



PUBLIC NOTICE

US Army Corps
of Engineers®
New England District

8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452

Date: May 29, 2007
Comment Period Ends: June 29, 2007
File Number: NAE-2004-4056
In Reply Refer To: Marty Lefebvre
Or by e-mail: Martha.a.lefebvre@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. Richard Tetrault, P.E., Director of Program Development, Program Development Division, National Life Building, Drawer 33, Montpelier, Vermont 05633

ACTIVITY

Place fill in waters of the United States in conjunction with the construction of an alternative means to transport freight between Middlebury and Florence, Vermont. The purpose of the project is to provide for the safe and efficient transportation of freight between Florence, Vermont and Middlebury, Vermont.

The project is the subject of an Environmental Impact Statement (EIS) being prepared by the Federal Highway Administration (FHWA) and the Vermont Agency of Transportation (VTrans) with the Corps of Engineers as a cooperating agency. The Draft Environmental Impact Statement (DEIS) was published on April 23, 2007. Copies of the DEIS are available for review in the town offices of Middlebury, the Middlebury Ilsley Public Library, or on the VTrans website at <http://www.aot.state.vt.us/>. For further information contact Ms. Susan Scribner, VTrans Project Manager, at the Montpelier address noted above (telephone 802 828-3615).

A public hearing involving the VTrans and the FHWA has been scheduled for June 7, 2007 at 7 PM at the Middlebury Municipal Building, 94 Main Street, Middlebury, Vermont. Plans will be available for review from 6:30 to 7 PM. Corps of Engineers representatives will be in attendance at the hearing and available to answer any questions. Written comments will continue to be accepted after the public hearing until June 29, 2007. The VTrans is the clearinghouse for comments. Please address your comments to Ms. Scribner at the Montpelier address noted above or to Kenneth R. Sikora, Jr., Environmental Programs Manager, U.S. Department of Transportation, Federal Highway Administration, P.O. Box 568, Montpelier, Vermont 05601. The Corps will be provided copies of the transcript of the hearing and all submitted comments.

The alternatives the FHWA and the Corps are considering are:

No-Build Alternative: Under this alternative, transportation of freight would continue to be primarily via U.S. Route 7. This alternative would not involve the construction of any new roadways or railbeds or the placement of fill in waters of the United States.

Rail Spur Alternative 1 (RS-1): RS-1 would begin at the Omya quarry where it would head south and then southwest toward US Route 7, roughly following the current Omya access road. A portion of the access road would be realigned parallel to the RS-1 alignment. The alignment crosses Lower Foote Street about 25' below the existing elevation; two options for Lower Foote Street are under consideration:

Cut Off Lower Foote Street - North of the RS-1 crossing, the existing roadway would be abandoned to the intersection with the Omya access road. A cul-de-sac would be provided south of the crossing. Traffic would have to use US 7 to cross the rail spur.

Lower Foote Street Bridge - This option would involve the construction of a bridge for Lower Foote Street to cross RS-1. The bridge would maintain Lower Foote Street as a through road.

The alternative would then cross under US Route 7, involving the construction of a new vehicular bridge over the rail spur. The alignment would then head west toward the rail mainline, traversing mostly farmland. It would cross Halladay Road with several options under consideration for the type of crossing:

Grade Separated over Halladay Road – Under this option, RS-1 would cross over Halladay Road and provide a grade separation between the rail spur and the road. The road would remain in its current location with a rail spur bridge over the road. The bridge would be approximately 50' wide and provide 14' of vertical clearance.

At-Grade with Halladay Road - This option would involve an at-grade crossing where RS-1 meets Halladay Road. Halladay Road would be reconstructed for about 550 feet to accommodate raising it 5' at the crossing.

Halladay Road Relocation - This option would "cut off" Halladay Road where it would be crossed by RS-1. A cul-de-sac would be placed north of RS-1 and the properties along this portion of Halladay Road would only access US 7 to the north. The southern portion of Halladay Road would be re-connected to US 7 via a new relocated roadway. The relocated roadway would parallel the RS-1 alignment and reconnect to US 7 south of the bridge over RS-1. The relocated Halladay Road would require about 2200' of new roadway.

Toward the western terminus, the alternative would turn to the south before connecting with the mainline railroad heading south. Near the western terminus the alignment crosses Otter Creek and the floodplains associated with the creek. The rail spur would bridge over Otter Creek and Creek Road and be placed on a trestle structure over the floodplains. The total length of the alternative, from the beginning point on the mainline to its terminus within the quarry, is about 3.3 miles.

Depending on the method of crossing Halladay Road, the RS-1 alternative would impact 4.20 to 5.07 acres of wetland and 695 to 844 linear ft. of seven separate intermittent streams.

Truck to Rail Alternative 1 (TR-1): TR-1 would use the existing Omya access road to a point about 600' east of US Route 7, where it would begin to drop in order to pass under US Route 7. It would pass under US 7 where the existing access road meets US 7, and then roughly follow the RS-1 corridor, heading southwest and then west across Halladay Road. There are two options under consideration for the Halladay Road crossing:

TR-1 Grade Separated over Halladay Road - This option maintains Halladay Road in its current location, with the truck to rail bridge crossing over Halladay Road. The bridge would be approximately 50' wide and provide 14' of vertical clearance.

At-Grade with Halladay Road - This option maintains Halladay Road in its current location but adds a four-way intersection at the TR-1 crossing. Halladay Road would continue as the primary roadway with no stop controls. The truck to rail roadway would be stop-controlled at both sides of the intersection.

TR-1 would then head west, traversing mostly farmland. The proposed transload 2 facility for TR-1 would be located in a field east of Otter Creek. A rail spur would be constructed from the transload facility to the mainline rail. West of the transload facility, the rail spur would be identical to the corresponding segment of RS-1, with a bridge over Creek Road and Otter Creek and a trestle structure over the floodplains. The total length of the alternative is about 3.4 miles, which includes 1.2 miles on the existing Omya access road (from the quarry to US 7), 1.2 miles on new roadway alignment (US 7 to the interior of the transload facility, with an additional 0.8 miles of new roadway within the transload facility for the loop road), and 1.0 miles on new rail alignment (including the trestle and bridge section and the new rail within the transload facility).

Depending on the method of crossing Halladay Road, the TR-1 alternative would impact 4.18 to 4.22 acres of wetland and 672 to 957 linear ft. of seven separate intermittent streams.

Three potential sites have been identified to mitigate for the unavoidable impacts of the project. Two of these were selected as having the most potential to compensate for lost wetland functions.

The Cornwall site is located north of Swamp Road and west of Otter Creek. The site is an agricultural field with a network of drainage ditches, and is associated with several other fields along the creek. The entire field complex measures approximately 129 acres and is made up of portions of five lots. The fields front Otter Creek for approximately 1.2 miles, and vary from 600' to 1000' wide.

In Pittsford, another potential site which is partially in active agricultural use lies between the railroad tracks and Otter Creek. Otter Creek wraps around the site and surrounds it on the north, west, and south. A ditch approximately five feet wide parallels the railroad tracks. The watershed of the site extends across the railroad tracks to the hills east of the site.

A third site was also identified, which is a ditched 167-acre field along the Lemon Fair River in Bridport that is currently being used for hay.

The work is described on the enclosed plans, in eleven sheets, entitled "MIDDLEBURY SPUR EIS", dated "JANUARY 2007".

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed over Otter Creek, in various intermittent streams and adjacent wetlands, and in wetlands adjacent to Otter Creek between Creek Road and the Omya Quarry in Middlebury, Vermont. The project is located on the USGS Cornwall, East Middlebury, and South Mountain, VT quadrangle

sheets. The western terminus of the project is at UTM coordinates 4871433.0 N and 647231.0 E. The eastern terminus of the project is at UTM coordinates 4873544.0 N and 650464.0 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,

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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.

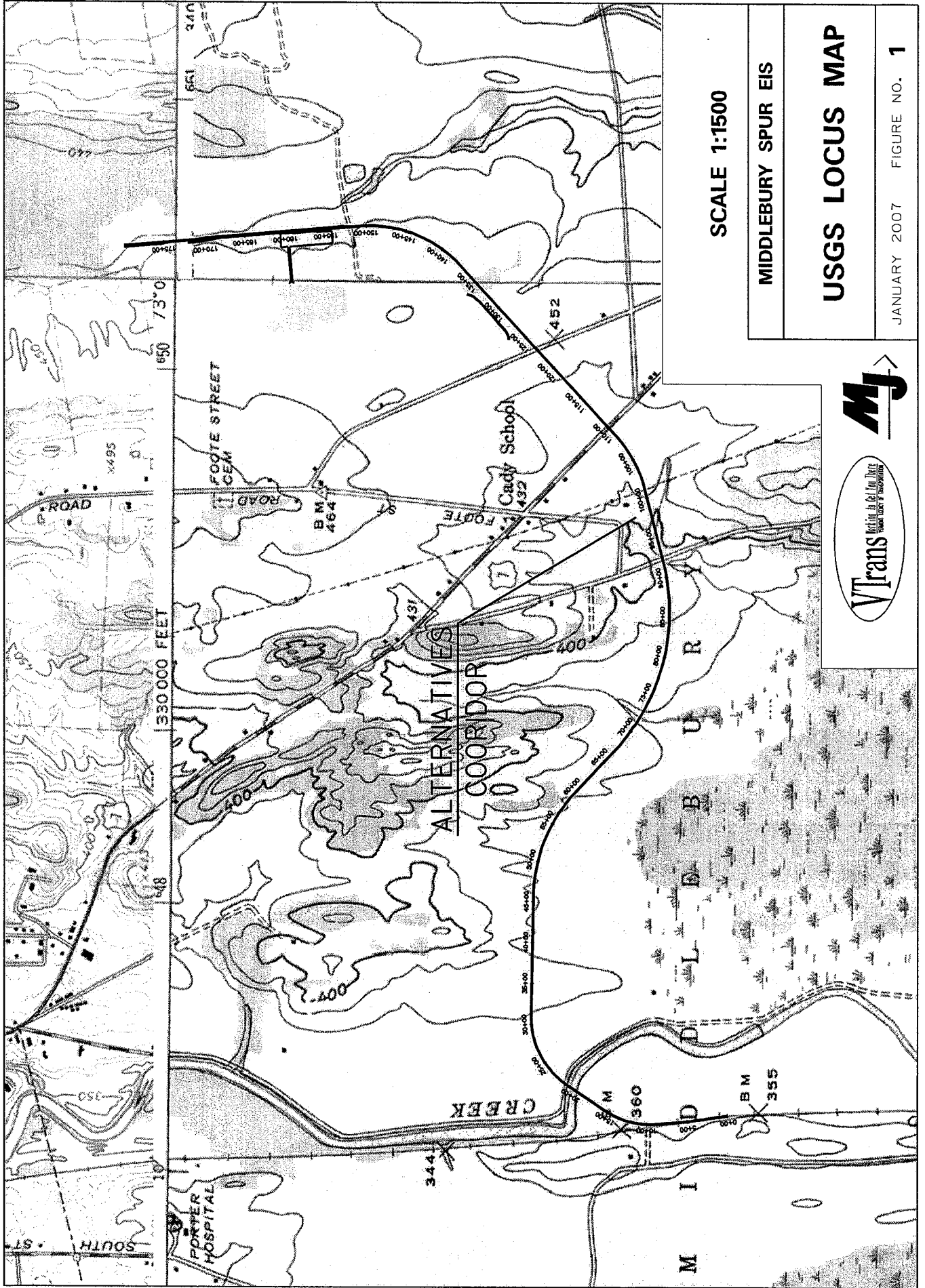
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

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. 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: _____



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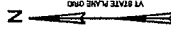
MIDDLEBURY SPUR EIS

USGS LOCUS MAP

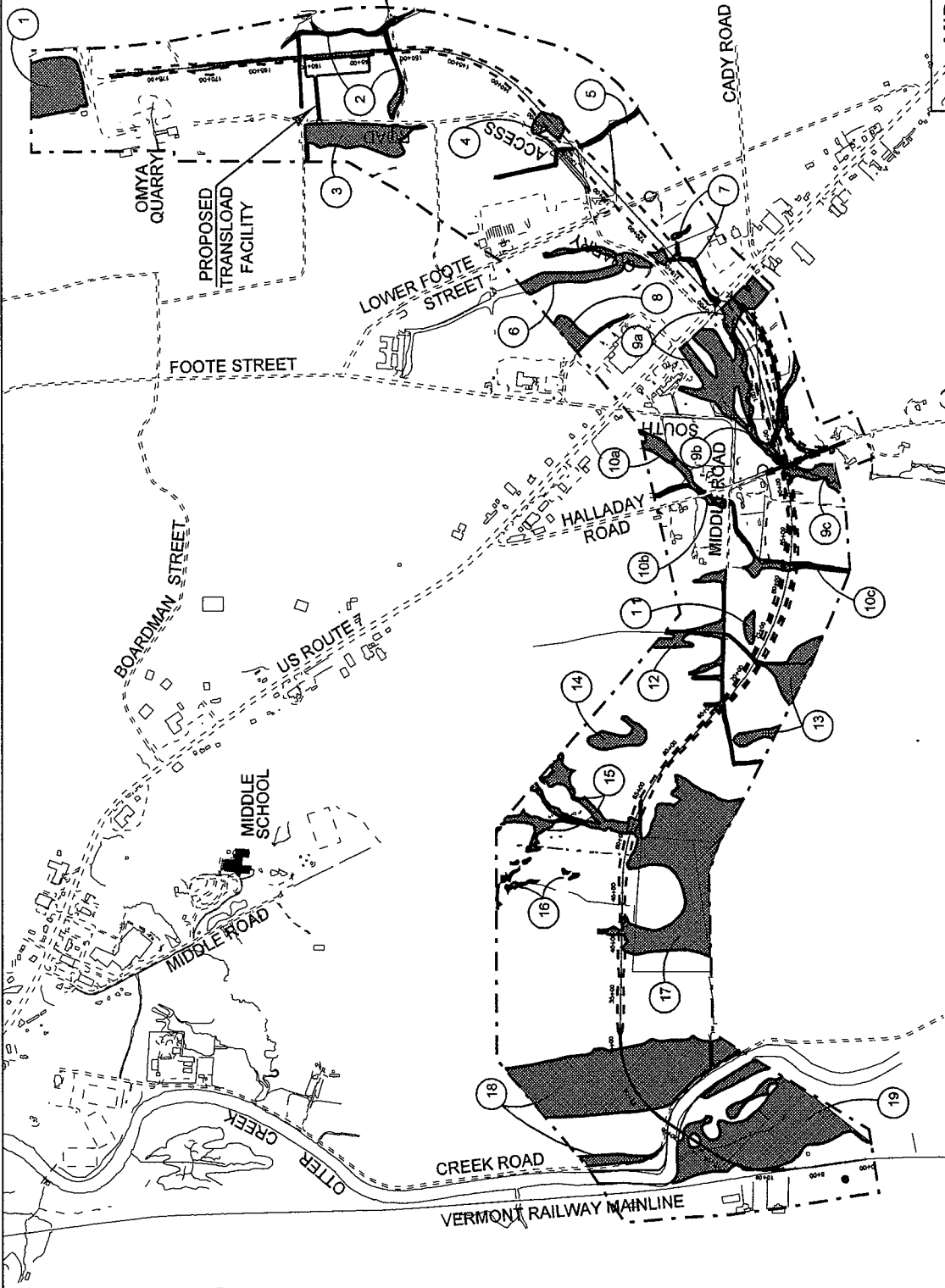
JANUARY 2007 FIGURE NO. 1



LEGEND	
++++	RAIL SPUR CENTERLINE
====	ROADWAY
- - - -	SLOPE LIMITS
- - - -	STUDY LIMITS
—	STREAM
—	SURFACE WATERS
▨	FIELD REVIEWED WETLANDS



Scale 1:1500



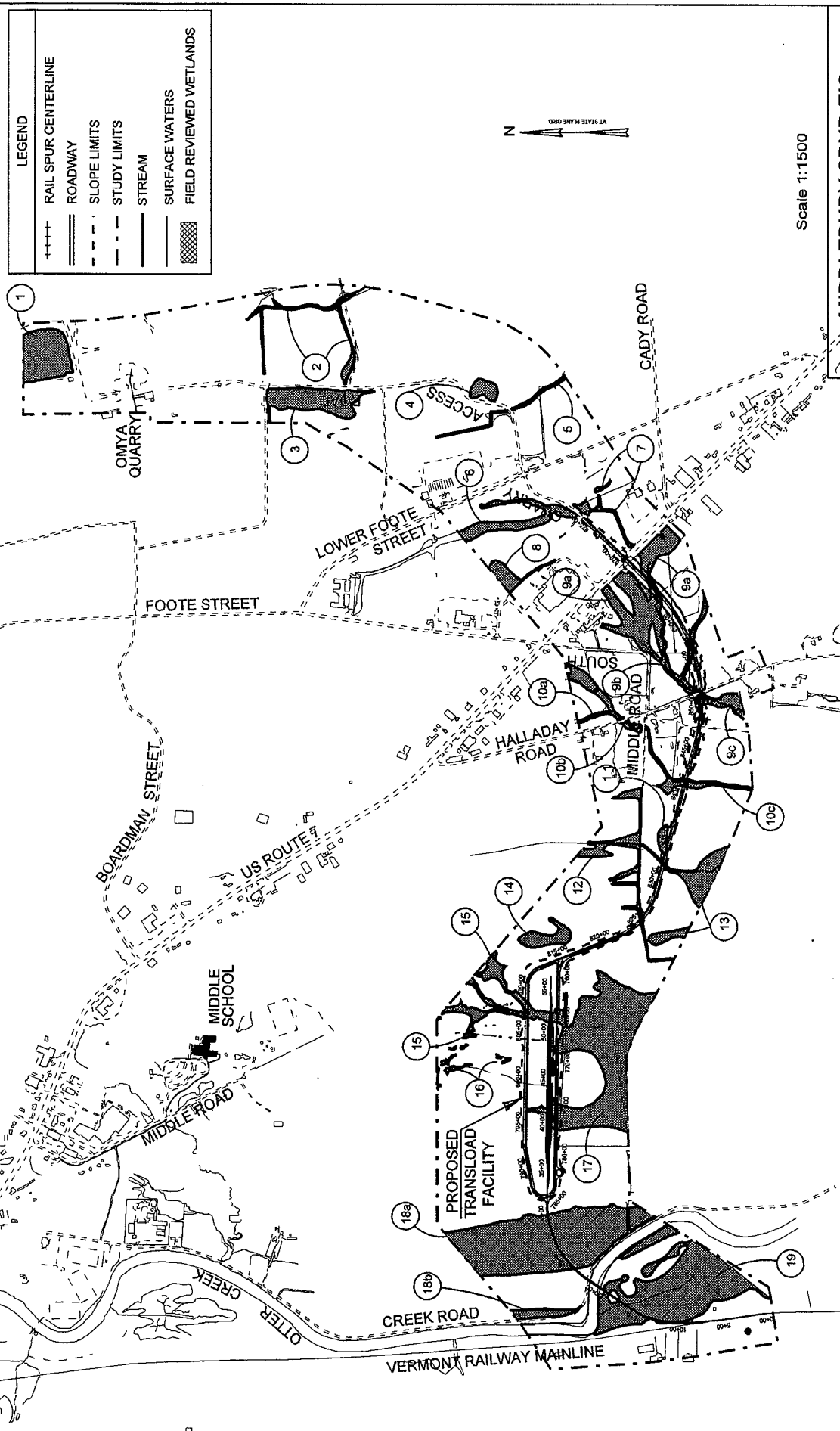
MIDDLEBURY SPUR EIS

SURFACE WATERS AND WETLANDS RS-1 ALTERNATIVE

JANUARY 2007 FIGURE NO. 1.2



DATA SOURCES:
 SURFACE WATERS DATA (2004) FROM VCSH. FIELD REVIEWED WETLANDS
 WERE MAPPED OCTOBER 2-OCTOBER 8, 2005 BY MCFARLAND-JOHNSON, INC.



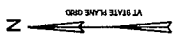
DATA SOURCES:
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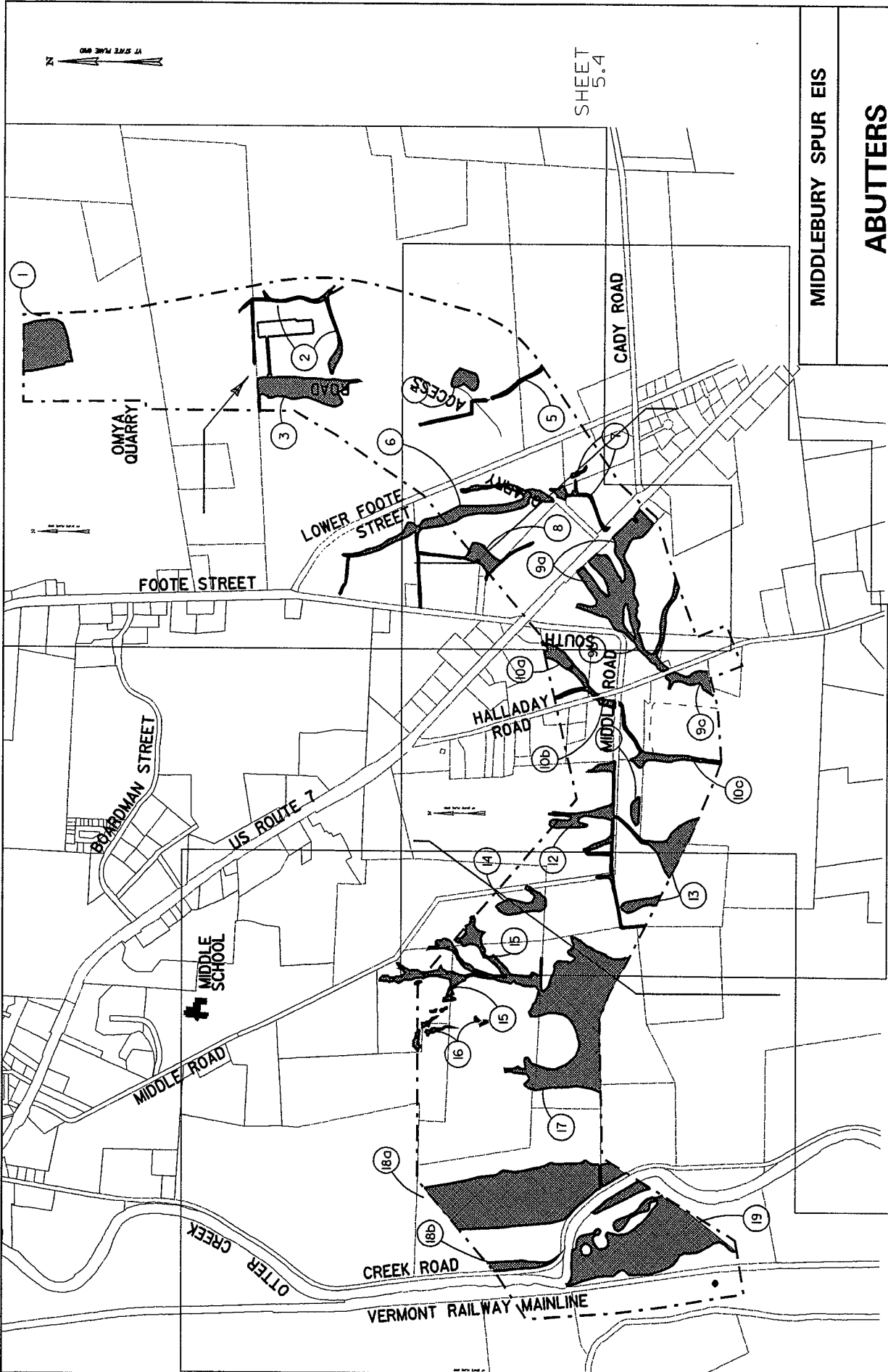
MIDDLEBURY SPUR EIS
 SURFACE WATERS AND
 WETLANDS
 TR-1 ALTERNATIVE

JANUARY 2007 FIGURE NO. 1.3

LEGEND	
++++	RAIL SPUR CENTERLINE
====	ROADWAY
- - - -	SLOPE LIMITS
- - - -	STUDY LIMITS
— — —	STREAM
▬▬▬▬	SURFACE WATERS
▨▨▨▨	FIELD REVIEWED WETLANDS



Scale 1:1500

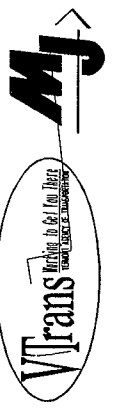


SHEET 5.4

MIDDLEBURY SPUR EIS

ABUTTERS SCHEMATIC

JANUARY 2007 FIGURE NO. 5.1

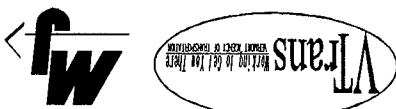


SHEET 5.3

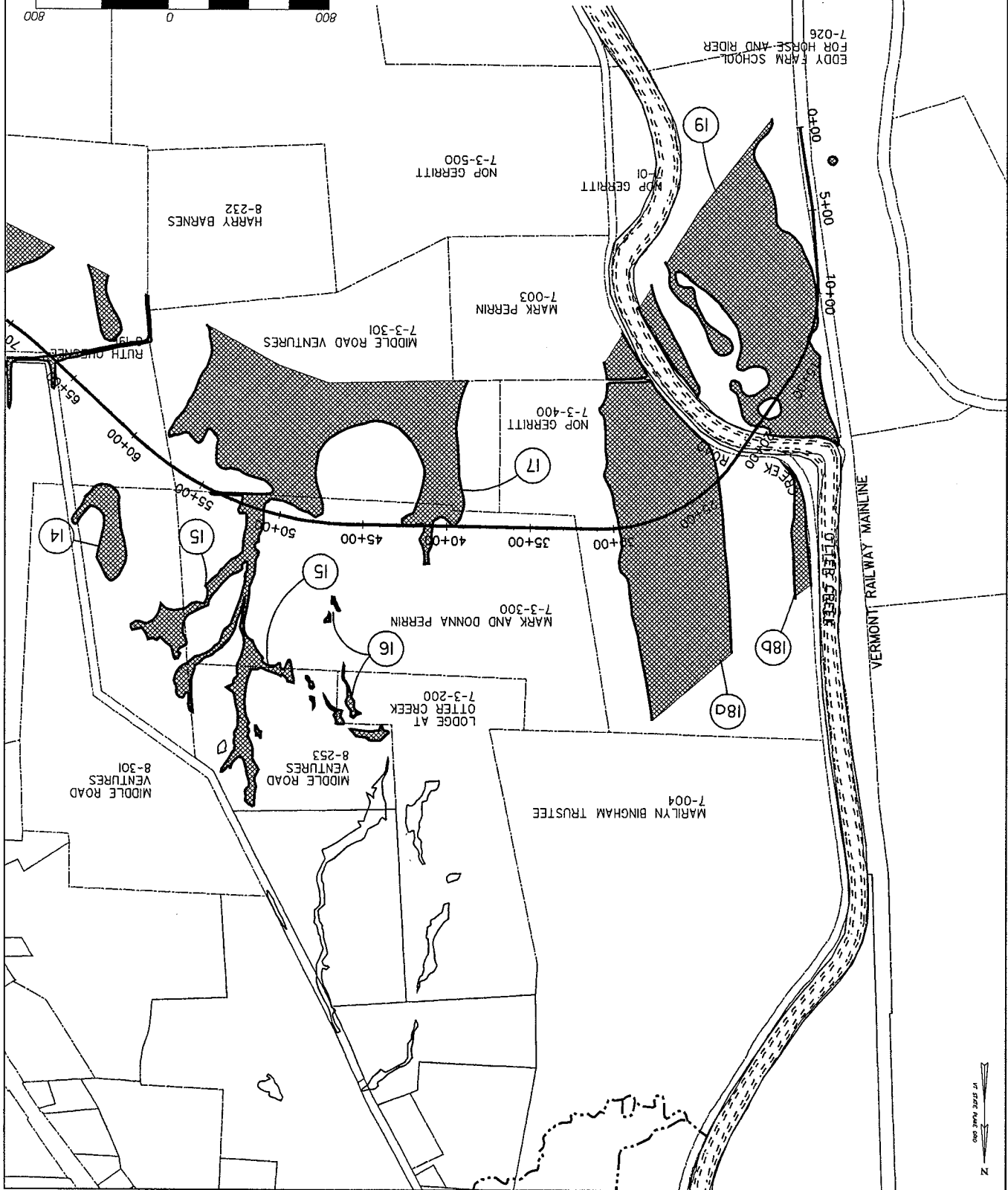
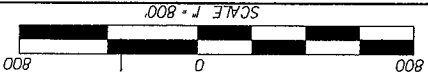
SHEET 5.2

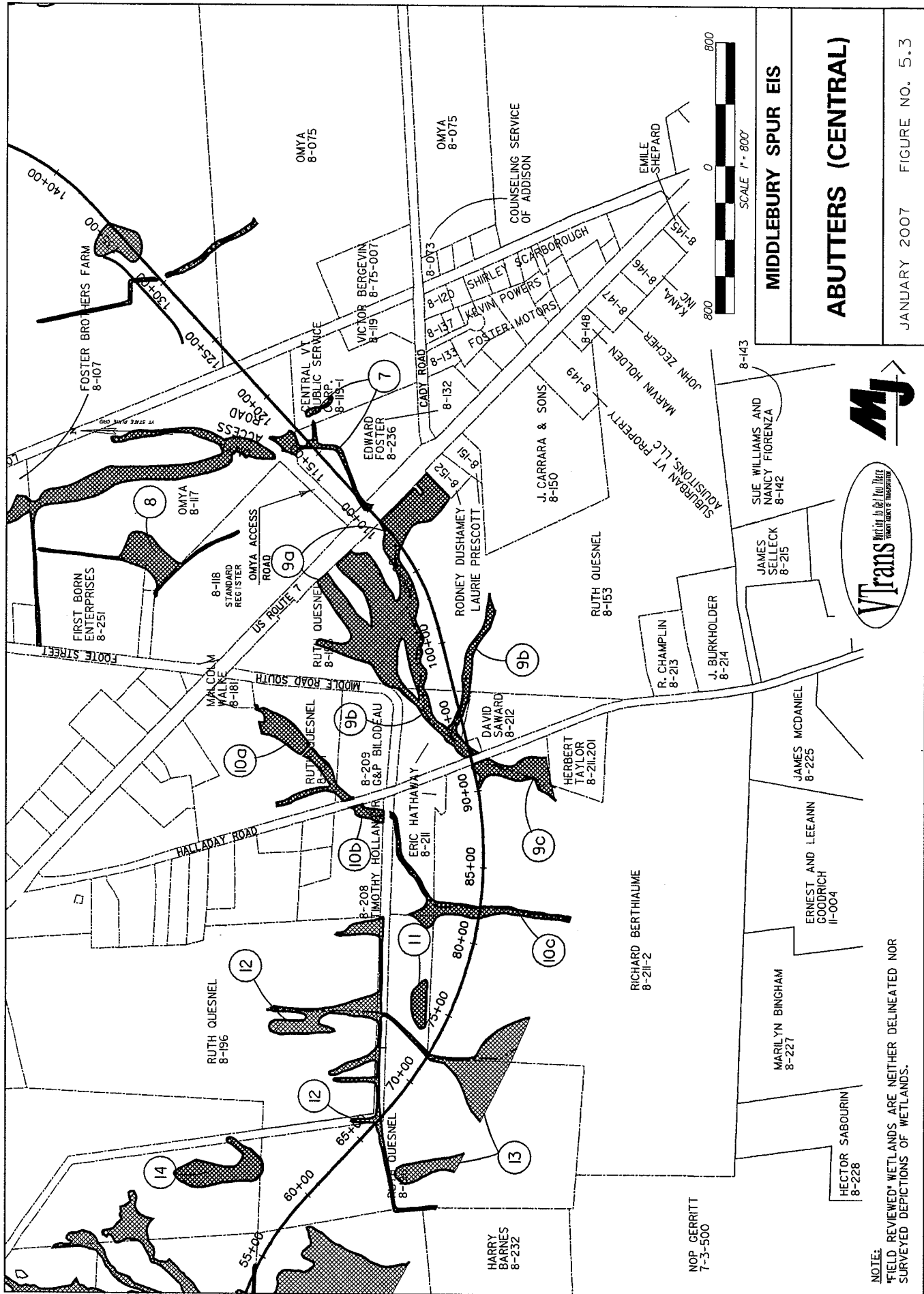
ABUTTERS (WEST)

MIDDLEBURY SPUR EIS



NOTE:
FIELD REVIEWED WETLANDS ARE NEITHER
DELINEATED NOR SURVEYED DEPICTIONS OF
WETLANDS. PORTIONS OF WETLAND 17, AND
ALL OF WETLANDS 15 AND 16, ARE BASED
ON DELINEATIONS DONE BY OTHERS.





NOTE:
 *FIELD REVIEWED WETLANDS ARE NEITHER DELINEATED NOR
 SURVEYED DEPICTIONS OF WETLANDS.



MIDDLEBURY SPUR EIS

ABUTTERS (CENTRAL)

JANUARY 2007 FIGURE NO. 5.3

NOP GERRITT
 7-3-500

HECTOR SABOURIN
 8-228

MARILYN BINGHAM
 8-227

ERNEST AND LEEANN
 GOODRICH
 11-004

JAMES MCDANIEL
 8-225

JAMES
 SELLECK
 8-215

SUE WILLIAMS AND
 NANCY FIORENZA
 8-142

RICHARD BERTHALUME
 8-211-2

RUTH QUESNEL
 8-153

J. CARRARA & SONS
 8-150

JOHN ZECHER
 8-147

EMILE
 SHEPARD

COUNSELING SERVICE
 OF ADDISON

OMYA
 8-075

VICTOR BERGEVIN
 8-119

OMYA
 8-075

RUTH QUESNEL
 8-196

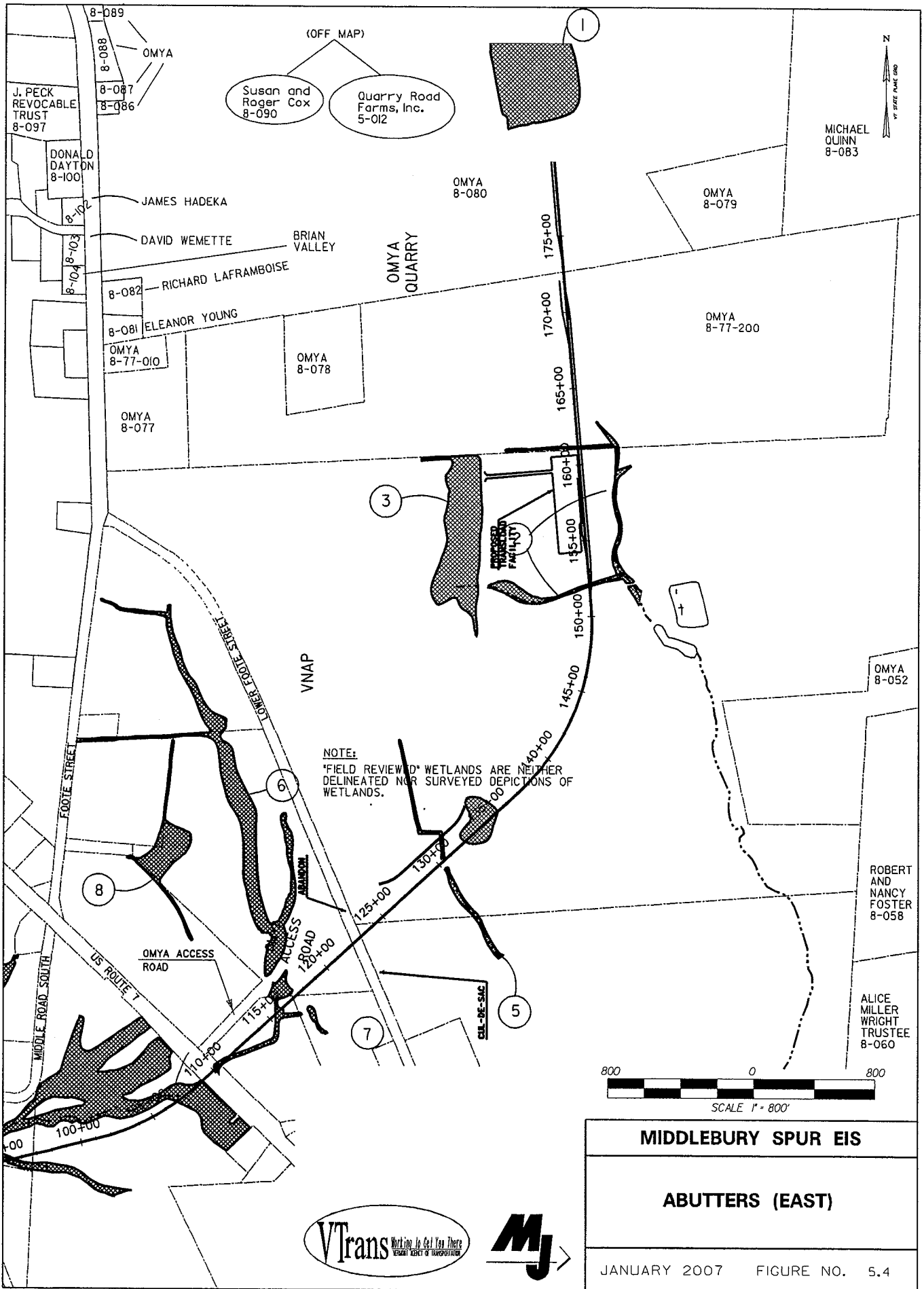
8-118
 STANDARD
 REGISTER

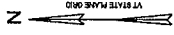
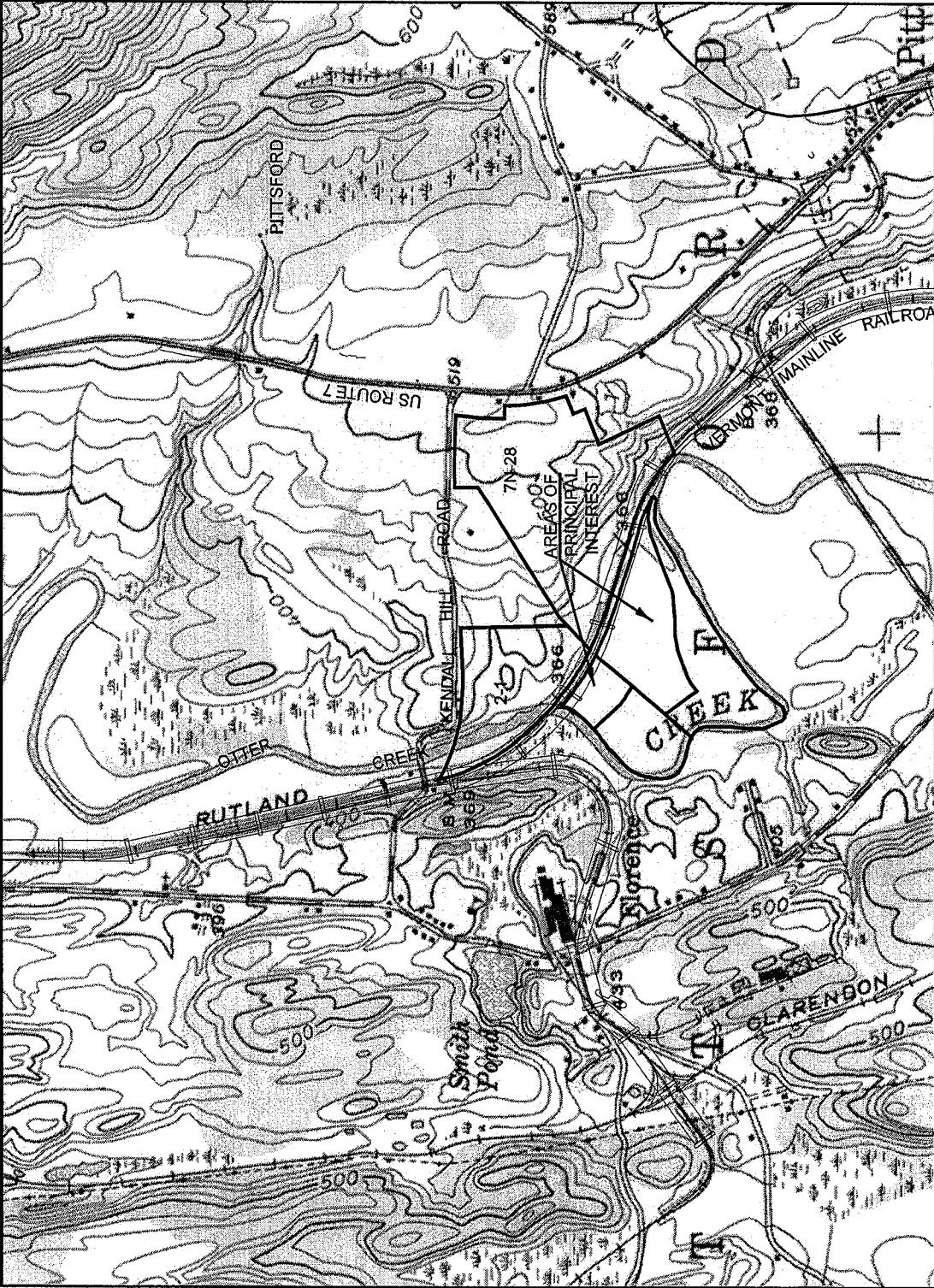
FOSTER BROTHERS FARM
 8-107

FIRST BORN
 ENTERPRISES
 8-251

140+00







SCALE 1:1500

USGS Quad: Proctor

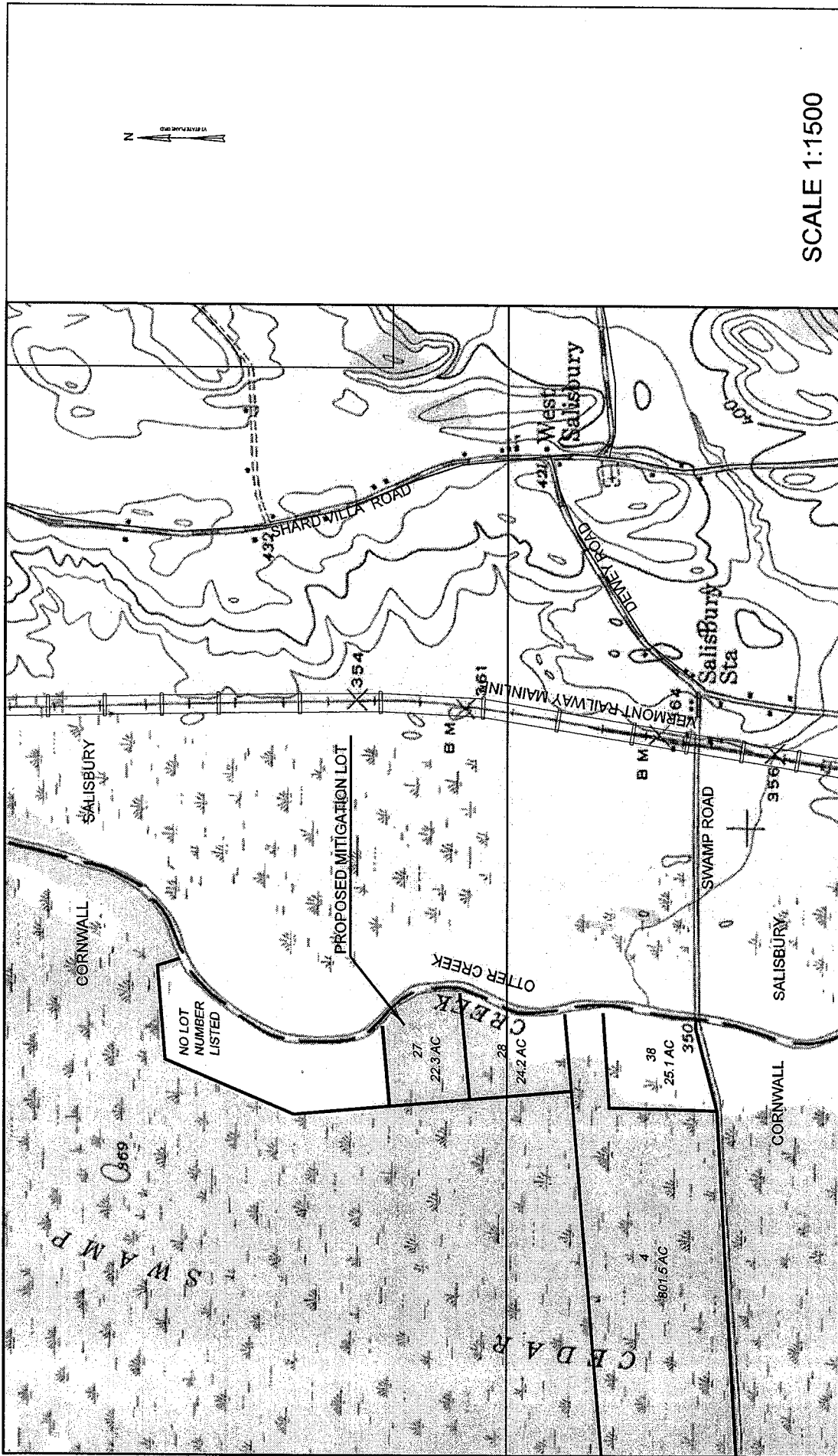
MIDDLEBURY SPUR EIS

Potential Wetland
Mitigation Site
(Pittsford)



JANUARY 2007

FIGURE NO. 6.1

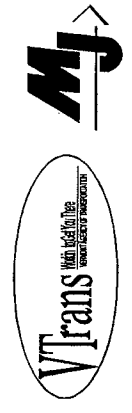


SCALE 1:1500

USGS Quad: Cornwall

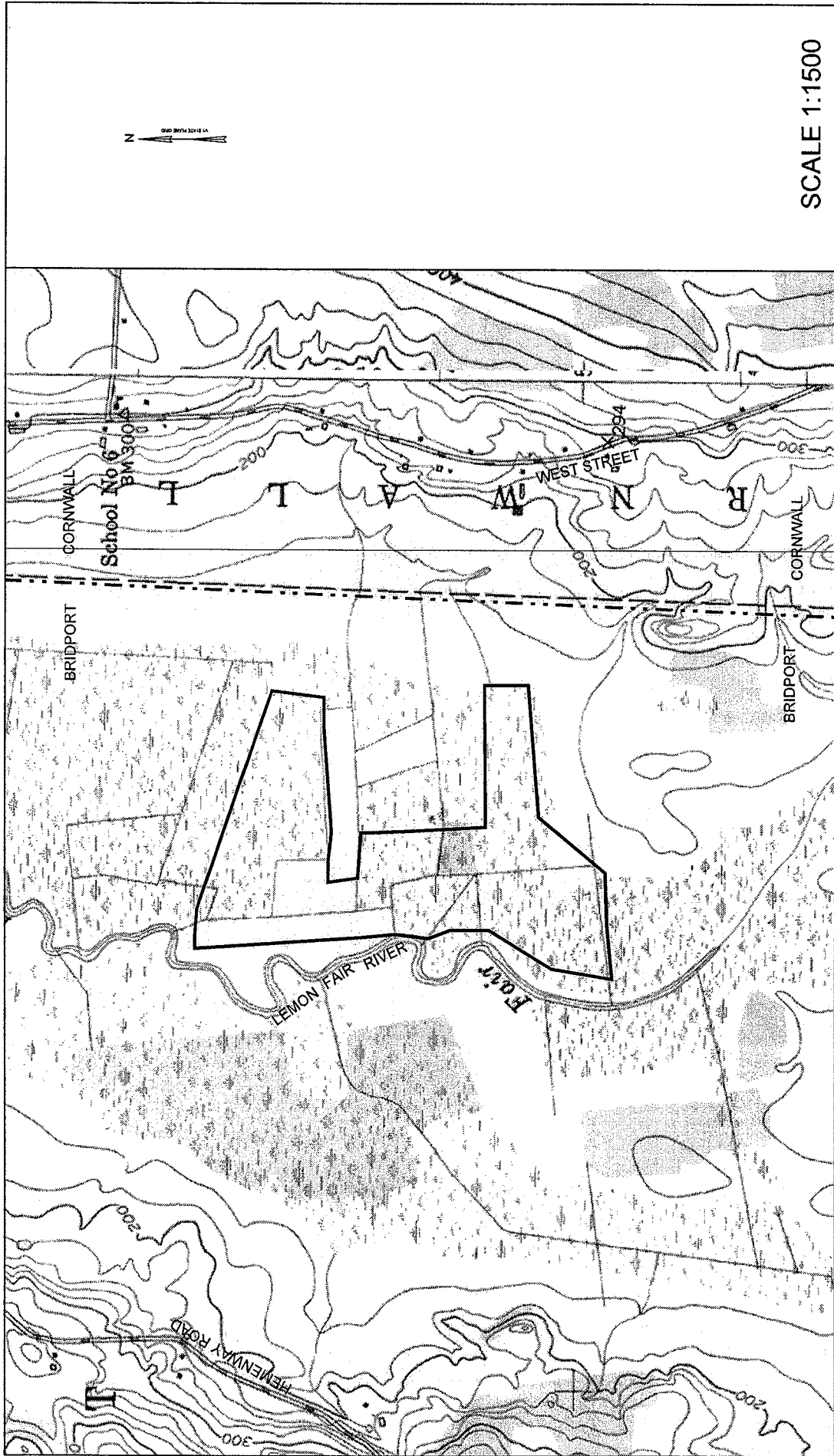
MIDDLEBURY SPUR EIS

Potential Wetland Mitigation Site (Pittsford)



JANUARY 2007

FIGURE NO. 6.2



USGS Quad: Bridport

SCALE 1:1500

MIDDLEBURY SPUR EIS

Potential Wetland
Mitigation Site
(Bridport)

JANUARY 2007

FIGURE NO. 6.3

