



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

8 Carmichael Street, Suite 205  
Essex Junction, Vermont 05452

# PUBLIC NOTICE

**Date:** May 1, 2007  
**Comment Period Ends:** June 1, 2007  
**File Number:** NAE-2006-1527  
**In Reply Refer To:** Marty Lefebvre  
**Or by e-mail:** [Martha.a.lefebvre@usace.army.mil](mailto:Martha.a.lefebvre@usace.army.mil)

## REVISED PUBLIC NOTICE

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.

### APPLICANTS

**Town of Roxbury, ATTN: David McShane, 1664 Roxbury Road, Roxbury, Vermont 05669**

**Ted Hoehn, Windridge Camp at Teela-Wooket, 1215 Roxbury Road, Roxbury, Vermont 05669**

**Ted Hoehn III, 777 Sea Oak Drive, Vero Beach, Florida 32963**

### ACTIVITY

Place fill in the Dog River and adjacent wetlands in conjunction with the restoration of a portion of the Dog River channel off VT Route 12A in Roxbury, Vermont. A Public Notice describing the project was published on September 26, 2006. At that time the project would have impacted a total of about 3.81 acres of the Dog River and adjacent wetlands. Since that time, the project has undergone substantial revision in response to concerns expressed during the original Public Notice comment period. The revised project will involve shortening the previously proposed new Dog River channel and shifting it to the north along the railroad bed. Tracked equipment will traverse a path beyond the downstream end of the new channel to encourage positive flow. Temporary access routes to construct the channel and the proposed swale and berm have been changed. The project, as currently proposed, will impact a total of 3.844 acres of the Dog River and adjacent wetlands. A monitoring and maintenance plan has also been proposed.

The purpose of the project is to alleviate flooding in the Village of Roxbury.

The work is partially described on the enclosed plans, in nine sheets, entitled "DOG RIVER RESTORATION", dated "8/2/2006", "08/06" (last revised "03/12/07"), "08/06" (last revised "04/17/07"), and "07-04-17", and "Dog River Restoration and Drainage Improvements Monitoring, Maintenance, and Reporting Summary", dated "Revised 2/8/07". A complete set of plans can be viewed at the Vermont Project Office.

**WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the Dog River and adjacent wetlands off the west side of VT Route 12A in Roxbury, Vermont. The project is located on the USGS Roxbury, VT quadrangle sheet at UTM coordinates 4884816.0 N and 681404.0 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

**CENAE-R**  
**FILE NO. NAE-2006-1527**

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 Lefebvre 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.

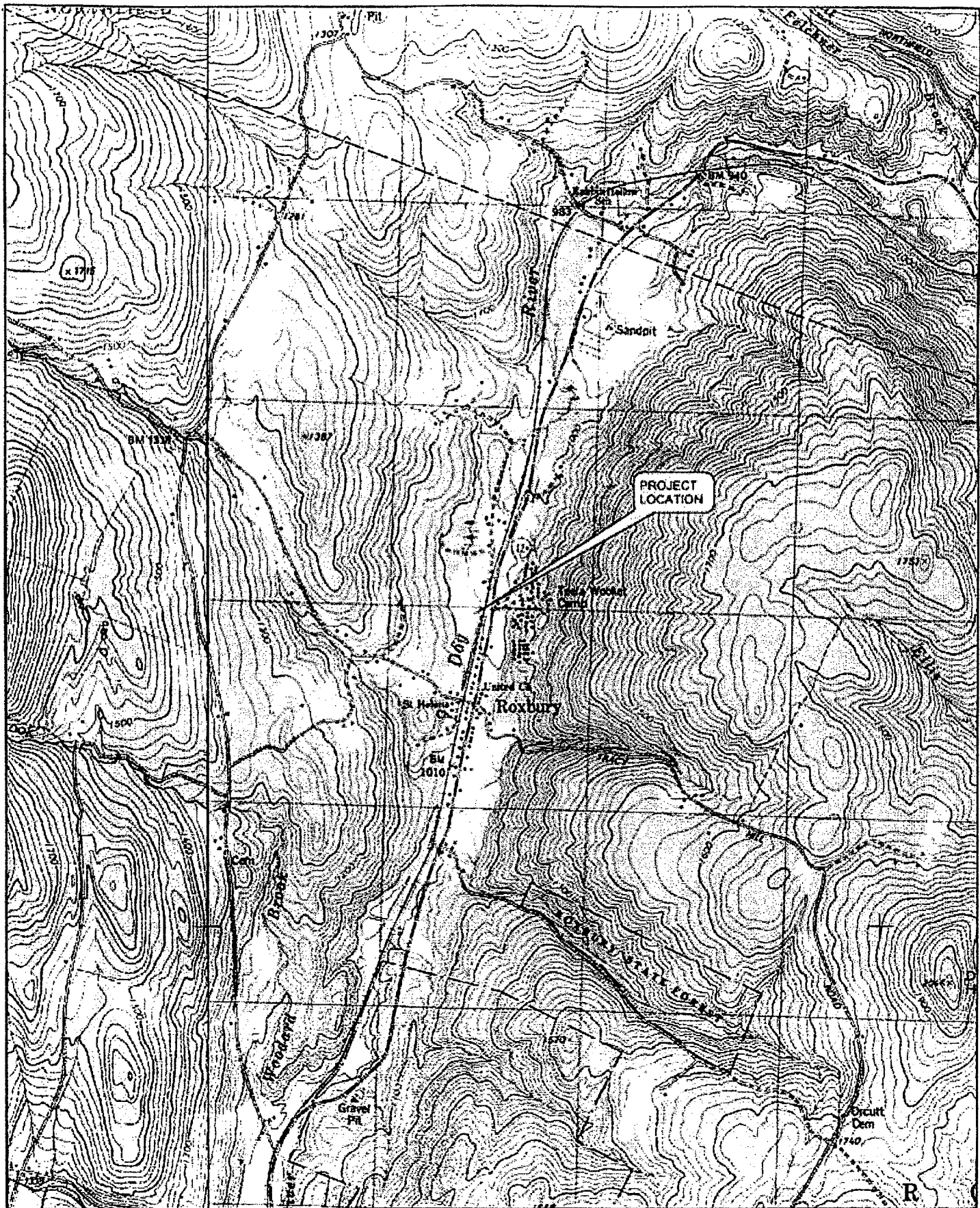
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**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](mailto: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: \_\_\_\_\_



Name: ROXBURY  
 Date: 8/2/2006  
 Scale: 1 inch equals 2000 feet

Location: 044° 05' 51.22" N 072° 43' 54.84" W

DOG RIVER RESTORATION Location Map

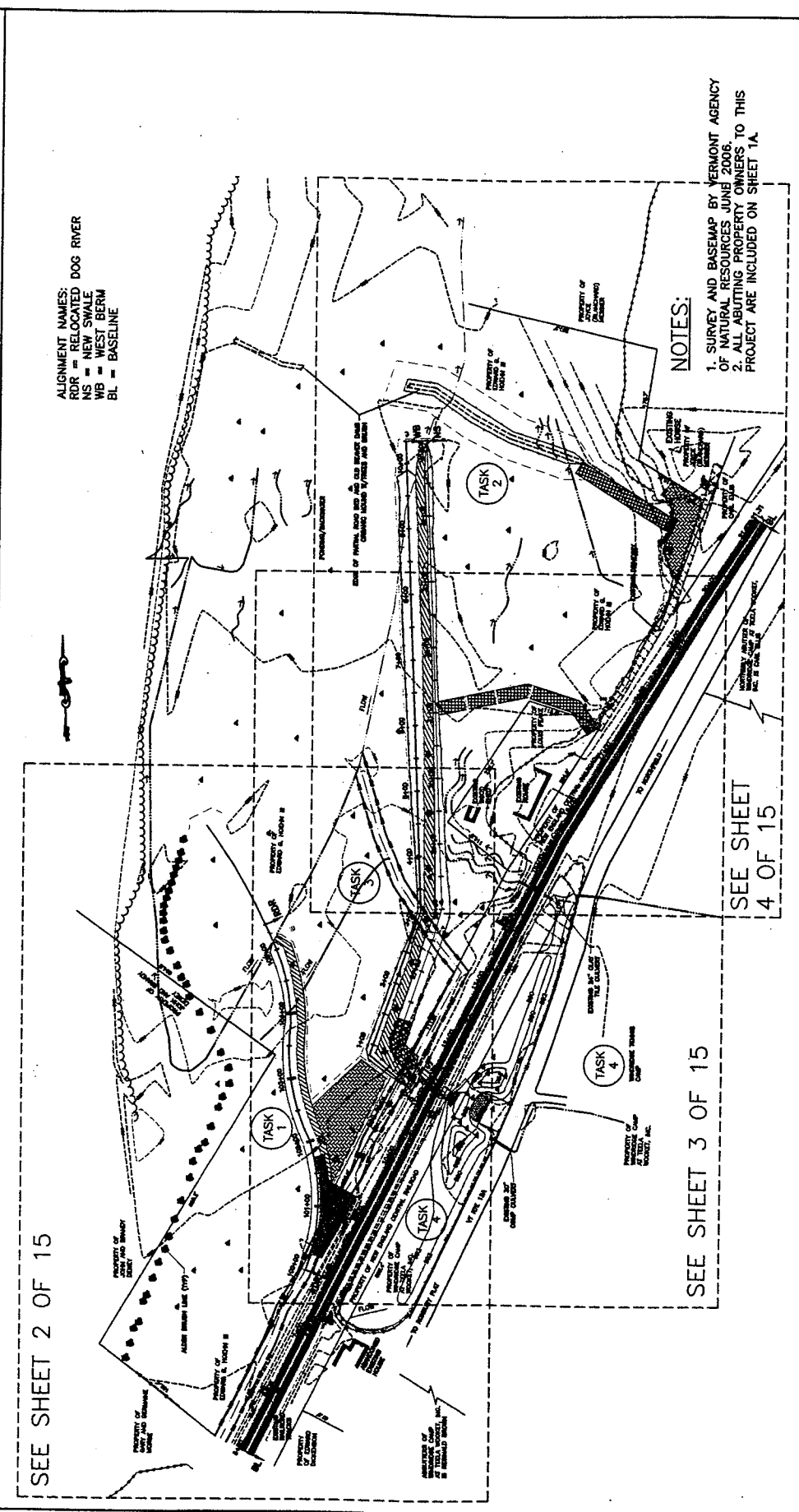
**LEGEND**

--- CONTOUR - 2 FT INTERVAL  
 --- CONTOUR - 10 FT INTERVAL  
 [Hatched] EXISTING TOWN ROAD  
 [Wavy] WOODS BOUNDARY  
 [Dotted] WET AREA

--- ACCESS ROUTE TO TASK 1  
 --- DOG RIVER  
 --- DRAIN DITCH  
 --- WETLAND BOUNDARY  
 --- APPROX. PROPERTY LINE  
 --- GEO TEXTILE SILT CURTAIN

**MULTIPLE CHANNEL FLOWS**  
 --- LIMIT OF CUT  
 --- LIMIT OF FILL  
 --- ORDINARY HIGH WATER  
 [Hatched] CONSTRUCTION ACCESS WITH CONSTRUCTION MATTING

**A SURVEY STATION**  
 TBM1 ELEV 1000.55 IRON POST  
 TBM 2 ELEV 999.77 SPIKE IN POLE  
 UTILITY POLE



STATE OF VERMONT	DEPT. OF ENVIRONMENTAL CONSERVATION	DATE	08/08/06
AGENCY OF NATURAL RESOURCES	DOG RIVER RESTORATION	SCALE	1" = 240'
DEPARTMENT OF ENGINEERING DIVISION	KEY PLAN	SHEET	1 OF 15
FACILITIES ENGINEERING DIVISION	U.S. COE 404 APPLICATION	APPROVED BY	ROXBURY, VERMONT
VERMONT, VERMONT 05671-0027		SCALE	AS NOTED

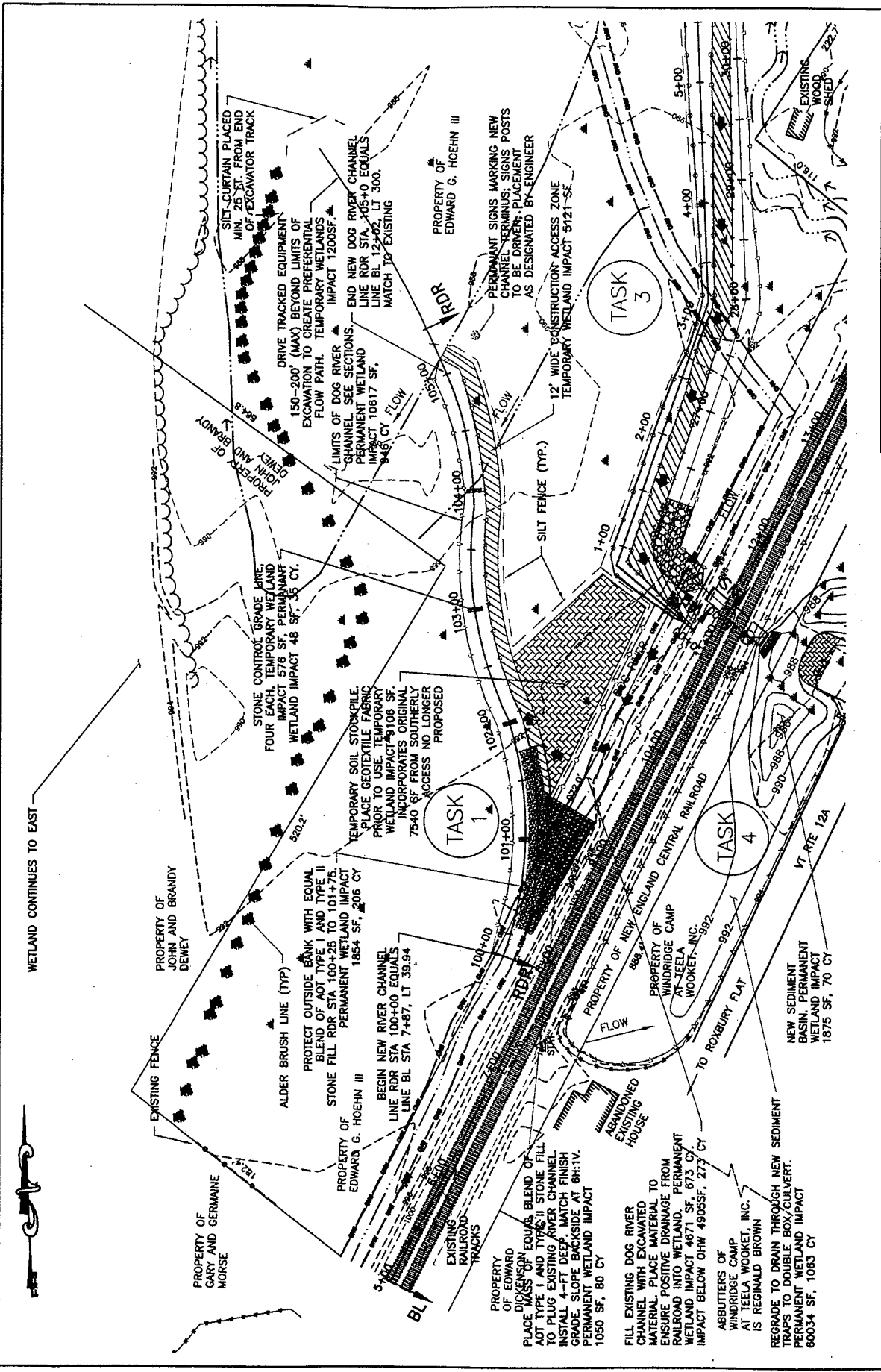
**KEY PLAN**

SCALE: 1" = 240'

240' 120' 0' 240'

SCALE: 1" = 240'





STATE OF VERMONT		APPROVED	DATE
AGENCY OF NATURAL RESOURCES		DESIGNED	D&K
DEPARTMENT OF ENVIRONMENTAL CONSERVATION		CHECKED	SKB 09/08
FACILITIES ENGINEERING DIVISION		DATE	09/08
PROJECT		PROJECT	DOG RIVER RESTORATION
DATE		DATE	PARTIAL SITE PLAN
U.S. COE 404 APPLICATION		DATE	U.S. COE 404 APPLICATION
LOCATION		LOCATION	ROXBURY, VERMONT
SCALE		SCALE	AS NOTED



# PARTIAL SITE PLAN

SCALE: 1"=120'

WETLAND CONTINUES TO EAST



PROPERTY OF JOHN AND BRANDY DEWEY

PROPERTY OF GARY AND GERMAINE MORSE

PROPERTY OF EDWARD G. HOEHN III

PROPERTY OF EDWARD G. HOEHN III

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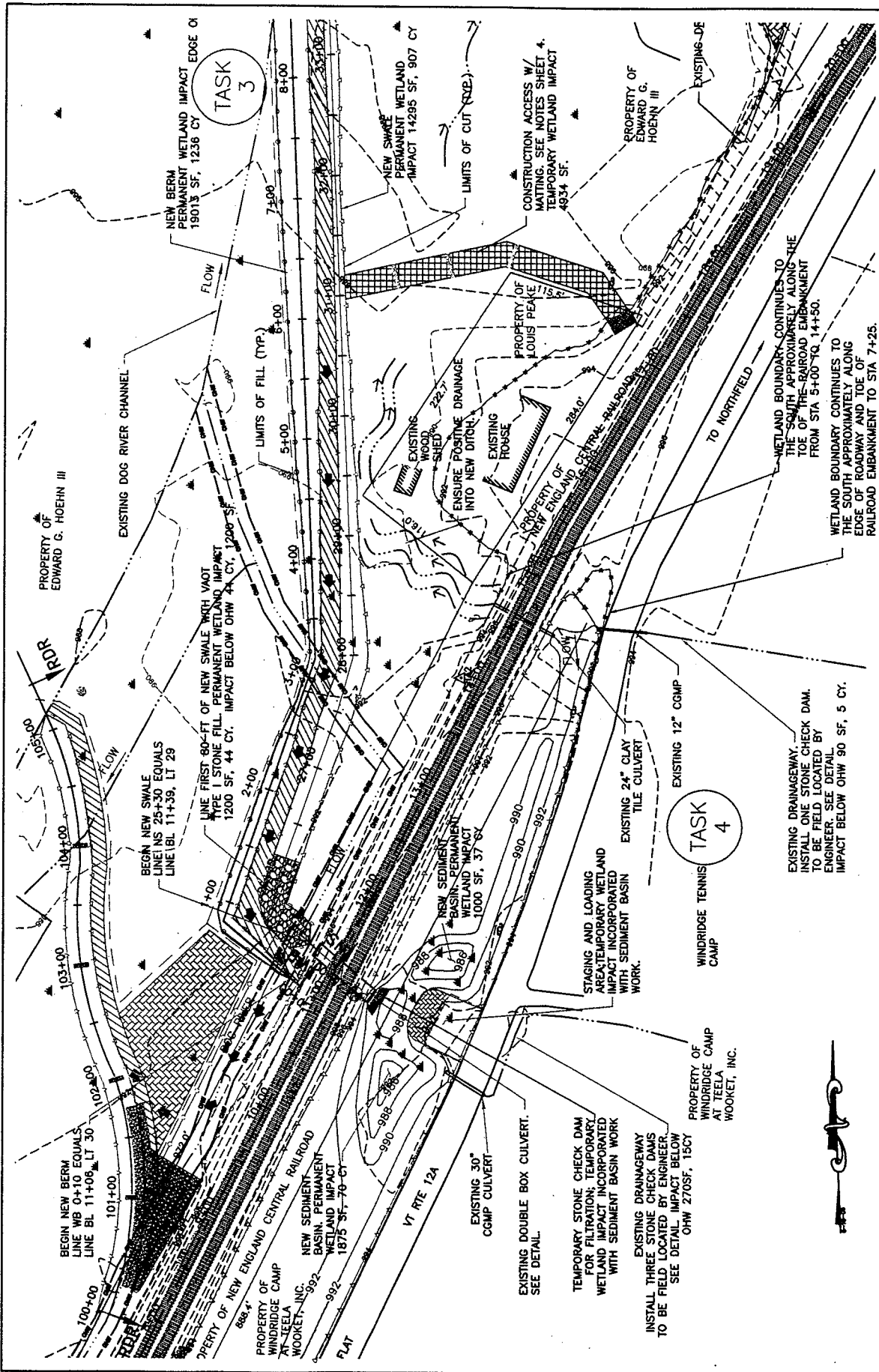
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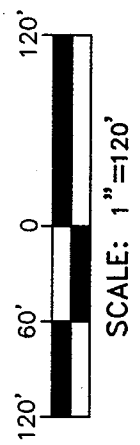
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STATE OF VERMONT	AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION	DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FACILITIES ENGINEERING DIVISION	FACILITIES ENGINEERING DIVISION
WATERBURY, VERMONT 05771-0007	WATERBURY, VERMONT 05771-0007
PROJECT NO. SKB 08/06	PROJECT NO. SKB 08/06
DATE 10/12/07	DATE 10/12/07
DESIGNED BY 3	DESIGNED BY 3
CHECKED BY 15	CHECKED BY 15
DATE 10/24/07	DATE 10/24/07
PROJECT NO. U.S. COE 404 APPLICATION	PROJECT NO. U.S. COE 404 APPLICATION
LOCATION ROXBURY, VERMONT	LOCATION ROXBURY, VERMONT
SCALE AS NOTED	SCALE AS NOTED



# PARTIAL SITE PLAN

SCALE: 1" = 120'





## Dog River Restoration and Drainage Improvements

### Monitoring, Maintenance, and Reporting Summary

Revised 2/8/07

This document summarizes the monitoring and maintenance activities intended to preserve the functions and benefits of the Dog River Restoration and Drainage Improvement project. This summary is meant to augment the separate written commitments that the applicants have made with others including the Agency of Transportation. Ultimately, the monitoring and maintenance detailed in this document is the responsibility of the applicants. Station locations identified below (e.g., STA 6+90) refer to locations along the main baseline shown on the project plans along the railroad embankment.

#### Monitoring and Maintenance

##### Following Completion of Construction

1. Inspect the new Dog River channel from the point of redirection near the railroad tracks (STA 7+87, left 40') to its terminus in the wetland (STA 12+02 left 300') for the point where downstream conditions are causing backwater (i.e., pooled water that is not readily flowing), if such a point exists. RESPONSE: Document the upstream location of the backwater within the channel, if it exists.

##### Semi-Annual

2. Inspect stone check dams on east side of Route 12A for accumulation of sediment. RESPONSE: Remove accumulated sediment when it is within 1.0 feet of the top of stone, or as needed to maintain sediment-trapping function. Dispose of sediment at an upland, non-wetland location.

*Note: The Vermont Agency of Transportation has agreed to maintain the stone check dams that are in the Route 12A right of way. Dispose of sediment at an upland, non-wetland location.*

3. Inspect the inlet of the two culverts under Route 12A for accumulated sediment. RESPONSE: Remove accumulated sediment at the culvert inlets when there is more than 0.5 feet of sediment deposition at the inlets. Dispose of sediment at an upland, non-wetland location.

*Note: The Vermont Agency of Transportation has agreed to maintain the ditches within the right of way including the culvert inlets.*

Dog River Restoration and Drainage Improvements  
Monitoring, Maintenance, and Reporting Summary  
Revised 2/8/07

#### Initials:

Applicant 30H  
Co-Applicant 1 [Signature]  
Co-Applicant 2 30H

4. Inspect the sediment basins between Route 12A and the railroad for accumulated sediment and debris or beaver dams. RESPONSE: Remove sediment when it is within 1.0 foot of the outlet elevation, and remove debris or beaver dams. Dispose of sediment and debris at an upland, non-wetland location.

*Note: The Vermont Agency of Transportation has agreed to maintain these basins.*

5. Inspect the culvert under the railroad for obstructions including deposited sediment, debris, and beaver dams. RESPONSE: Remove obstructions. Dispose of sediment and debris at an upland, non-wetland location.

*Note: The Town and Camp will coordinate with the Railroad to ensure they have adequate authorization to perform the necessary maintenance on an ongoing basis.*

6. Inspect the new drainage swale from the outlet of the culvert under the railroad to its terminus (mainline station 19+61, left 484') for debris or beaver dams. RESPONSE: Remove debris or beaver dams from the swale. Dispose of debris at an upland, non-wetland location or scatter debris away from the swale so as not to act as an obstruction.
7. Inspect the new Dog River Channel from the point of redirection near the railroad (STA 7+87, left 40') to its terminus in the wetland (STA 12+02 left 300') for debris or beaver dams. RESPONSE: Remove debris or beaver dams from new channel. Dispose of debris at an upland, non-wetland location or scatter debris away from the channel so as not to act as an obstruction.
8. Inspect the central project area (see note) for beaver dams. RESPONSE: Remove beaver dams.

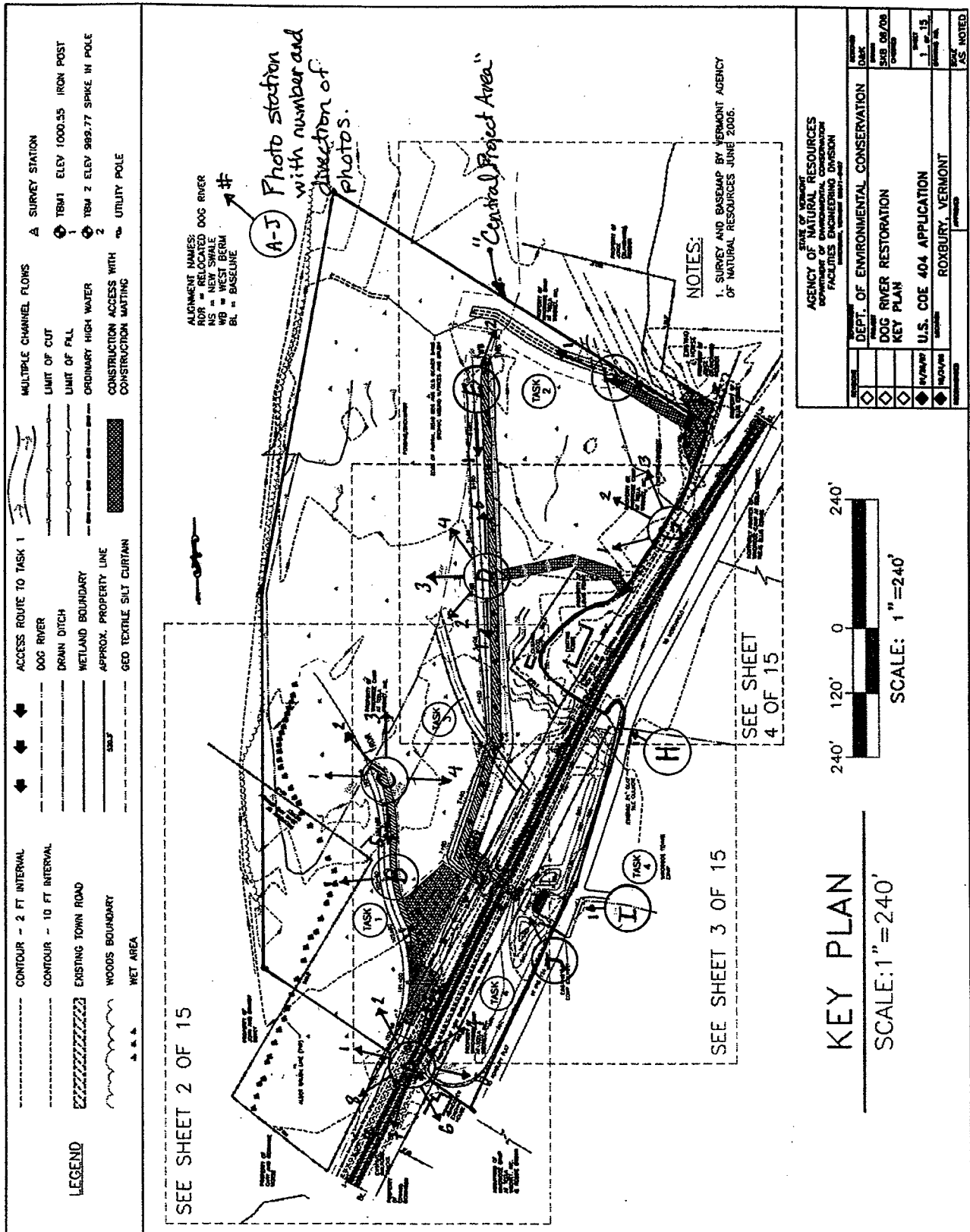
*Note: The central project area is framed by the valley wall to the west, the wetland boundary to the east, and by lines perpendicular to the railroad track at the start of the new Dog River channel (STA 7+87) to the south and the location of the remnant road bed and beaver dams (STA 20+50) to the north.*

### **Reporting**

9. An annual monitoring report will be submitted indicating the condition of the new channel, berm and swale and whether they are accomplishing the purpose stated in the description of work. Monitoring will include the establishment of permanent photographic stations in the central project area, as shown on the attached drawing. Photographs will be taken at these stations at the same time of year during low flow conditions for each of the first five years following implementation. The report will include proposed alterations and/or changes to the permitted structures necessary to accomplish each structure's purpose and an assessment of the overall success and performance of the project, with recommended remedial measures where appropriate. This report, including photographs, will be submitted to the Corps of Engineers Vermont Project Office no later than November 30th of each year for the first five years following construction.

**Initials:**  
**Applicant** SAH  
**Co-Applicant 1** SAH  
**Co-Applicant 2** SAH

Dog River Restoration and Drainage Improvements  
Monitoring, Maintenance, and Reporting Summary  
Revised 2/8/07



**Initials:**  
**Applicant** SBH  
**Co-Applicant 1** WJH  
**Co-Applicant 2** SBH

Dog River Restoration and Drainage Improvements  
 Monitoring, Maintenance, and Reporting Summary  
 Revised 2/8/07