



**US Army Corps
of Engineers**
New England District

PUBLIC NOTICE

8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452

Date: January 29, 2008
Comment Period Ends: February 29, 2008
File Number: NAE-2007-2723
In Reply Refer To: Marty Abair
Or by e-mail: Martha.a.abair@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

Vermont Agency of Transportation, ATTN: Mr. Samuel Lewis, 1 National Life Drive, Drawer 33, Montpelier, Vermont 05633-5001

ACTIVITY

Perform bank stabilization in Lake Champlain off U.S. Route 2 at North Hero, Vermont. The work will involve the placement of riprap along 375 linear feet of the east side of the highway. Approximately 549 cy of rock will be placed below Ordinary High Water (OHW), and about 7722 sq. ft. (0.18 acre) of lake bottom below OHW will be impacted. The purpose of the project is to protect an existing roadway.

The work is described on the enclosed plans, in seven sheets, entitled "VTrans North Hero US Route 2 MM 2.45 LT" (dated "9/24/07"), and US 2 NORTH HERO MM 2.45 LT LANDSLIDE" (undated).

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Lake Champlain off the east side of U.S. Route 2 in North Hero, Vermont. The project is located on the USGS North Hero, VT quadrangle sheet at UTM coordinates 4967944.0 N and 637495.0 E.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- 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 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

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

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

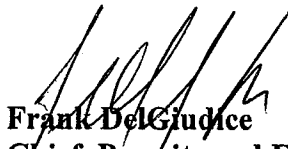
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Marty Abair at (802) 872-2893.

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 Corps 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.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank DelGiudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

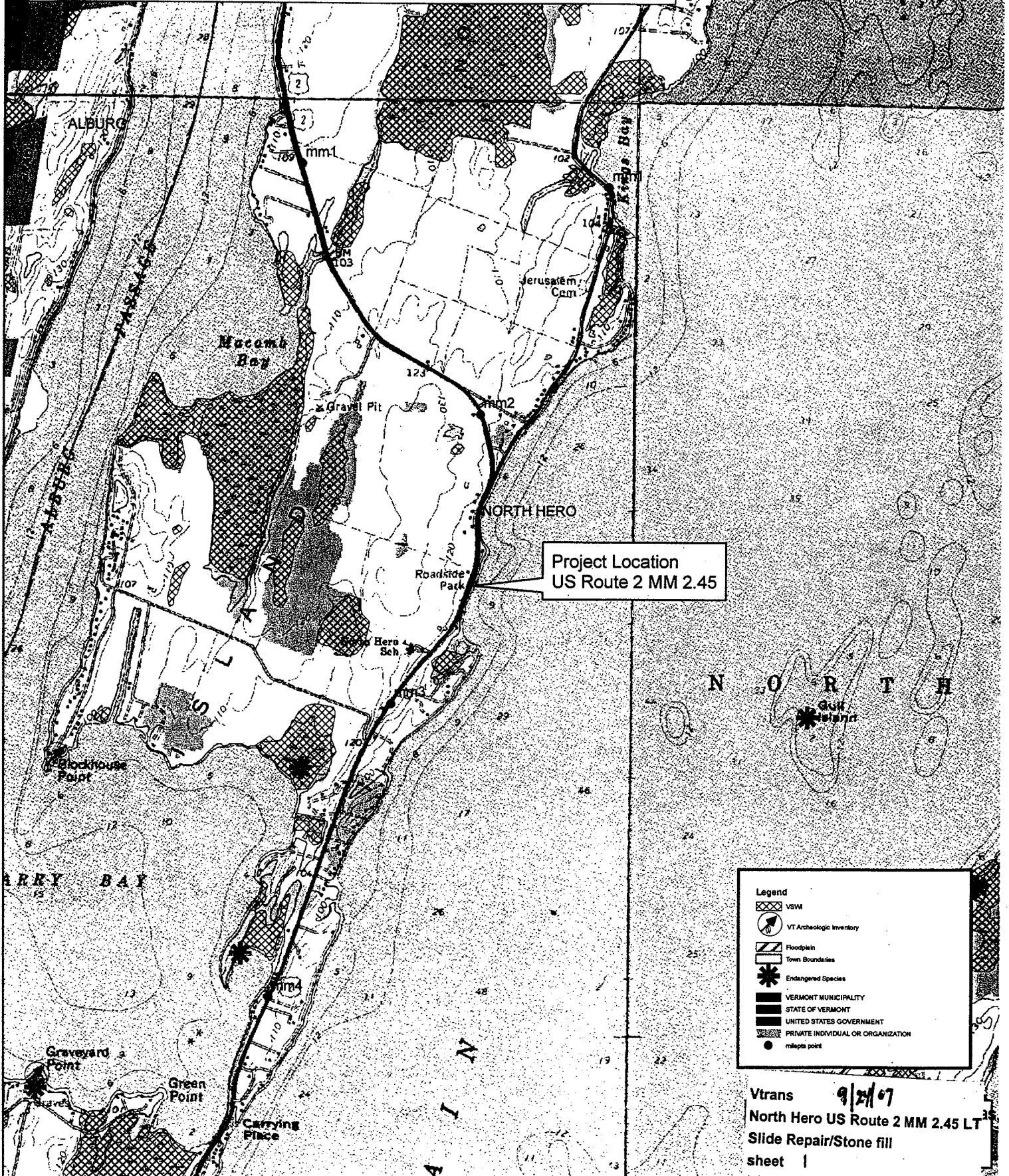
NAME: _____
ADDRESS: _____

VERMONT PUBLIC NOTICE WORKSHEET		Deadline: 30-day <input checked="" type="checkbox"/> or 15-day
Project Name: VT Agency of Transportation	File Number: NAE-2007-2723	Project Manager: Abair
(If applicable) Date of 401 WQC application:		
Senator Patrick J. Leahy 433 Russell United States Senate Washington, DC 20510-4502		Senator Bernard Sanders 332 DIRKSEN SENATE OFFICE BUILDING WASHINGTON DC 20510
Congressman Peter Welch 1404 Longworth House Office Building Washington, DC 20515		
Chairperson, Board Of Selectmen Town of North Hero Town Hall North Hero, VT 05474		Conservation Commission
Harbormaster/Other Town Officials		<u>POSTMASTER</u> POSTMASTER (PLEASE POST) U.S. POST OFFICE North Hero, VT 05474
ABUTTERS ADDRESSES attached as: Mailing Labels <input checked="" type="checkbox"/> Mailing List <input type="checkbox"/> Data File <input type="checkbox"/>		

VTrans US Route 2 North Hero Slide
Lake Champlain







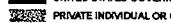



1:24,862

0 0.15 0.3 0.6 0.9 1.2
Miles



Project Location
US Route 2 MM 2.45

Legend

-  VSM
-  VT Archeologic Inventory
-  Floodplain
-  Town Boundaries
-  Endangered Species
-  VERMONT MUNICIPALITY
-  STATE OF VERMONT
-  UNITED STATES GOVERNMENT
-  PRIVATE INDIVIDUAL OR ORGANIZATION
-  milepost point

Vtrans 9/24/07
North Hero US Route 2 MM 2.45 LT
Slide Repair/Stone fill
sheet 1

US2

NORTH HERO

MM 2.45 LT

LANDSLIDE



ALBURG →

GRAND ISLE →

US2

SHORELINE

OHW
98.0

OLW
93.0'

SCALE

25.0'
25.0'

David Beal

W. Roger Sorg

LAKE CHAMPLAIN

Impact below OHW

WORK AREA

2+00

1+75

1+50

1+25

1+00

0+75

0+50

0+25

0+00

LANDSLIDE



ALBURY

GRAND ISLE

US 2

Mario Barone

John & Elsie Smith

David Beal

SHORELINE

LAKE CHAMPLAIN

WORK AREA

4+00

3+75

3+50

3+25

3+00

2+75

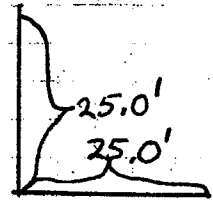
2+50

2+25

2+00

Impact below
OHW

SCALE

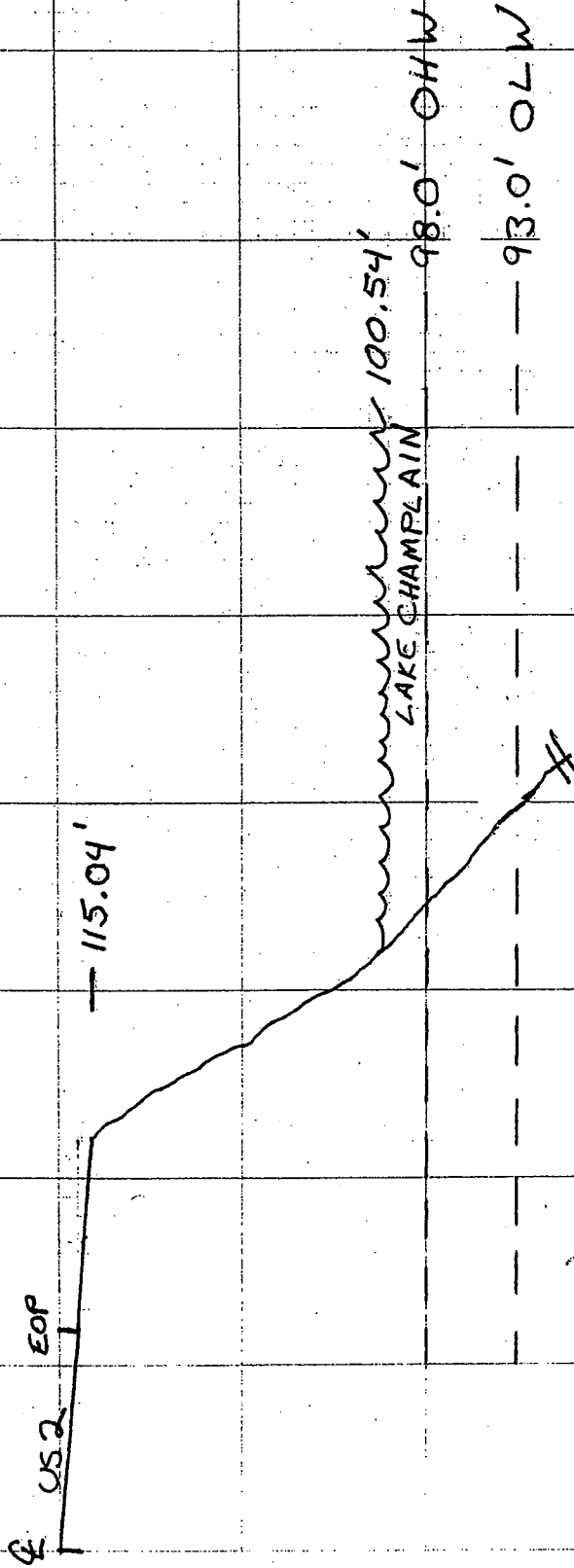


OHW
98.0'

OLW
93.0'

US 2, NORTH HERO
STA 0+00 LT

MM 2.45 LT



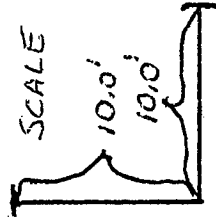
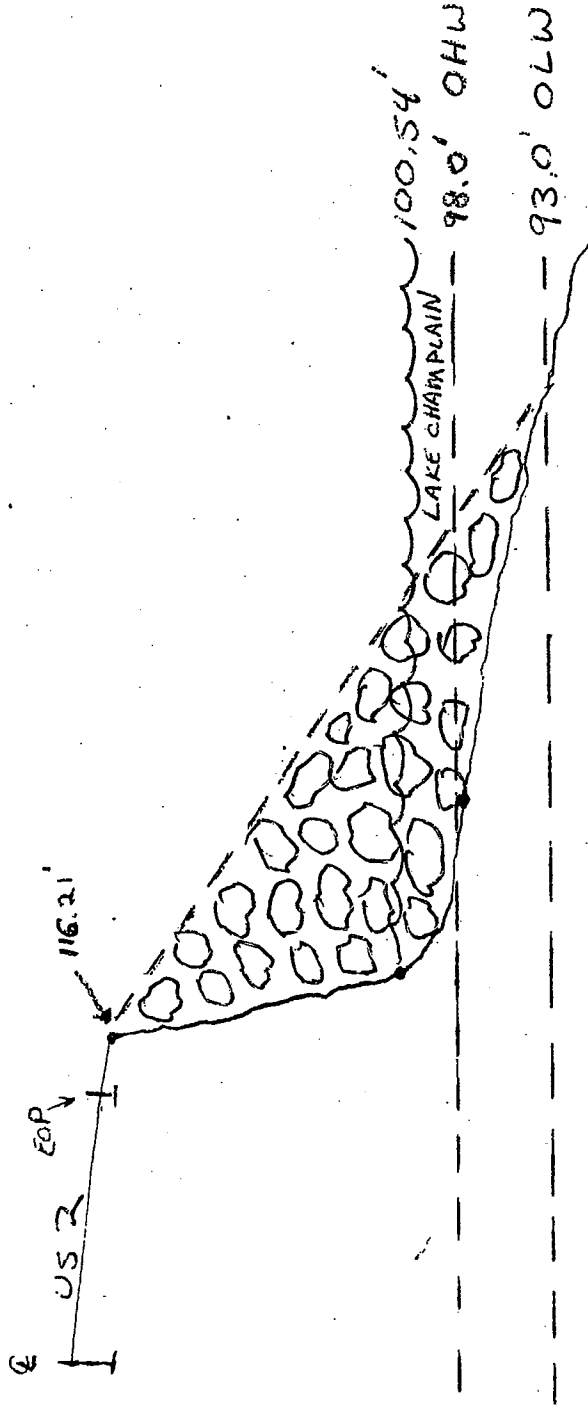
SCALE

10.0'
19.0'

MEASURED BY D.H. AND J.D. 2/23/07

9/21/07

US 2, NORTH HERO MM 2.45 LT
STA 0+75 LT

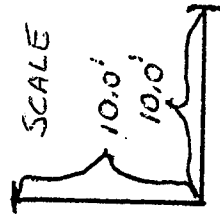
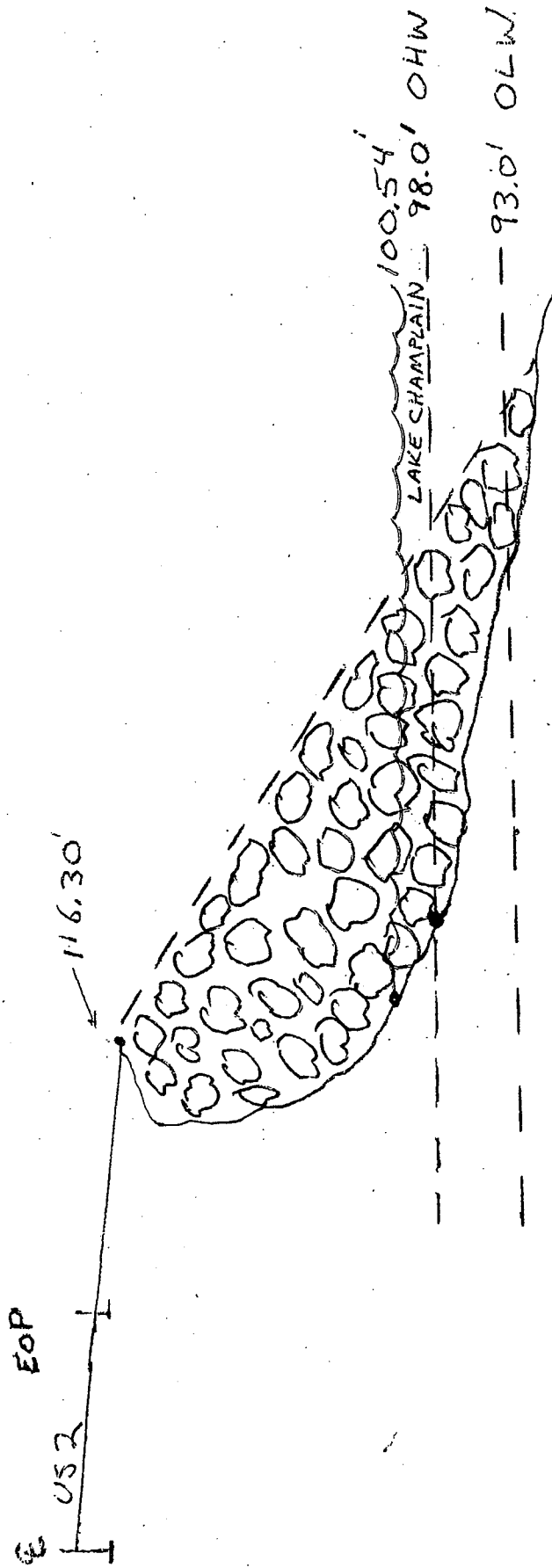


MEASURED BY D.H. AND J.D. 2/23/07

US 2, NORTH HERO MM 2.45 LT

STA 1450 LT

STA 1450 LT

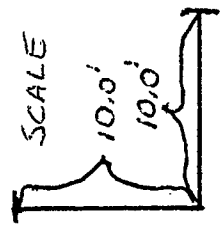
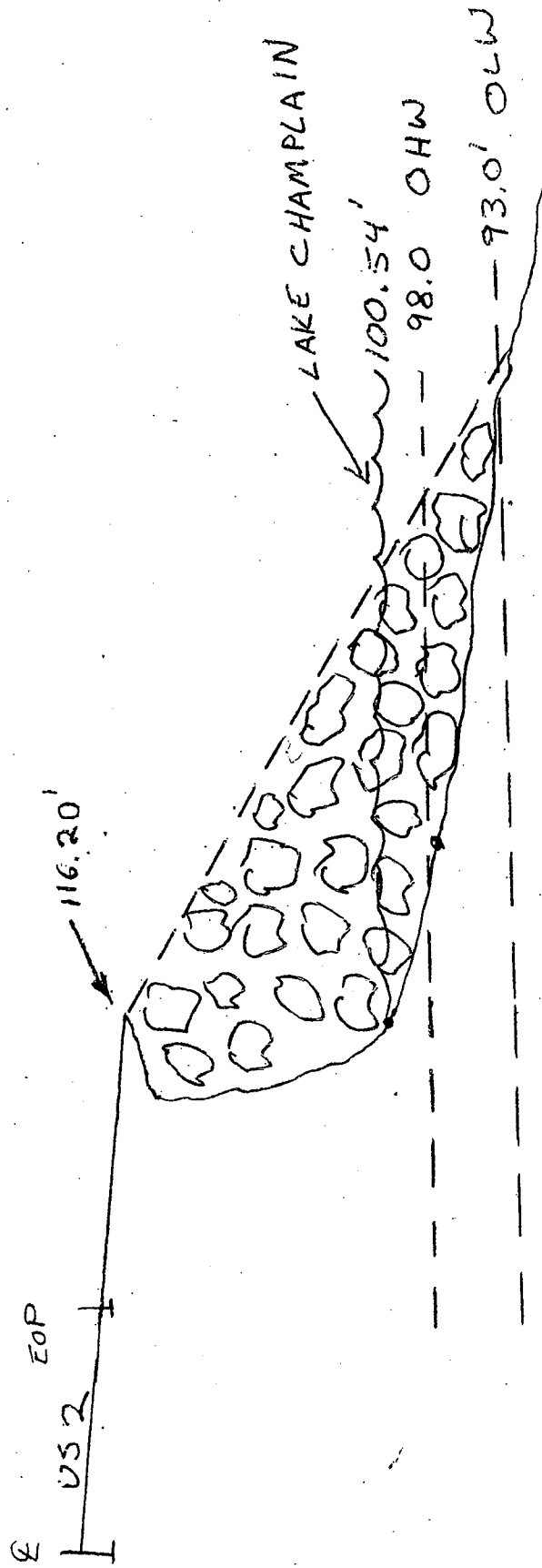


MEASURED BY D.H. AND J.D. 2/23/07

Vtrans
 North Hero US Route 2 MI 0+75-1+50 915 CY Stone Fill
 Slide Repair/Stone fill

US 2, NORTH HERO MM 2.45 LT

STA 2+25 LT



MEASURED BY D.H. AND J.D. 2/23/07

9/21/07

Vtrans
 North Hero US Route 2 MM 2+25-3+75 1087.8 CY Stone Fill
 Slide Repair/Stone fill