Street Barre, VT 05641 Abutter / Proponent