

**Vermont Department of Environmental Conservation**

Watershed Management Division  
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*Agency of Natural Resources*

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Hermitage Inn Real Estate Holding Company, LLC

James Barnes

PO Box 2210

West Dover, VT 05256

phone: (802) 464-7870

email: [rrubin@hermitageclub.com](mailto:rrubin@hermitageclub.com)

**Statutory Authority:**

*This permit is issued under Title 10,  
Vermont Statutes Annotated, Chapter 41,  
Subchapter 2, Alteration of Streams.*

**Permit No.: IND-07-0002 INDIVIDUAL STREAM ALTERATION PERMIT**

Project: **Hermitage Inn – Oak Brook Chamonix Trail Crossing**

Lat/Lon: **N 42.9239 / W 72.8942**

Description: Project is located in the Town of Wilmington on Oak Brook and will consist of replacement of an undersized culvert with a new bankfull width structure. Structure will be a bridge with footings buried 6 feet below new stream bed elevation as scour protection, if ledge isn't present. Vertical profile will be reestablished and exposed streambed/bank to be restored to a stable reach with streambed material to be ANR Type E stone.

**The subject project is hereby authorized under the above statutes, subject to the following conditions:**

- 1) **Construction Drawings** - The reviewed design plans, prepared by Harrington Engineering, Inc. (design engineer) are dated 11/25/2015. These are draft plans that will be finalized prior to the commencement of construction. Any changes to the design plans will require review and acceptance by the Vermont Agency of Natural Resource (ANR) River Management Engineer (RME) and ANR Fisheries Biologist.
- 2) **Stream Restoration** – Design plans will be modified based on input from a consultant geomorphologist for restoration of the streambed at the existing crossings to achieve the Stream Alteration Performance Standards - B.3.2.1 Equilibrium Standard and B.3.2.2 Connectivity Standard (§S27-402 (b) Vermont Stream Alteration Rule). Consultant will be required to provide oversight during construction activities.
- 3) **Pre-Construction Meeting** - Design Engineer, consulting geomorphologist, and Contractor shall contact Josh Carvajal at (802) 490-6163 or [joshua.carvajal@vermont.gov](mailto:joshua.carvajal@vermont.gov), two weeks prior to commencement of construction to schedule a site meeting to discuss the project design plans, bypass plan, and sequencing..
- 4) **Instream Work Dates** - Construction activities within the bed and bank of the stream may commence upon the issuance of this final authorization and submittal of additional information requested below. Instream work activity must be completed between June 1 and October 1, unless approved by the RME.
- 5) **Stream Bypass** - It is anticipated that a stream bypass will be utilized for installation of the proposed crossings. Contractor shall submit a bypass plan to the design engineer for keeping flows out of the active work area. Plan will be reviewed at preconstruction meeting with the final acceptance by RME.
- 6) **Dewatering** - Provisions for filtering of dewatering from excavations for the footings and/or the control of turbid discharges into the stream during construction activities shall be submitted to the RME and the design engineer for review and acceptance prior to commencement of any work within the project limits.

- 7) Schedule and Sequencing - A project schedule and sequencing of activities shall be provided by the Contractor to the RME and design engineer for review and acceptance prior to project commencement.
- 8) Inspections and Reporting - Design Engineer (or an applicant approved designee) will conduct onsite inspections and prepare weekly reports on current activities at the site, including but not limited to photographs of the active work area, description of completed work, and upcoming work for the next week. Reports to be submitted on Friday of each week via email to the RME and Town of Readsboro.

***This permit expires on December 31, 2017 and it may be revoked at any time an inspection reveals the project is in non-compliance with any of the above listed conditions or a stop work order is issued in writing by ANR.***

This authorization has been posted for a ten-day public comment period. This letter constitutes final approval.

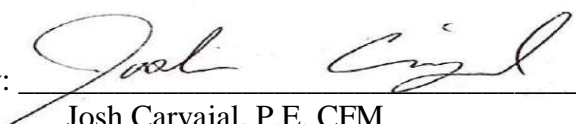
Please be aware that if the proposed project is located in a municipality that participates in the National Flood Insurance Program (NFIP) and involves a development activity (including construction of structures, the placement of fill, storage of materials, grading, excavating, etc...) within the Special Flood Hazard Area (SFHA) as delineated on the FEMA Flood Insurance Rate Maps (FIRMs), a review will be required by the municipality's floodplain manager for compliance with local flood hazard regulations. Please contact the local zoning administrator for more information and the ANR Regional Floodplain Manager for technical assistance.

**This permit does not relieve you of the responsibility of obtaining permission from the affected property owners, nor the responsibility of obtaining any and all other necessary Local, State, or Federal permits.**

*Recent litigation involving the public trust doctrine raises concern that agency permits for stream alterations, dams or a water quality certificate may be challenged for lack of jurisdiction or authority. We want to alert you to the possibility that litigation or legislative action may modify or retroactively affect the agency's actions.*

If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of VT Water Quality Standards.

Signed this 2<sup>nd</sup> day of July, 2016  
Alyssa B. Schuren, Commissioner  
Department of Environmental Conservation

by:   
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Josh Carvajal, P.E. CFM  
River Management Engineer

cc: Project e-file  
Mike Adams – Army Corps of Engineer  
John-Broker Campbell – ANR Regional Floodplain Manager  
Jon Harrington – Harrington Engineering  
Lael Will – Fisheries Biologist