# **PUBLIC NOTICE**



US Army Corps of Engineers ® New England District Vermont Project Office 11 Lincoln Street, Room 210 Essex Junction, Vermont 05452 Comment Period Begins: September 20, 2016 Comment Period Ends: October 20, 2016

File Number: NAE-2005-2458

In Reply Refer To: Michael S. Adams

Phone: (802) 872-2893

E-mail: Michael.s.adams@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

**APPLICANT:** Hermitage Inn Real Estate Holding Company, LLC, ATTN: Mr. James Barnes, P.O. Box 2210, West Dover, Vermont 05356

**ACTIVITY:** Place fill in 70,348 sq. ft. (1.6 acres) of waters of the U.S. in conjunction with the rehabilitation of the existing ski area at Haystack Mountain and Hermitage Inn lands into a year-round resort, which will include ski lifts, adequate snowmaking facilities, recreational trails, approximately 550 residential homes, new Club House and amenities. An additional 5,554 sq. ft. (0.13 acre) of forested wetland will be cleared. A detailed description and plans of the activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in various streams and wetlands adjacent to the existing Haystack Mountain Ski Area and Hermitage Inn off Gate House Road in Dover, Vermont (Latitude 42.9200049 N, Longitude 72.884994 W).

#### **AUTHORITY**

<b>Permits</b>	are	required	pursuant	to:
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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 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.

## NATIONAL HISTORIC PRESERVATION ACT

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 project site. It is our preliminary 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 determination.

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.

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 Michael Adams at (978) 318-8485 or (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.

THIS NOTICE IS <u>NOT</u> AN AUTHORIZATION TO DO ANY WORK.

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Chief, Permits and Enforcement Branch

**Regulatory Division** 

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at <a href="mailto:bettina.m.chaisson@usace.army.mil">bettina.m.chaisson@usace.army.mil</a>. 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:	
PHONE:	

## PROPOSED WORK AND PURPOSE

The work will involve the construction of 550 recreational, ski-in, ski-out residential units consisting of a mix of multi-family units, single-family homes and condo hotel units, associated infrastructure, a base lodge, snowmobile/cross-country/hiking trails, a mountain coaster, a tubing chute, and development of four new downhill ski trails and two new lifts. This work will impact about 24,677 sq. ft. (0.57 acre) of forested, scrub-shrub and emergent wetland and 6,115 sq. ft. (0.14 acre) of perennial, intermittent and ephemeral streams. An additional 5,554 sq. ft. (0.13 acre) of forested wetland will be impacted by clearing.

The work will also involve the upgrade and expansion of the existing snowmaking system and additional trail coverage. The snowmaking improvements will involve the expansion of the existing Mirror Lake snowmaking pond, upgrade of the existing Cold Brook withdrawal, and construction of the new "Siegel Pond" snowmaking pond. The overall goal of the snowmaking improvements is to increase trail acreage from 147 acres to 193.3 acres and to increase snowmaking coverage on Haystack Ski Area from 127.4 acres, representing 87 percent of the current total of 147 acres of terrain, to 100 percent coverage of the proposed 193.3 acres of skiable terrain.

# Mirror Lake Expansion/Cold Brook Withdrawal Upgrade

Mirror Lake is an excavated snowmaking pond located near the base of the original Haystack Ski Area. This lake was constructed in the 1960s, and is located directly south of the existing Haystack Access Road. Water is currently withdrawn from Cold Brook via the existing pumping station for snowmaking and storage in Mirror Lake. The proposed expansion of Mirror Lake will increase its volume from 14.6 Mgal to 28.4 Mgal. Overall, the expansion would increase the total area of the lake by approximately 1.58 acres.

The proposed upgrade of the Cold Brook withdrawal includes removal of the existing dam structure and the installation of an inflatable dam structure and 24-inch Parshall Flume in the same location. These upgrades; would allow for accurate stream flow monitoring while minimizing stream channel impacts. The proposed upgrades would also include replacing the baffle located in the existing pumphouse, just upstream of the current and proposed dam. Permanent impacts to the stream channel would result from the construction of the new dam and modifications to the baffle and surrounding area. Temporary impacts within the stream would involve the re-routing of water, and placement and removal of temporary diversion structures during construction. Currently, a minimum flow of 0.58 csm is maintained at the Cold Brook withdrawal. This minimum flow will be increased to the Statewide average February Median Flow (FMF) of 0.80 csm. Monitoring of streamflows will take place to develop a site-specific FMF.

The wetlands located near Mirror Lake are located in a previously disturbed matrix of early succession trees, shrubs, and herbaceous vegetation along and upslope of the western berm of Mirror Lake.

This portion of the project will permanently impact a total of 35,828 sq. ft. (0.82 acre) of wetland, and 3,660 sq. ft. (450 l.f./0.08 acre) of stream bottom (below OHW).

# Siegel Pond

Siegel Pond is a proposed 22 Mgal snowmaking pond located south of Mirror Lake and north of Haystack Brook. This portion of the project will permanently impact a total of 68 sq. ft. (34 l.f./0.002 acre) of stream bottom (below OHW). There will be no wetland impacts from the construction of Siegel Pond.

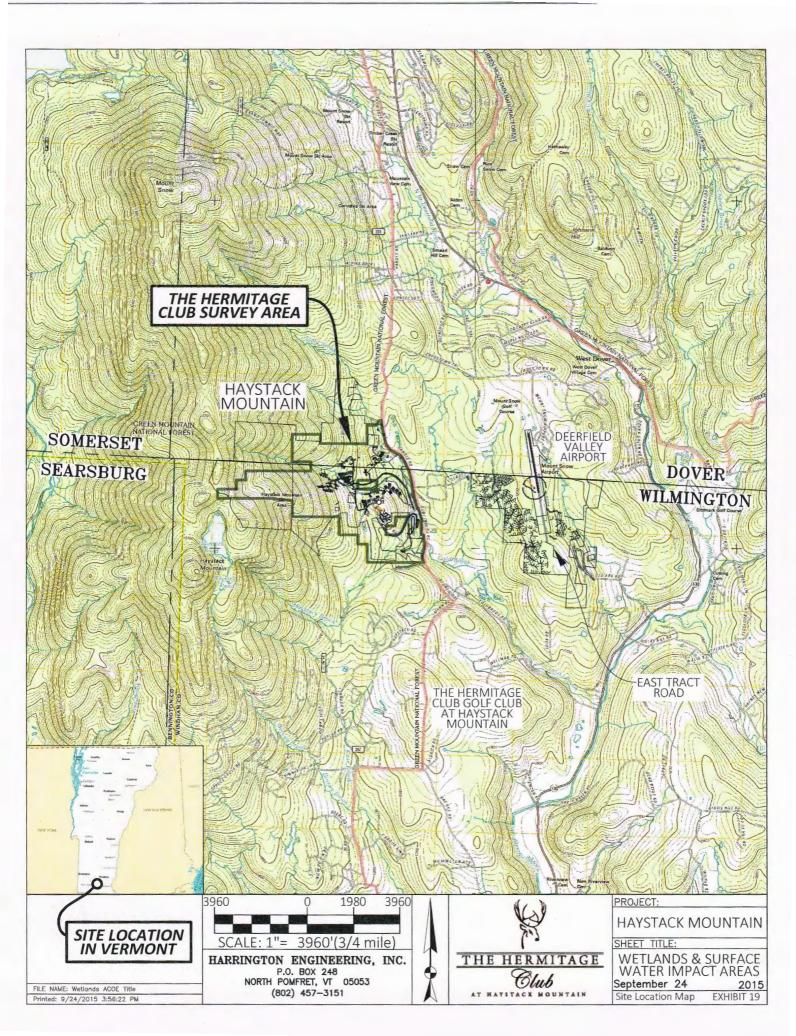
The basic purpose of the project is to rehabilitate the existing ski area at Haystack Mountain and Hermitage Inn lands into a year-round resort,

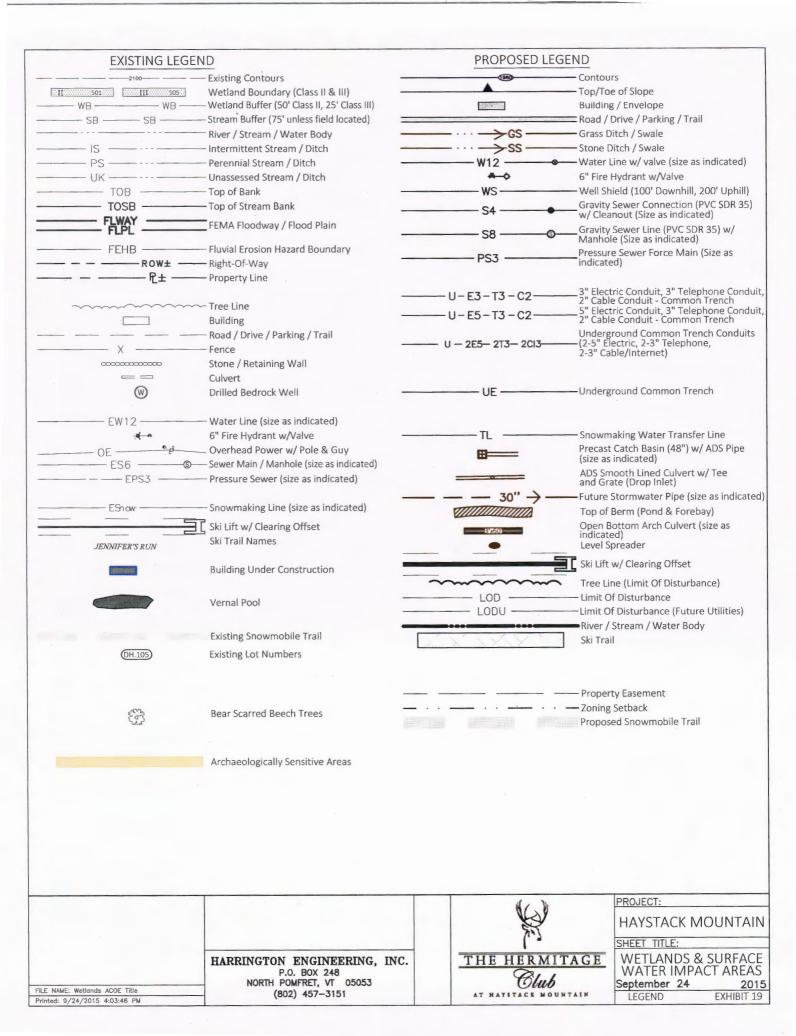
The work is described on the enclosed plans, in seventeen sheets, entitled "WETLANDS & SURFACE WATER IMPACT AREAS" (dated "September 24 2015", "March 21, 2016", "July 11, 2016", and "September 12 2016"), "STREAM CROSSING DETAILS" (dated "December 15 2015") and "AMPHIBIAN ROAD CROSSING DETAILS" (dated "December 15 2015").

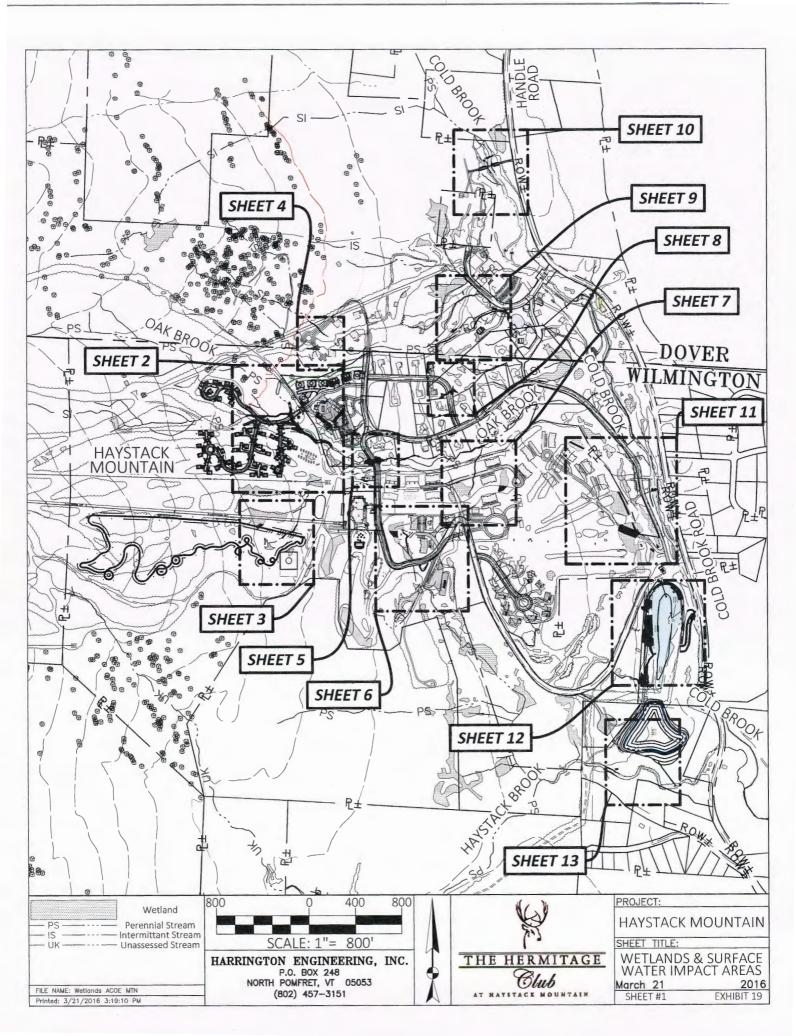
#### **ALTERNATIVES**

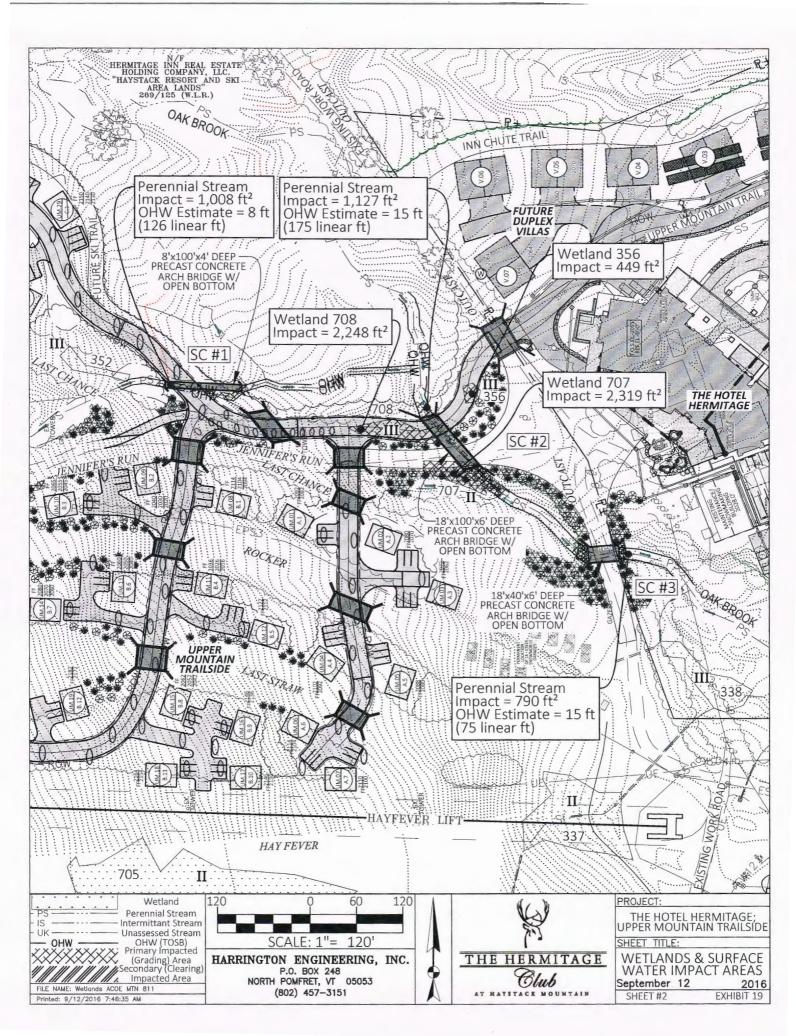
The basic purpose of the project is to rehabilitate an existing ski area into a year-round resort. Off-site alternatives would not allow the applicants to accomplish their basic purpose. Over the course of project design, substantial efforts have been made to minimize impacts on-site. Since April of 2014, this has resulted in an overall reduction of wetland/waterway impacts from 3.05 acres to 1.60 acres (a 48% decrease).

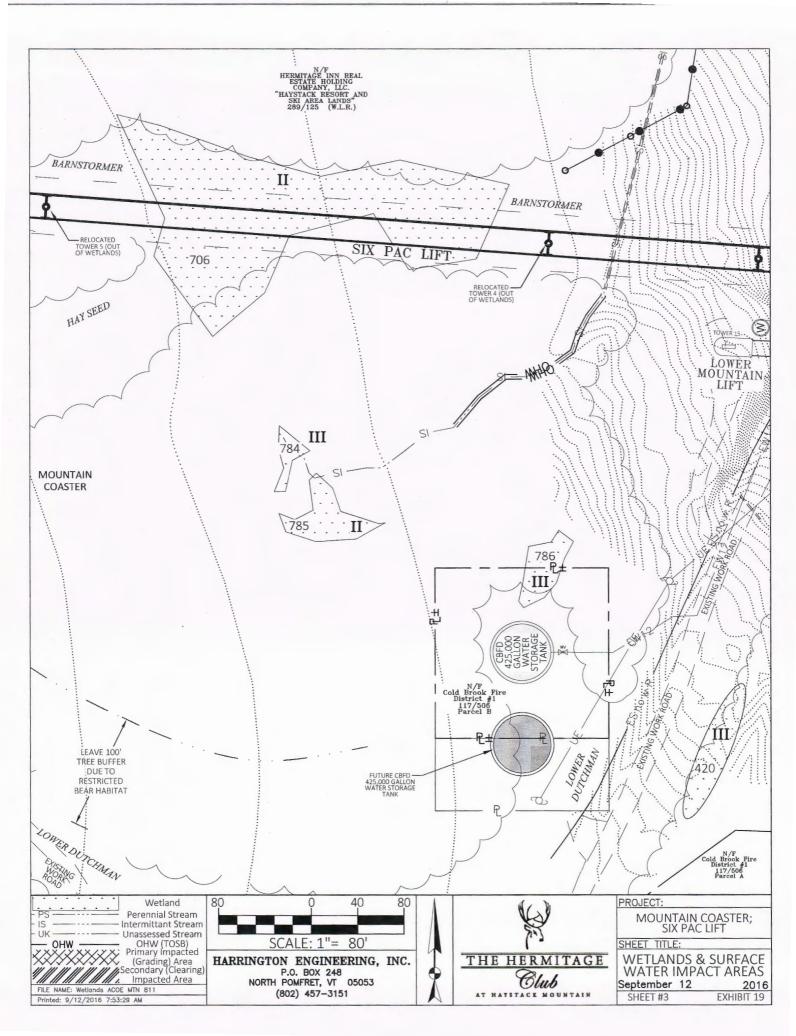
To compensate for unavoidable impacts to waters of the U.S. of the proposed project the applicant proposes to make a payment to the Ducks Unlimited – Vermont In-Lieu Fee Program.

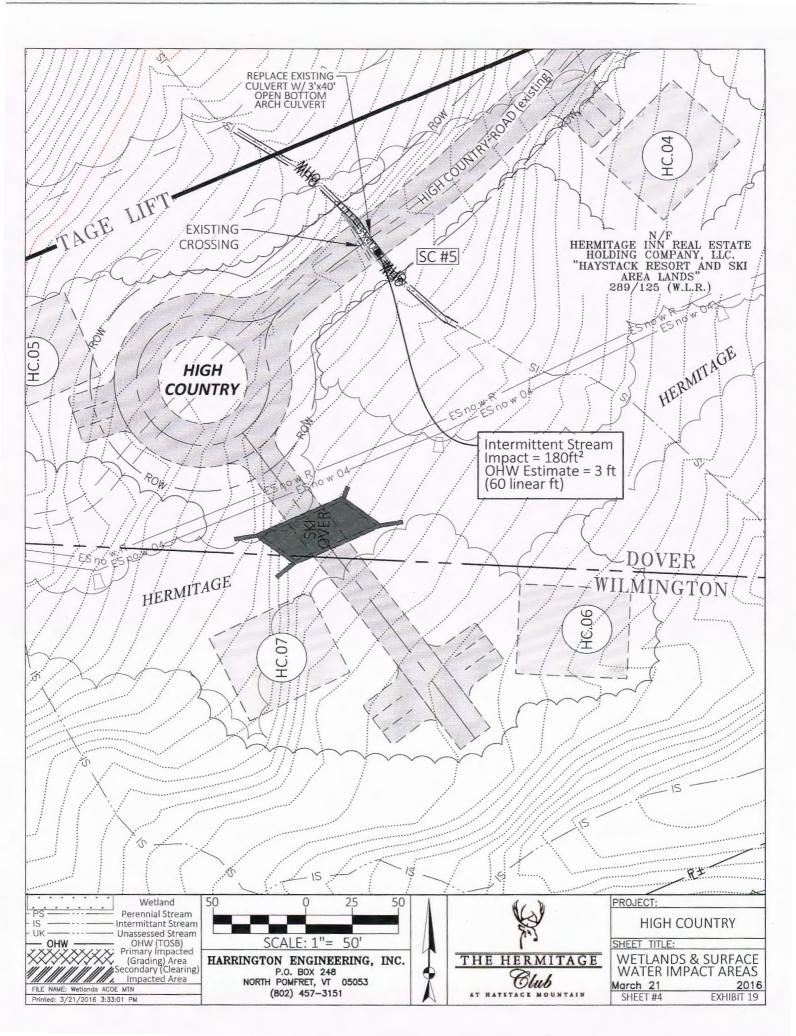


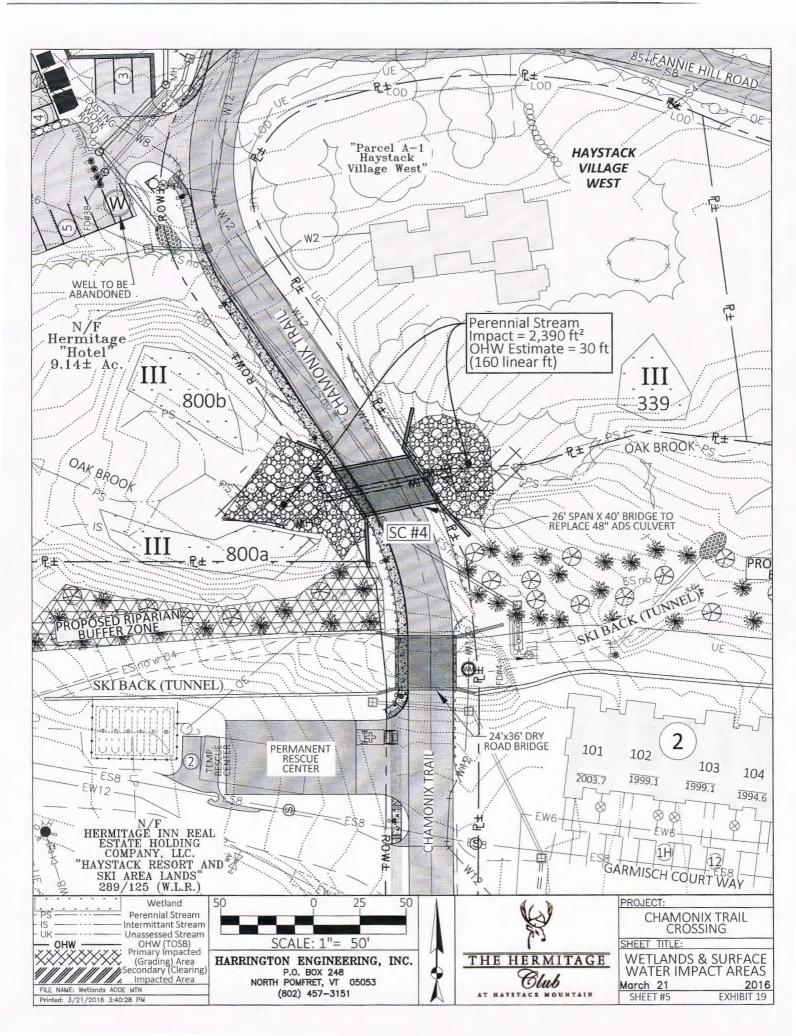


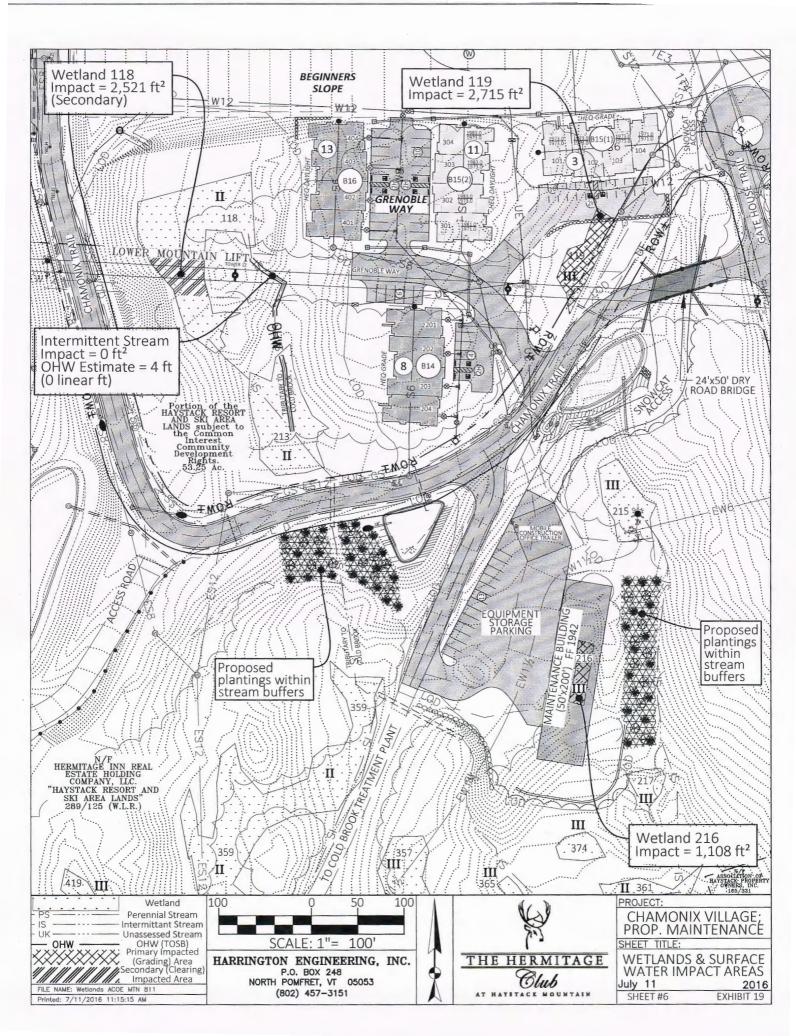


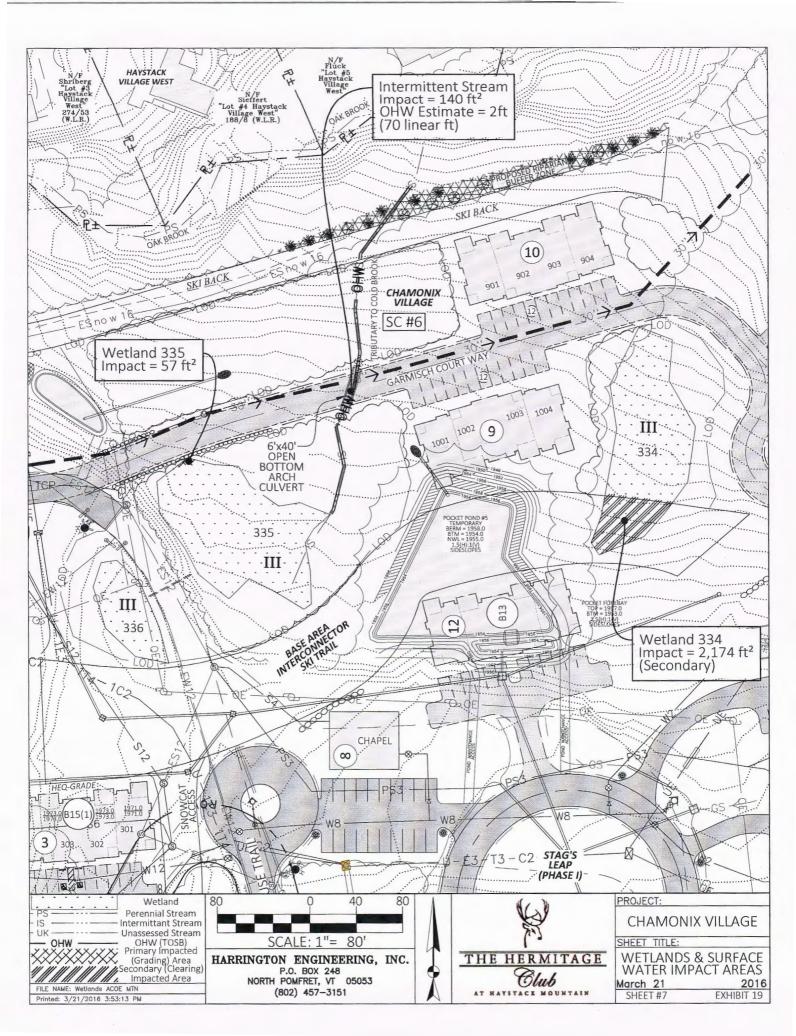


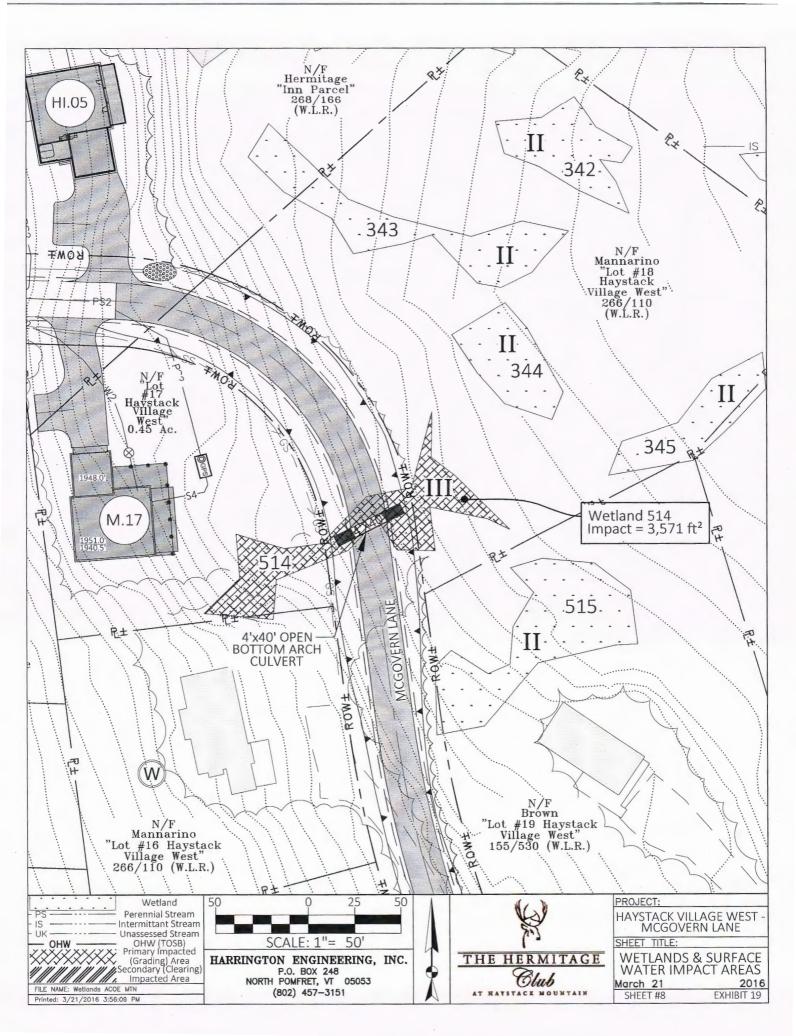


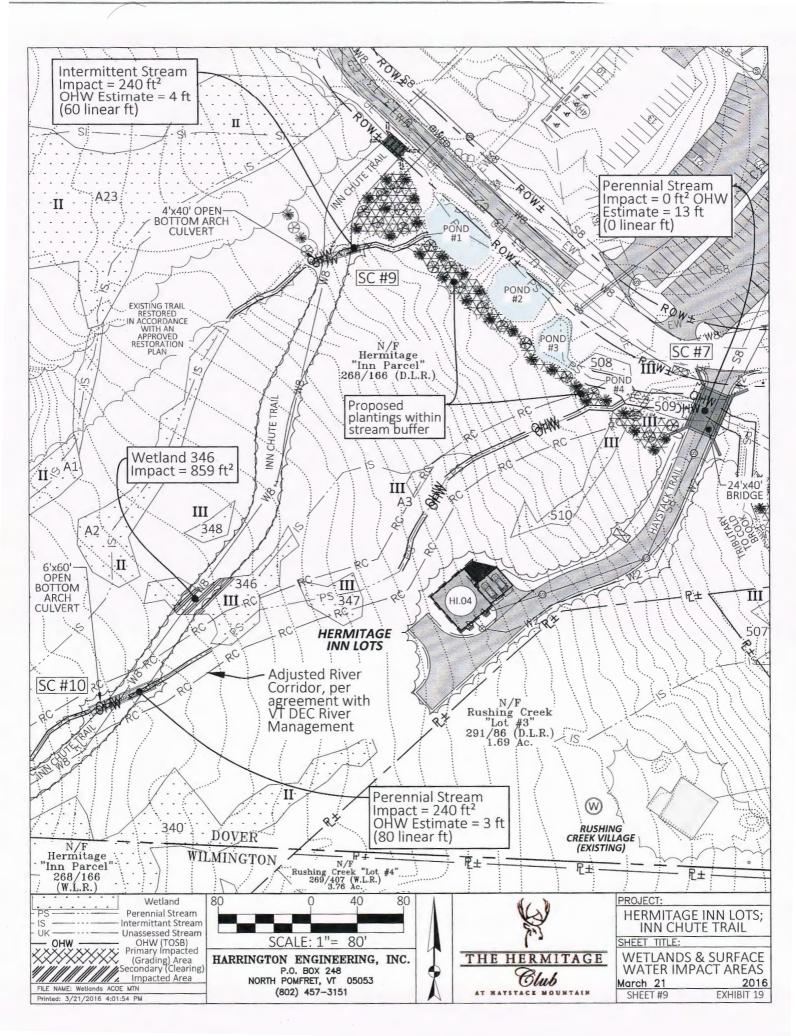


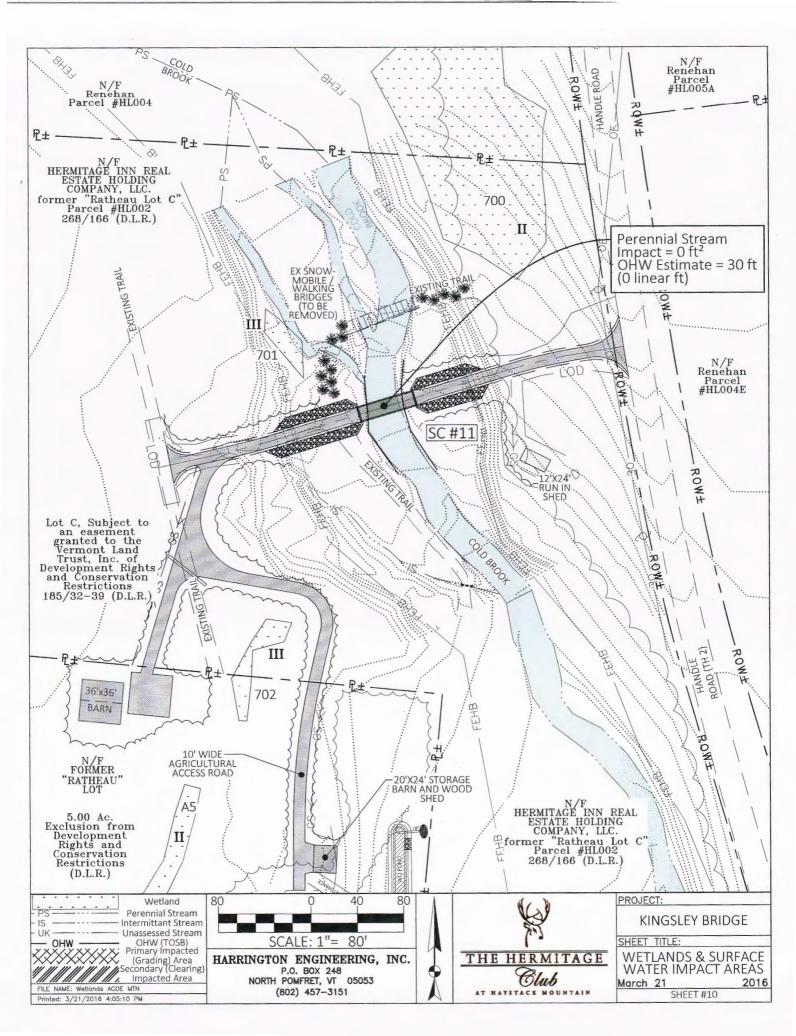


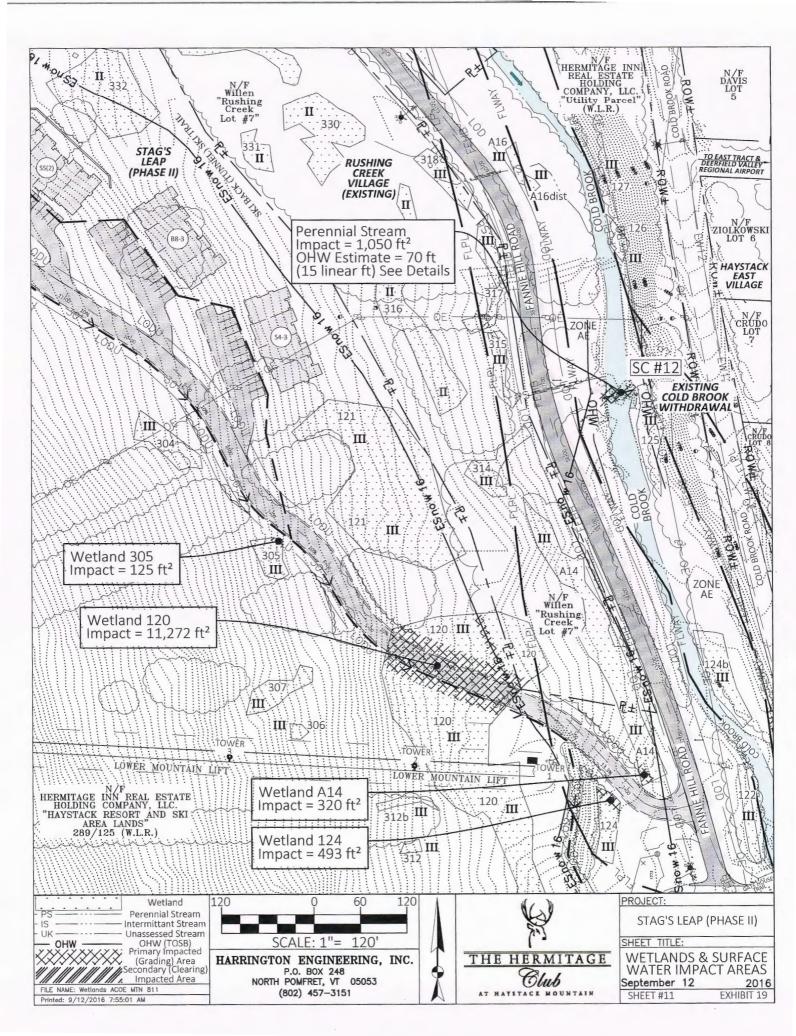


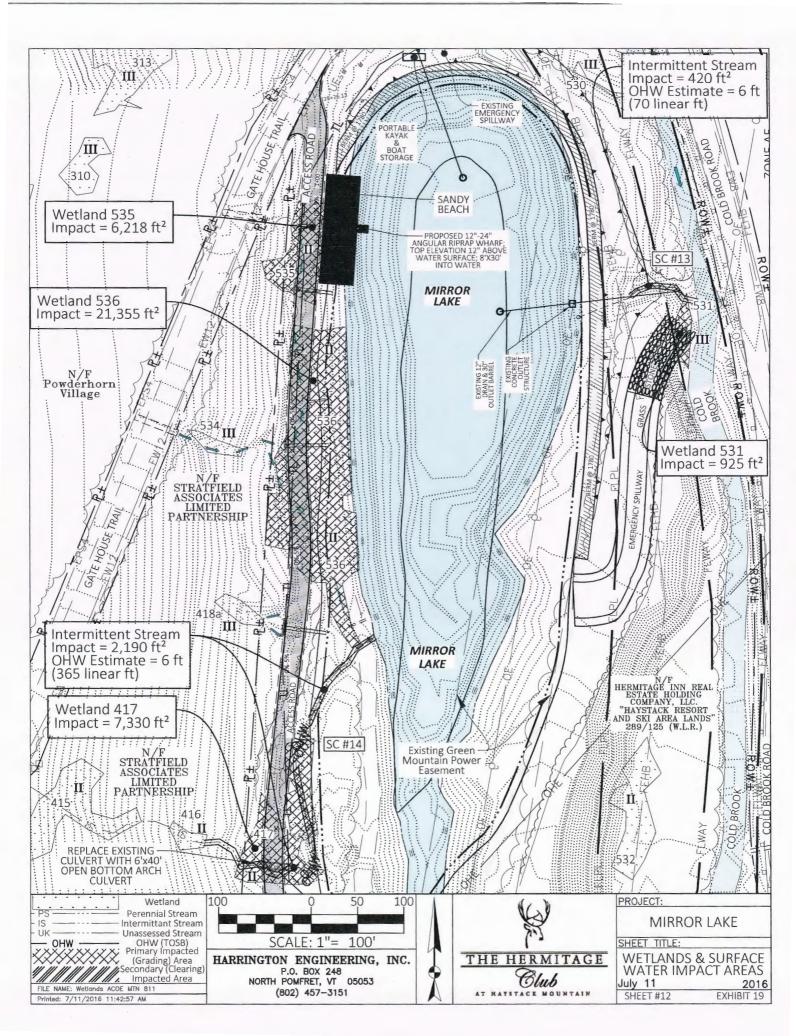


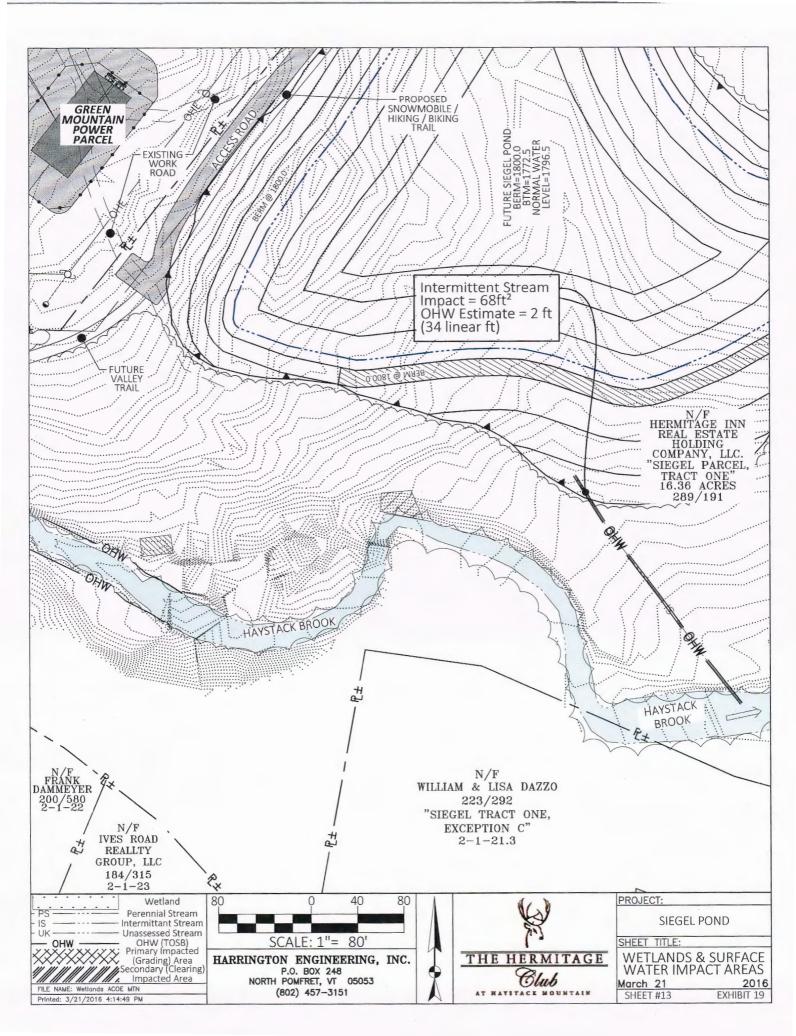












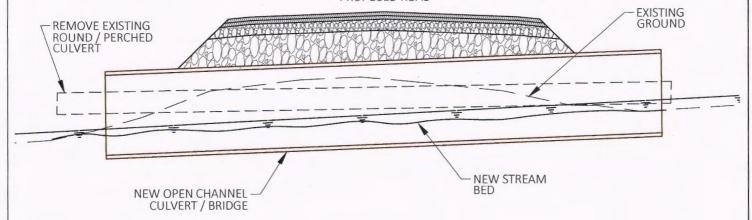
# TYPICAL ROUND CULVERT REPLACEMENT WITH OPEN CHANNEL STREAM CROSSING NTS

#### NOTES:

- 1. PRECAST CONCRETE BOX CULVERT WITH BAFFLES WHERE SLOPE ALLOWS.
- 2. ALL CROSSINGS TO BE INDIVIDUALLY ENGINEERED.

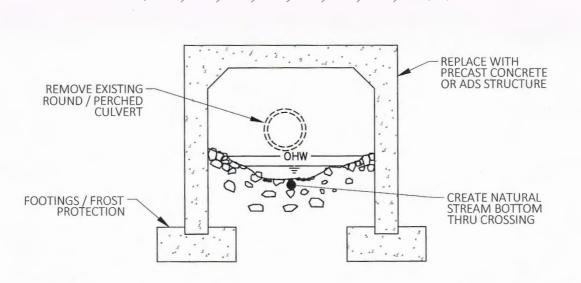
#### PROFILE

PROPOSED ROAD



#### CROSS SECTION

**EXISTING GROUND** 



HARRINGTON ENGINEERING, INC.
P.O. BOX 248
NORTH POMFRET, VT 05053
(802) 457-3151

FILE NAME: Wetlands ACOE MTN
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PROJECT:

HAYSTACK MOUNTAIN

SHEET TITLE:

STREAM CROSSING DETAILS

December 15 SHEET #14

EXHIBIT 19

