

PUBLIC NOTICE

Comment Period Begins: February 6, 2024 Comment Period Ends: March 7, 2024 File Number: NAE-2017-00772 In Reply Refer to: Michael S. Adams Phone: (802) 872-2893 Email: michael.s.adams@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2017-00772 to conduct work in waters of the United States from Vermont Agency of Transportation located at 219 North Main Street, Barre, Vermont. This work is proposed in the Missisquoi River, Charcoal Creek, five unnamed streams, and wetlands adjacent to these waterways and Lake Champlain off VT Route 78 in Swanton, Vermont. The coordinates for the west end of the project are Latitude 44.96948° N, Longitude -73.20761° W and the coordinates for the east end of the project are Latitude 44.92343° N, Longitude -73.12745° W.

The work involves the placement of fill in a total of 9.17 acres of rivers, streams and adjacent wetlands in conjunction with the full depth roadway reconstruction of 5.7 miles of VT Route 78 between the Missisquoi Bay Bridge and Swanton Village in Swanton, Vermont.

Widening the road to the standard National Highway System width of two 12' wide travel lanes and two 6' wide shoulders, and minor modification to the roadway alignment to improve the geometry and safety of the road will impact a total of 388,734 sq. ft. (8.92 acres) of scrub-shrub, forested and emergent wetlands, and 849 sq. ft. (0.02 acre) of the Missisquoi River. This includes 170,443 sq. ft (3.91 acres) permanent impact and 218,291 sq. ft (5.01 acre) temporary impact to wetlands. About 82 sq. ft. (0.001 acre) of permanent and about 767 sq. ft. (0.02 acre) of the river. Temporary roadway relocation is planned to bypass traffic during construction and accounts for the majority of temporary wetland impacts associated with the project. Five 4' x 4' precast concrete culverts will be installed between Station 148+41 and Station 159+00 to provide animal passage beneath the road.

The work will involve the replacement of an existing 13.5' x 8' culvert with a new 10' x 14' precast concrete box culvert with wing walls in Charcoal Creek. This culvert will be embedded 2'. About 5,346 sq. ft. (0.12 acre) of permenat fill and about 2,969 sq. ft. (0.07 acre) of temporary fill will be placed below OHWM. In addition, about 1,090 sq. ft. (0.03 acre) of permanent fill and about 383 sq. ft. (0.01 acre) of temporary fill will be placed below the OHWM of five unnamed streams to replace existing deficient culverts with new structures.

The basic purpose of the project is to reconstruct an existing Vermont highway to comply with current safety and design standards.

The work is shown on the enclosed plans titled "SWANTON NH 036-1(9)," on twenty-four sheets, and dated "11/4/2023", "9/28/2022", and "8/31/2022."

CENAE-R File No. NAE-2017-00772

The applicant has stated that it has avoided and minimized waterway/wetland impacts to the maximum extent practicable. To compensate for unavoidable impacts to waterways/wetlands, the applicant proposes a one-time payment to the Ducks Unlimited Vermont In-Lieu Fee Program.

AUTHORITY

Permits are required pursuant to:

- X Section 10 of the Rivers and Harbors Act of 1899
- X Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The USACE will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

NATIONAL HISTORIC PRESERVATION ACT

Based on our initial review of the proposed project, historic properties were identified within the permit area and the area of potential effects. However, the applicant currently proposes to avoid all effects to known historic properties. Additional review and consultation to fulfil requirements under Section 106 of the National Historic

CENAE-R File No. NAE-2017-00772

Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The USACE is reviewing the application for the potential impact on federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. Our review will be concluded prior to the final decision.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, license or assent from State.
- () Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Michael S. Adams, Regulatory Division, at <u>michael.s.adams@usace.army.mil</u>, (802) 872-2893.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

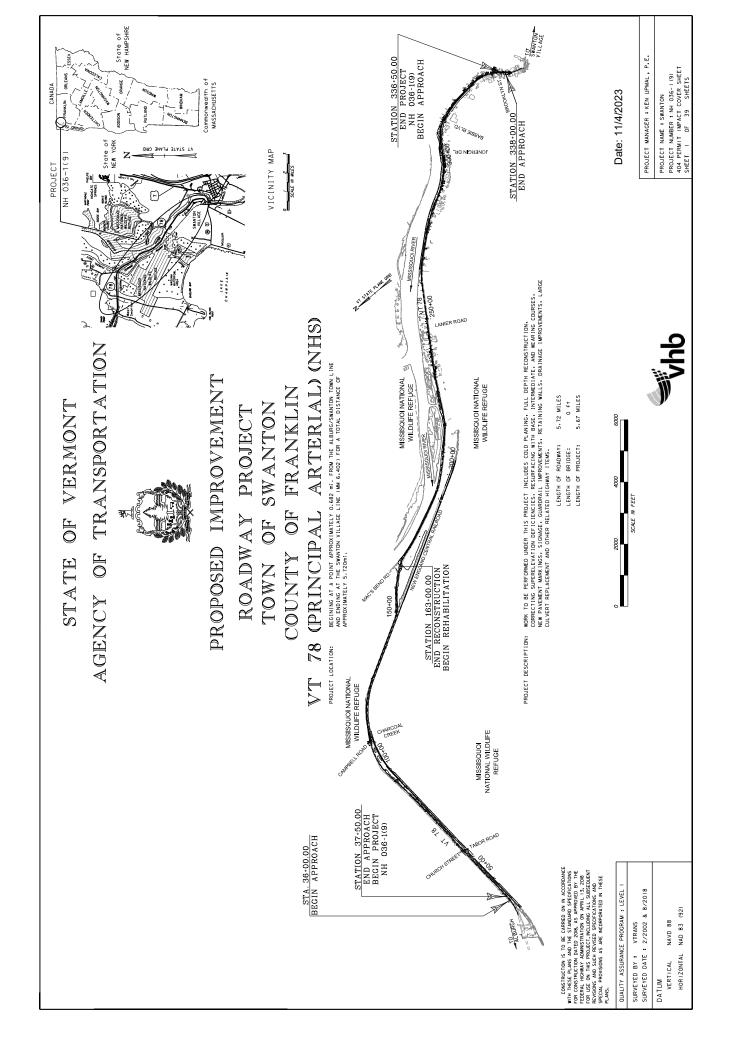
CENAE-R File No. NAE-2017-00772

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Frank J Del Digitally signed by Frank J Del Giudice Giudice Date: 2024.02.01 06:17:21-05'00' Frank J. Del Giudice Chief, NH & VT Section Regulatory Division

Please contact Ms. Tina Chaisson at <u>bettina.m.chaisson@usace.army.mil</u> or (978) 318-8058 if you would like to be removed from our public notice mailing list.



GENERAL INFORMATION	COMMON TOPOGRAPHIC POINT SYMBOLS	UTILITY SYMBOLOGY	EPSC LAYOUT PLAN SYMBOLOGY
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