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Central Vermont Public Service Corporation

May 16, 2002

Mr. Anton J. Sidoti, Director
Federal Energy Regulatory Commission
New York Regional Office
19 West 34th Street, Suite 400
New York, NY 10001

FERC - NYRO
RECEIVED
MAY 20 2002
NEW YORK, NY

RE: CVPS Weybridge Project (FERC No. 2731)
Downstream Diversion Structure

Dear Mr. Sidoti:

In response to your May 6, 2002 letter and FERC's April 12, 2002 Order [1] both of which pertain to construction of a diversion structure immediately downstream from the CVPS Weybridge dam, CVPS herein submits plans, specifications, quality control and inspection information to the New York Regional Office. CVPS, through this letter, requests review of applicable components of the construction project and authorization to start. CVPS developed the plans and specifications after a thorough and intensive design process that included consultation with several agencies. We plan to construct the diversion structure this summer and, if river conditions warrant and we receive NYRO and VANR approval, we may start the project as early as June 15, 2002.

The Project
The project is the installation of a gravity diversion structure that will be embedded into the Otter Creek substrate downstream from the project dam in an area that requires redistribution of bypass flows under two different conditions. The overall structure will extend more than 200 feet and consist of two main sections that will intersect each other. The embedded concrete foundation will be a composite of pre-cast and cast-in-place concrete. Vertical pins inserted into the concrete will support horizontal wooden timbers that will typically extend upward for approximately 1.8 feet to control water elevation and redistribute the bypass flow. The design includes flood resistant features, fish movement slots and the ability to add or remove timbers to hydraulically calibrate the structure should river characteristics change.

Plans and Specifications
The attached plans from Kleinschmidt Energy & Water Resource Consultants (Kleinschmidt) include project specifications and requirements. The plans specify erosion control methods and other steps necessary to complete the project. Kleinschmidt's detailed design calculations for the diversion structure are available upon request.

Safety Considerations
Alternate to Temporary Emergency Action Plan
Your May 6, 2002 letter indicates that a temporary construction emergency action plan is necessary if the project includes the creation of a temporary impoundment. This project does not require the creation of a temporary impoundment; therefore a temporary emergency action plan is unnecessary. Optimized generation, temporary elimination of the bypass flow (pending VANR approval), and close monitoring of weather and river stage forecasts will eliminate the need to impound water in the construction area.

[1] Order Modifying and Approving Diversion Structure Construction Plan
Under Article 402 and Amending February 13, 2002 Order (Issued April 12, 2002)

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Effective water management planning will instead allow for construction to occur in relatively dry conditions.

As always, CVPS will enforce its general safety standards at the site by conducting daily safety meetings with the contractor and any other personnel working on the project. The safety meetings will include a thorough discussion of applicable topics such as generation schedule, weather and river forecasts, trip hazards, and equipment and tool safety. This process is an appropriate alternative to the development of a temporary construction emergency action plan and will achieve the same end.

Quality Control and Inspection Program Description
CVPS's Quality Control and Inspection Program will comply with Chapter 7 of the Commission's Engineering Guidelines, Construction Quality Control Inspection Program. We offer the following responses to the items you outlined in your May 6 letter.

a. Organization chart of the construction quality control inspection force.

Our program will include daily inspections by one or more of the following CVPS employees: plant operators, construction manager, project coordinator and/or principal generation engineer. Furthermore, Kleinschmidt engineers will inspect the project at critical times. The contractor for the project will be selected shortly and all bidders are aware that CVPS plans to conduct an aggressive inspection program.

b. Number and specialties of the proposed inspectors.

The inspectors described above have diverse and extensive experience with hydroelectric operations, construction and civil engineering. The inspection will be full-time as necessary.

c. Duties, responsibilities, necessary qualifications and scope of authority of the inspection staff members.

The inspectors described above will complete the daily safety meeting, make confirmation measurements, and observe and document all critical construction events.

d. Field tests to be performed and frequency of testing.

Field test for this project will focus on field measurement to assure proper orientation and elevation of the structure. Measurements will include but are not limited to: horizontal and vertical control, re-bar size and placement, waterstop placement and the general alignment of the pre-cast concrete blocks.

e. Field laboratories to be provided.

Not applicable.

f. Planned use of commercial testing services.

Concrete strength testing services.

g. Planned use of consultants during construction.

R.F. Lunna Associates, P.C. will provide the construction layout services and establish all necessary control points to assure the installation occurs in the proper location and is built to the appropriate height. Kleinschmidt engineers will inspect the project before or during critical events.

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h. Schedule of construction, showing all major features of construction.

Pending NYRO and VANR approval, and, weather and river conditions permitting, CVPS expects to start on or after June 15, 2002 and to finish on or before September 15. A more detailed schedule will be available after CVPS selects a contractor for the job.

i. Erosion Control and Other Environmental Measures.

The attached USACE permit (No. 200200505) contains the erosion and environmental measures required for the project. Furthermore, the Kleinschmidt plans contain additional information and requirements that pertain to this section.

Construction Reports

Given the limited scope of this construction project, CVPS expects to complete the project within one to two months. We therefore propose to submit a comprehensive construction report upon completion of this project. In the unlikely event of extensive project delays due to unforeseen circumstances, we will submit interim reports accordingly.

In addition to the report protocol outlined in the above section, CVPS will provide the NYRO with the dates of critical events to facilitate NYRO construction inspections. CVPS has worked diligently on this project and we are optimistic that with final NYRO and VANR approvals we can complete this project this construction season. If you have any questions or comments, please contact me at (802) 747-5707. Thank you for your ongoing assistance with this project.

Sincerely,

John C Greenan

John C. Greenan, P.E.
Project Coordinator

Cc: F. Lee - NYRO
M. Scarzello - CVPS
R. Gragen - CVPS
T. Kahl - KA
T. Oakes - KA

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LARGE-FORMAT IMAGES

One or more large-format images (over 8 ½" X 11") go here. These images are available in FERRIS at:

For Large-Format(s):

Accession No.: 20030622-0283

Security/Availability:

- ☐ PUBLIC
- ☐ NIP
- ☐ CEII
- ☑ NON-PUBLIC/PRIVILEGED

File Date: 5-2002 Docket No.: P-2731

Parent Accession No.: 20020522-0228

Set No.: 1 of 1

Number of page(s) in set: 7

TRP-G REV.- 4/2003 (yellow)

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

March 26, 2002

Regulatory Division
CENAE-R-62
Corps Permit No. 200200505

Ms. Allison S. Murray
Licensing Coordinator
Kleinschmidt
P.O. Box 576
Pittsfield, Maine 04967

Dear Ms. Murray:

We have completed our evaluation of your request on behalf of Central Vermont Public Service for Department of the Army authorization to place and maintain a flow diversion structure in Otter Creek downstream of the Weybridge Hydroelectric Project (FERC #2731) at Weybridge, Vermont. The proposed work is shown on the attached plans, in seven sheets, entitled "WEYBRIDGE HYDROELECTRIC STATION FERC No. 2731", dated "MARCH 2002".

We have determined that the work you proposed will have minor individual and cumulative impacts on the waters and wetlands of the U.S.. We hereby authorize your project under the State of Vermont General Permit (GP-58).

The activity must be performed in compliance with all the terms and conditions of the VT GP. Enclosed is a copy of the permit requirements. Please review it carefully to thoroughly familiarize yourself with its contents. You may wish to discuss the conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements. You are responsible for complying with all of the permits requirements and conditions; therefore, you should be certain that whoever does the work fully understands all of the conditions.

If the plans or construction methods (i.e. for work in our jurisdiction) need to be changed, please contact us immediately to discuss modification of this authorization. Before changes may be undertaken, they must be approved by this office.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form to this office no later than two weeks before the anticipated starting.

Please note that this determination does not constitute an authorization to proceed until all other applicable Federal, state and local permits are obtained.

Performing work not specifically authorized by this permit, starting work without obtaining other Federal, state and local approvals, or failing to comply with the permit conditions may subject you to the enforcement provisions of our regulations.

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project; or if you would like any additional information pertaining to the appeals process, please contact Michael Adams, of my staff at (802) 872-2893.

Sincerely,

David H. Killoy, P.E., C.P.G.
Chief, Permits Branch
Regulatory Division

Enclosures

Copy furnished:
Mr. Frederick G. Nicholson
Stream Alteration Engineer
VT Agency of Natural Resources
450 Asa Bloomer State Office Building
Rutland, Vermont 05701-5903

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PGP WORK START NOTIFICATION FORM

(Minimum Advance Notice: Two Weeks)

MAIL TO: U.S. Army Corps of Engineers, New England District
Regulatory Division
Policy Analysis/Technical Support Section
696 Virginia Road
Concord, Massachusetts 01742-2751

A Corps of Engineers Permit (No. 200200505) was issued to Central Vermont Public Service. The permit authorized the placement and maintenance of a flow diversion structure downstream of the Weybridge Hydroelectric Project in Otter Creek at Weybridge, Vermont.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

_____

_____

Business Address: _____

_____

_____

Telephone: ( ) _____ ( ) _____

Proposed Work Dates: Start: _____

Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

FOR USE BY THE CORPS OF ENGINEERS

PM: Michael Adams Submittals Required: No

Inspection Recommendation: _____

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US Army Corps
of Engineers
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: April 10, 2001

File Number: 200002043
In Reply Refer To: Ms. Christine Godfrey 978-318-8338

AMENDMENT TO GENERAL PERMIT IN THE STATE OF VERMONT

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby issues an amended version of the statewide General Permit (PGP) pursuant to 33 CFR Part 325.5(c)(3), for minimal-impact activities within the State of Vermont. **The effective date of the amended GP is April 10, 2001**. The expiration date of the PGP has not been changed, and reissuance of the GP when it expires on 15 October 2002 will be coordinated with the public, state agencies and federal resource agencies.

The following amendments have been included in the GP:

(1) Procedures
The definition of "emergency situations" and streamlined notification procedures to address emergency situations have been added to Category B procedures.

(2) General Permit Conditions
A permit condition addressing Essential Fish Habitat has been added to the permit (General Permit Condition 9 on pages 10-11).

(3) Appendix A-Inland Waters and Wetlands-New Fill/Excavation Discharges:

Dry hydrants used exclusively for fire fighting activities have been added to Category A activities (Appendix A, page 1, Activity 1, Category A).

Fills below Ordinary High Water in the Connecticut River and primary tributaries have been excluded from Category A (Appendix A, page 1, Activity 1, Category A exclusion for EFH and Note 8).

(4) Appendix A-Inland Waters and Wetlands-Bank Stabilization Projects and Repair and Maintenance:

Fills below Ordinary High Water in the Connecticut River and primary tributaries have been excluded from Category A (Appendix A, page 1, Activities 2 and 3, Category A exclusions and Note 8).

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

(5) Appendix A-Inland Navigable waters and adjacent wetlands-Miscellaneous Activities:

Floating or post-supported docks, and private, non-commercial, single-boat moorings have been added to Category B of the PGP (Appendix A, page 2, Activity 5, Category B).

Utility line installation by directional bore has been added to Category B of the GP (Appendix A, page 2, Activity 5, Category B).

(6) Appendix A-Lake Champlain, Lake Memphremagog, Wallace Pond and adjacent wetlands-Repair and Maintenance Work:

Replacement of non-serviceable structures and fills, and repair with expansions up to 5,000 s.f., have been added to Category B (Appendix A, page 3, Activity 7, Category B). In the current GP, replacement requires an individual permit, and repair with expansion is not clearly addressed.

(7) Appendix A-Lake Champlain, Lake Memphremagog, Wallace Pond and adjacent wetlands-Miscellaneous Activities:

Utility line installation by directional bore has been added to Category B of the GP (Appendix A, page 5, Activity 11, Category B).

(8) Appendix A-Lake Champlain, Lake Memphremagog, Wallace Pond and adjacent wetlands-Pile Supported Structures & Floats:

New structures, including piers and floats, associated with an existing commercial boating facility, have been added to Individual Permits (Appendix A, page 4, Activity 10, Individual Permit).

(9) Appendix A-Notes:
We have added the White River from its mouth to its source, and the Wells River from its mouth to Groton Pond, to the list of navigable waters (Appendix A, page 6, Note 2), and clarified that Pikes Falls is on the North Branch of Ball Mountain Brook (Note 7). We have added as Note 8 a list of waters which may provide Essential Fish Habitat.

(10) Miscellaneous changes:
Addresses and telephone numbers for the Corps Vermont Field Office and the State Division for Historic Preservation have been updated.

Christine A. Godfrey

SEE NEXT PAGE FOR DETAILS OF EVALUATION FACTORS

Christine A. Godfrey
Chief, Regulatory Division

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The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in 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.

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.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

a. The permit area has been extensively modified by previous work.
b. The permit area has been recently created.
c. The proposed activity is of limited nature and scope.
d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

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.
(x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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 NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here ( ) and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:
ADDRESS:

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Permit No: GP-58

Effective Date: 15 October 1997
Modification Date: 10 April 2001
Expiration Date: 15 October 2002

Applicant: General Public-State of Vermont

Department of the Army General Permit State of Vermont

The New England Division of the U.S. Army Corps of Engineers (Corps) hereby issues a general permit (GP) that expedites review of minimal impact work as defined by the Corps in navigable and inland waters and wetlands within the State of Vermont. Modifications implemented 10 April 2001 have been coordinated with the State of Vermont, Department of Environmental Conservation (VT DEC) and the Federal Resource Agencies.

GENERAL CRITERIA:

Activities with minimal impacts, as specified by the terms and conditions of this GP and on the attached APPENDIX A: DEFINITION OF CATEGORIES, are either:

Category A; eligible without screening, non-reporting to the Corps, or

Category B; determination of eligibility made through interagency screening coordination by the Corps and Federal Resource Agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, National Marine Fisheries Service).

The Corps individual permit review process and activities exempt from Corps jurisdiction are not affected by this GP.

ACTIVITIES COVERED:

Work and structures identified in the attached Appendix A, "Definition of Categories" sheets when such work is located in, or affects, navigable waters of the United States as regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899, and the discharge of dredged or fill material into waters of the United States, including wetlands as regulated by the Corps under Section 404 of the Clean Water Act. For clarification, the term "discharge of dredge or fill material" includes certain discharges resulting from excavation (pursuant to 33 CFR PART 323.2 (iii), as revised January 17, 2001, the term "discharge of dredged material" means any addition of dredged material into & including any redeposit of dredged material within the waters of the United States, except discharges that meet the definition of "incidental fallback").

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES:
State Approvals

Following is a list of State permits and approvals that may be required for work in waters and wetlands in the State of Vermont:

- Vermont Department of Environmental Conservation (VT DEC) approval of a Conditional Use Determination under the Vermont Wetland Rules;
- VT DEC approval of a Stream Alteration Permit under Title 10, Chapter 41, Subchapter 2;
- VT DEC approval of a Lake Encroachment Permit under Title 29, Chapter 11, Management of Lakes and Ponds;
- VT DEC approval of a Dam Construction Permit under Title 10, Chapter 43, Dams;
- VT DEC approval of a 1272 Order under Title 10, Chapter 47;
- VT Department of Fish and Wildlife (VT F&W) approval of a Stream Obstruction Permit under Title 10, Chapter 111, Section 4607.

Federal and State jurisdictions may differ in some instances. However, all required State and local permits must be obtained in order for any authorization under this GP to be valid, see condition 1 of this document, page 9.

State Administered Federal Laws:

(1) Water Quality Certification (WQC) under Section 401 of the Federal Clean Water Act (33 U.S.C. Sec. 1341).
Section 401(a)(1) of the Clean Water Act requires applicants to obtain a water quality certification or waiver from the state water pollution control agency: VT Agency of Natural Resources, Water Quality Division.
For activities in wetlands, the VT DEC has granted Water Quality Certification for activities listed in Category A, Appendix A of this General Permit, subject to obtaining the permits and approvals listed above, when applicable. The state has conditioned that this certification is valid only for those activities which fully comply with all terms and conditions of the General Permit and the VT DEC reserves the authority to enforce any violation of the Vermont Water Quality Standards that result from any Category A activity. Therefore, a separate 401 Water Quality Certification application will not be required for activities involving fill in waters of the United States authorized under Category A of the VT GP.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES, (continued)

For Category B activities the VT DEC has conditionally certified that the Category B activities listed in Appendix A of this GP are in compliance with Vermont Water Quality Standards provided VT DEC is notified by the Corps and the project is determined eligible for the GP by the interagency review team. VT DEC reserves the right to require an individual water quality certification be obtained for any Category B activity. The VT DEC would do so under the same timeframes set for responses by the Federal Resource Agencies.

Corps Authorizations

GP authorizations consist of both **Category A and B type activities as outlined in Appendix A of this document**. The thresholds outlined in this document are intended to ensure that the GP result in minimal impact to the aquatic environment. To insure that these projects will, in fact, result in minimal impact, the Corps will coordinate review of Category B Activities with the Federal Resource Agencies and the State of Vermont and may require project modifications or mitigation to minimize impacts.

All wetland boundaries must be determined in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and any applicable subsequent federal guidance.

CATEGORY A
Non-reporting/Minimal Impacts

Eligibility - Activities in Vermont that are:

- Subject to Corps jurisdiction,
- Meet the definition of Category A on Appendix A, Definition of Categories
- Meet the conditions of this GP listed on pages 9-15,

Do not require separate application to the Corps.

Note that the review thresholds under **Category A** apply to single and complete projects only (see condition 5) and the applicant must obtain any of the necessary state permits listed on page 2 of this GP. There are also restrictions on national lands as well as conditions which must be met in order for projects to be eligible for authorization under this GP. Refer to conditions 6 through 12 and Appendix A of this GP.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES, (continued)

Although Category A projects are non-reporting, the Corps will exercise its discretionary authority and require an individual permit review if there are concerns for the aquatic environment or any other factor of the public interest that may come to our attention. Refer to condition 4 on Discretionary Authority. The Corps has set the Category A threshold for inland waters and wetlands[1], page 1 of Appendix A at 3,000 s.f. based on protection of valuable regional wetlands and the State of Vermont's ability to issue water quality certification for up to 3,000 s.f. of wetland impact. The Corps will review the 3,000 s.f. limit one year from the date this GP becomes effective to determine if the limit is appropriate.

Category B Screening/Minimal Impacts

Eligibility - Activities in Vermont which are:

- Subject to Corps jurisdiction,
- Meet the definition of Category B in Appendix A, Definition of Categories, and
- Meet the conditions of this GP listed on pages 9-15

Require written approval from the Corps . These projects will be reviewed through interagency screening coordination to determine whether such activities may be authorized under this GP.

The Corps and the Federal Resource Agencies and the VT DEC will comprise the interagency review team. The Corps will determine eligibility for projects with aquatic impacts between 3,000 s.f. to 5,000 s.f. All projects impacting over 5,000 s.f. of water or wetland will be screened by the interagency review team to determine eligibility. To be eligible and subsequently authorized, an activity must result in minimal impacts to the aquatic environment as determined by the Corps based on comments from the review team in addition to meeting the criteria listed herein. Compensatory mitigation may be required to compensate for unavoidable impacts to render net effects of a project minimal. When necessary, the Corps shall contact the applicant to discuss concerns raised during screening.

Note that review thresholds under Category B apply to single and complete projects only (see condition 5). There are also restrictions on national lands as well as conditions which must be met in order for projects to be eligible for authorization under this GP. Refer to conditions 6 through 12.

[1] excluding Lake Champlain, Lake Memphremagao, Wallace Pond, and adjacent and special wetlands as defined on Page 6 of Appendix A.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES, (continued)

In order for the interagency review team to review a project, the applicant must submit adequate plans. These include

- Plans which illustrate the proposed work in reference to the limits of Corps jurisdiction as applicable. Plans should be on 8.5" by 11" paper and contain all other appropriate information.
- A description of the project purpose and location, including a locus map and photographs, if applicable.
- A narrative description of the habitat(s) including dominant plant community(ies) present, soil type and relevant existing and adjacent land uses.
- Identification and description of potential impacts to essential fish habitat (see Condition 9).

Application Procedures - Applicants will apply directly to the Corps at the Vermont Field Office. The Corps will review the application for completeness and screen complete applications for Category B activities impacting between 5,000 s.f. and one acre with the Federal resource agencies.

Federal/State Screening Procedures

Joint screening coordination between the Corps and the Federal Resource Agencies will occur on a regular basis for all Category B activities impacting between 5,000 s.f. and one acre of waters and wetlands. The Corps will coordinate with the VT DEC for all Category B projects who will make a determination as to whether or not an individual water quality certification is required. The Corps will coordinate screenings monthly and, when necessary, hold coordination meetings at the Corps Vermont Project Office in Colchester, Vermont. However, efforts will be made to complete the coordination process through the mail.

The Corps will require individual permit review if any one of the Federal Resource Agencies expresses and identifies a concern related to the aquatic environment within their area of expertise within the specified time frame.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES, (continued)

During the screening coordination, the Corps will determine, in consultation with the Federal Resource Agencies, if applications for Category B work:

(1) require additional information;

(2) are eligible under the GP as proposed;

(3) are ineligible under the terms and/or conditions of this GP;

(4) will require project modification, mitigation or other special conditions to minimize impacts and protect the aquatic environment to be eligible for this GP; or

(5) require individual permit review irrespective of whether the terms and conditions of this GP are met, based on agency concerns within their area of expertise or based on other concerns for the aquatic environment or any other factor of the public interest (see Condition 4, Discretionary Authority).

If a Federal resource agency raises concerns during the screening process, the Corps may contact the applicant to discuss the concerns and possible modifications or mitigation to the project. If the applicant is unable to resolve the concerns or modify the project, the Corps will require an individual permit for the activities if that agency so requests.

The Corps will notify the applicant in writing within 25 working days of the screening coordination that their project is not eligible for Category B and will be kicked out to an Individual Permit Review. The Corps will provide information about submitting the necessary application materials for individual permit review. If the applicant is able to modify the proposal to address agency concerns, that project may be rescreened with the review team and subsequently authorized under the GP.

Comments regarding projects reviewed during monthly screening coordination may be verbal initially and will be accepted **within 10 working days of the date the package is received** . Each commenting agency shall complete and submit VT GP comment forms for the file and/or provide verbal comments to the appropriate Corps project manager. Comment forms will be accepted by the Corps during the 10 working day verbal comment period following the Agency's receipt of the application. Packages will be mailed out monthly on a regular basis. The specific date will be agreed to by all.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

PROCEDURES, (continued)

The verbal comments **must be confirmed in writing within 10 working days after the verbal comment period in order for the Corps to require an individual permit.** The Federal Resource Agency's concerns must be clearly identified and reflect a concern related to the aquatic environment within their area of expertise. Comments should state the species or resources that could be impacted by the activity(ies) and describe the impacts that either individually or cumulatively will be more than minimal. The written response must be signed by the Federal agency field supervisor or Branch Chief, as appropriate.

Category B
Screening/Emergency Situations

Emergency situations are limited to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures.

If an emergency situation requires action in less than 30 days after the occurrence, it qualifies for the amended notification procedures described below.

Notification Procedures for Emergency Situations: The Federal Resource Agencies, VT DEC and the VT Division for Historic Preservation (VTDHP) will each designate an alternate to be contacted in the event the regular contact is unavailable. The VT DEC, VT Emergency Management (VTEM), or FEMA will notify the Corps within 24 hours of the occurrence of a disaster and advise the Corps of the nature of the occurrence and any known remedial and/or protective measures. The Corps will notify agency representatives that a disaster has occurred within one working day of being notified by the VT DEC, VTEM or FEMA. When an application for Category B work is received that the VT Project Office determines is an "emergency" as defined above, the Corps will fax a copy of the plans and Determination of Eligibility (DOE) to the agency representatives and their alternates. The resource agencies would then have sixteen working hours to notify the Corps if they have any comments on authorization of the project under the GP. Objections to the Corps' determination of an "emergency" situation will not be accepted. If no response is received within

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sixteen working hours, the Corps will proceed with a decision on the application. If the resource agencies have comments on the proposal, they will have sixteen working hours to put their comments in writing. If written comments from the Federal agencies are not received within sixteen working hours, the Corps will proceed with a decision on the application. If a Federal agency requests that an individual permit be required for a project or requests modifications to the project based on concerns within their area(s) of expertise, the Corps will notify the applicant within 8 working hours of receipt of that request that the project as proposed does not qualify for authorization under the VT GP and that an individual permit will be required. In any event, the Corps will notify the applicant within 48 working hours of commencement of the screening process as to whether the project may proceed under the VT GP.

INDIVIDUAL PERMIT

Work that is in the INDIVIDUAL PERMIT category as listed in Appendix A, DEFINITION OF CATEGORIES, or that does not meet the terms and conditions of this GP, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). Applications and supporting materials for work that is clearly in the Individual Permit category should be submitted directly to the Corps of Engineers as early as possible in order to expedite the permit review process. General information and application forms can be obtained by calling the Corps New England District at 1-800-343-4789 or 1-800-362-4367 (within Massachusetts), or the Corps Vermont Project Office at 802-655-0334. Individual WQC will be required from the appropriate VT Resource Agency(ies). Filing an Individual Permit application does not relieve the applicant from their obligation to obtain all necessary state approvals from the appropriate VT Resource Agency(ies) or any applicable local approvals.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

General Permit Conditions:

The following conditions apply to activities authorized under this GP, including all Category A (non-reporting) and Category B activities (reporting/screening):

GENERAL REQUIREMENTS:

1. Other Permits. Authorization under this general permit does not obviate[2] the need to obtain other Federal, state, or local authorizations required by law.

2. Applicability of this GP shall be evaluated with reference to Federal jurisdictional boundaries . Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at Title 33 CFR 328-329.

3. Minimal Effects. Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require an application for an individual permit **for any regulated project** based on concerns for the aquatic environment or for any other factor of public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposed activity warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the GP and that warrants greater review. Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this GP is void, and no work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this GP.

5. Single and Complete Projects. This GP shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This GP shall not be used for any activity that is part of an overall project for which an individual permit is required. Note that modifications to State permits do not constitute a separate project. Modifications which involve Corps jurisdictions will be screened through interagency coordination in order to ascertain compliance with the GP.

[2] obviate means "to make unnecessary"

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

NATIONAL CONCERNS:

6. Historic Properties. Any activity authorized by this GP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Vermont Division for Historic Preservation and the National Register of Historic Places.

Applicants with projects which will undergo the screening process, shall submit a copy of their application materials to the Vermont Division for Historic Preservation (address on page 16 of this document) to be reviewed for the presence of historic/archaeological resources in the permit area that may be affected by the proposed work. The Corps will then be notified by that agency if there are State concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the Corps, either a copy of their cover letter to the Vermont Division for Historic Preservation, or a statement of having done so.

If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Vermont Division for Historic Preservation.

7. National Lands. Activities authorized by this GP shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any other area administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service.

8. Endangered Species. No activity is authorized under this GP which may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species; or which would result in a "take" of any threatened or endangered species of fish or wildlife, or which would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants. Applicants shall notify the Corps if any listed species or critical habitat is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 16).

9. Essential Fish Habitat. As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

"essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH. Any work in streams in the Connecticut River watershed that are stocked with Atlantic salmon (see attached lists) shall not be authorized under Category A of the VTGP and must be screened for potential impacts to EFH. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS (50 CFR Part 600)(address listed on page 16).

10. Wild and Scenic Rivers. Any activity that occurs in a component of, or within 0.25 miles up or downstream of the main stem or tributaries of a river segment of, the National Wild and Scenic River System, must be reviewed by the Corps under the procedures of Category B of this GP. This condition applies to both designated Wild and Scenic rivers and rivers designated by Congress as Study Rivers for possible inclusion while such rivers are in an official study status. At this time, there are no rivers in Vermont listed as either designated or as study rivers.

11. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

12. Navigation. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

13. Minimization. Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable.

14. Work in Wetlands. Heavy equipment working in wetlands shall be avoided if possible. If such work is unavoidable, when site conditions are such that rutting, soil compaction, erosion or other disturbance would result, equipment shall be placed on mats or other measures taken (such as delay work until frozen or dry ground conditions exist) to minimize adverse effects to soil and

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

vegetation. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work. In many cases the mats are considered a discharge of fill material and must be included in the quantification of impact area and authorized by this GP.

15. Temporary Fill. Temporary fill in waters and wetlands authorized by this GP (e.g. access roads, cofferdams) shall be properly stabilized during use to prevent erosion. In addition, temporary fill in navigable or inland waters of the U.S. should consist of a material that minimizes impacts to water quality (e.g. sandbags or clean, gravel and/or stone). Temporary fill in wetlands shall be placed on geotextile fabric which is laid on the existing wetland grade. Temporary fills shall be disposed of at an upland site and suitably contained to prevent erosion and/or transport to a waterway or wetland. All areas of temporary fill shall be restored to their original elevations.

16. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

17. Waterway Crossings.

(a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.

(b) No open trench excavation in flowing waters shall be allowed unless screened and conditioned to protect the aquatic environment.

(c) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (note: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit).

(d) For projects that otherwise meet the terms of Category A, unconfined in-stream construction work (without cofferdams) shall be conducted during the

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

low flow period of July 15 - October 1 in any year. Projects that are conducted outside of that time period are ineligible for Category A and shall be screened pursuant to Category B, regardless of the waterway and wetland fill and/or impact area.

18. Discharge of Pollutants.
All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the Section 401 Water Quality Certification (applicable only to the Section 404 activity).

19. Spawning Areas. Discharges into known: **a)** fish and shellfish spawning or nursery areas; or **b)** amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided. Additionally, impacts resulting from discharges into these areas shall be minimized to the maximum extent practicable during all other times of the year.

20. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year shall be stored in an upland location, located above mean high water and not in a wetland.

21. Environmental Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish, and wildlife, and natural environmental values.

PROCEDURAL CONDITIONS:

22. Inspections. The permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

23. Maintenance. The permittee shall maintain the work or structures authorized herein in good condition, including maintenance to ensure public safety. Note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached Appendix A, DEFINITION OF CATEGORIES and/or any conditions included in a written Corps authorization.

24. Property Rights. This GP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

25. Modification, Suspension, and Revocation. This GP may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; any such action shall not be the basis for any claim for damages against the United States.

26. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this GP, shall restore the wetland or waterway to its former conditions without expense to the United States, and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

27. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from a Federal resource agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

28. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this GP, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the U.S. Government may institute legal proceedings.

29. Abandonment. If the permittee decides to abandon the activity authorized under this GP, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the District Engineer.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

30. Enforcement cases. This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with a Corps of Engineers or EPA enforcement action, until such time as the enforcement action is resolved or the Corps or EPA as appropriate determines that the activity may proceed independently without compromising the enforcement action.

DURATION OF AUTHORIZATION/ GRANDFATHERING:

31. Duration of Authorization. This GP authorization expires five years from the effective date. Category A activities authorized under this GP that have commenced (i.e., are under construction, or are under contract to commence) will remain authorized provided the activity is completed within twelve months of the expiration date. Category B activities authorized under this GP are valid as specified in the GP authorization letter unless:

a) the GP is either modified or revoked, or

b) discretionary authority has been exercised in accordance with 33 CFR 325.2(e)(2). Activities completed under this GP will continue to be authorized by the GP after the expiration date.

32. Previously Authorized Activities.

a) Projects that have received written authorization from the Corps under the Nationwide permits prior to issuance of this GP shall remain authorized as specified in each authorization.

b) Non-reporting nationwide permit activities which have commenced, (i.e., are under construction or are under contract to commence) prior to the issuance date of this GP, remain authorized provided the activity is completed within twelve months of the date of issuance of this GP. These activities are still subject to discretionary authority on a case-by-case basis in accordance with Condition 4. The applicant must be able to document to the satisfaction of the Corps that the project was under construction or contract by the appropriate date.

c) Activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates) are not affected by this GP.

for Christine Godfrey 4/3/01

DISTRICT ENGINEER DATE

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

CONTACTS FOR VERMONT GENERAL PERMIT:

U.S. Army Corps of Engineers
New England District, Regulatory Branch
Vermont Project Office
8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452
(802) 872-2893
Fax #: 802 879-7638

National Park Service
National Park Service
North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5191

U.S. Environmental Protection Agency
New England Region, VT State Program Unit - CVT
JFK Federal Building
Boston, Massachusetts 02203
(617) 565-1545

Essential Fish Habitat:
National Marine Fisheries Service
One Blackburn Drive
Gloucester, Massachusetts 01930
(978) 281-9300

Federal Endangered Species:
U.S. Fish and Wildlife Service
4th Floor, Ralph Pill Marketplace
22 Bridge Street, Unit #1
Concord, New Hampshire 03301
(603) 225-1411

State Endangered Species
VT Agency of Natural Resources
Dept. of Fish and Wildlife
Non-Game and Natural Heritage Program
103 South Main Street
Waterbury, Vermont 05671-0501
(802) 241-3700

Historic Resources
Division for Historic Preservation
National Life Building
Drawer 20
Montpelier, Vermont 05620-0501
(802) 828-3211

Vermont Agency of Natural Resources
Department of Environmental Conservation
Water Quality Division - Wetlands
103 South Main Street
Waterbury, Vermont 05671-0408
(802) 241-3770

Dept. of Environmental Conservation
Water Quality Division
Encroachment Program
103 South Main Street
Waterbury, Vermont 05671-0408
(802) 241-3777

Dept. of Environmental Conservation
River Management Program
1229 Portland Street, Suite 201
St. Johnsbury, Vermont 05819
(802) 751-0129

Dept. of Environmental Conservation
Dam Safety Program
103 South Main Street
Waterbury, Vermont 05671-0407
(802) 241-3737

Department of Fish and Wildlife
Stream Obstruction Program
103 South Main Street
Waterbury, VT 05671-0408

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Appendix A - Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 15 of this document

Inland Waters and Wetlands (Waters of the U.S.) (1) Excluding Lake Champlain, Lake Memphremagog, Wallace Pond & wetlands adjacent to these water bodies.

Activity	Category A	Category B	Individual Permit
1) NEW FILL/ EXCAVATION DISCHARGES	Less than 3,000 s.f. waterway and/or wetland fill & excavations & secondary impacts (e.g. areas drained, flooded or mechanically cleared) provided: •no impact to special wetlands *(6)* •the impact area includes all temporary *(5)* & permanent discharges; •in stream work limited to 7/15-10/1. Notes: Dams, dikes, stream crossings, water withdrawals (other than dry hydrants used exclusively for firefighting activities with no stream impoundments), or diversion fills & any fills in special wetlands are Cat B activities. (6) No non-reporting fills in the towns of Athens, Brookline, Grafton, Newfane, Putney, Rockingham, or Townshend No non-reporting fills below Ordinary High Water (OHW) in EFH waters (8)	1. 3,000 s.f. to one acre inland waterway and/or wetland fill & secondary impacts, (e.g. areas drained, flooded or cleared). Includes all temporary *(5)* & permanent fill & excavation areas. 2. Time of year restrictions determined on a case by case basis. 3. Any fill up to one acre in a special wetland (6), EFH waters (8), or in the towns of Athens, Brookline, Grafton, Newfane, Putney, Rockingham or Townshend. 4. Dams, dikes, stream crossings, water withdrawals or diversion fills & any fills in special wetlands.	Greater than one acre inland waterway and/or wetland fill & secondary impacts (e.g. area drained, flooded or cleared). Includes temporary *(5)* and permanent fill and areas affected by excavation discharges.
2) BANK STABILIZATION PROJECTS	Bank stabilization less than 500 linear feet (l.f.) & an average of 1 cubic yard (c.y.) per l.f. of fill below ordinary high water (OHW) or less provided no wetland fill. Not including projects on rivers listed as notes 7 and 8, App. A.	Stabilization projects greater than 500 l.f. and/or greater than 1 c.y. (average) of fill below OHW or any amount of wetland fill, or any projects on rivers listed in notes 7 and 8, App A.	
3) REPAIR & MAINTENANCE OF AUTHORIZED FILLS	Repair or maintenance of existing, currently serviceable, authorized fills with no expansion or change in use provided no impact to special wetlands. (6) No non-reporting work below Ordinary High Water (OHW) in EFH waters (8)	Replacement of non-serviceable fills, expansion of serviceable fills up to 1 acre (limit of impact to waters of U.S. for entire project), repair or replacement of fill with a change in use Any work in EFH waters (8),	Replacement of serviceable and nonserviceable fills with expansion over one acre

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

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Inland Waters and Wetlands (Waters of the U.S.) (1) Excluding Lake Champlain, Lake Memphremagog , Wallace Pond & wetlands adjacent to these water bodies.

Activity	Category A	Category B	Individual Permit
4) MISCELLANEOUS	Oil spill clean-up discharges. Fish and wildlife harvesting devices such as duck blinds. Temporary scientific measurement devices and survey activities, i.e. exploratory drilling, surveying, sampling. Does not include oil/gas exploration & fills for roads or construction pads. Includes monitoring wells and recreational gold mining.	Zebra Mussel Control Projects. Fishery habitat enhancement structures. Utility line crossings, water intakes and outfalls, and sea lamprey control projects.	Project where an EIS is required by the Corps
5) MISCELLANEOUS Navigable Waterways and Adj. Wetlands Only (see App. A, Note 2) (See App. A, pages 3-5 for work in or affecting Lake Champlain, Lake Memphremagog, Wallace Pond, and/or adj. wetlands)		1. New and maintenance dredging up to 5,000 c.y. with upland disposal or beach nourishment. No impacts to special aquatic sites. 2.Aerial transmission lines. 3. Floating or post supported docks or decks 4.Private, non-commercial, single-boat moorings. 5. Utility lines installed by directional bores.	1. Maintenance dredging of any amount affecting a special aquatic site. 2. New and maintenance dredging greater than 5,000 c.y. or in or affecting a special aquatic site. 3.Dredging with open water disposal.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Appendix A - Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 15 of this document

Lake Champlain, Lake Memphremagog, Wallace Pond and wetlands adjacent to these water bodies.

6) NEW FILL	**No non-reporting fills**	**Up to 5,000 s.f. waterway/ wetland fill & secondary impacts (e.g. areas drained, flooded or cleared). Includes boat ramps & bridge fills. Includes all temporary (5) & permanent waterway/wetland fills.**	**Greater than 5,000 s.f. waterway/wetland fill & secondary impacts (e.g. areas drained, flooded, or cleared). Includes all temporary (5) & permanent waterway/wetland fills. Temporary (5) fill and excavation discharges over 5,000 s.f.**
7) REPAIR & MAINTENANCE WORK	**Repair or maintenance of existing, currently serviceable, previously authorized structures & fills with no expansion or change in use.**	**Replacement of non-serviceable structures or fills, and repair of serviceable, authorized fills with expansion up to 5,000 s.f. (limit of impact to waters of U.S. for entire project).**	**Repair or replacement with expansion greater than 5,000 s.f., or change in use.**
8) DREDGING		**New and Maintenance dredging up to 5,000 c.y. with upland disposal or beach nourishment. No impacts to special aquatic sites.** *(3)*	**Maintenance dredging of any amount affecting a special aquatic site.** *(3)* **New and Maintenance dredging greater than 5,000 c.y. or in or affecting a special aquatic site.** *(3)* **All dredging with open water disposal.**

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Appendix A - Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 16 of this document
Lake Champlain, Lake Memphremagog, Wallace Pond and wetlands adjacent to these water bodies.

Activity	Category A	Category B	Individual Permit
9) MOORINGS	Private, non-commercial, non-rental, single boat moorings not associated with any boating facility, provided not located in a Federal Navigation Project & no interference with navigation.	Moorings that do not meet the terms of Cat A.	
10) PILE SUPPORTED STRUCTURES & FLOATS	1. Reconfiguration of existing authorized docks with no additional slips and no expansion and with no encroachment into a Federal Project. 2. Private residential docks extending no further waterward than 50 ft. MHW, not greater than 4 ft. wide, & a dock deck area less than 500 s.f. 3. No docks, decks or walkways over special aquatic sites.	1. Private non-commercial piers and floats for navigational access to a waterway other than those docks as described in Cat A. 2. Piers, docks, decks, floats, and similar structures that provide public recreational uses such as fishing, swimming, access, etc. 3. Non-fill structures to provide recreational access to the waterbody (e.g. stairways, etc.).	1. Structures, piers, floats that extend or, with docked or moored vessels will extend, within the horizontal limits of a Federal Navigation Project 2. New structures, including piers and floats, associated with a new commercial boating facility or those associated with a previously unauthorized boating facility or expansions to an existing commercial boating facility. *(4)*
11) MISCELLANEOUS	1. Temporary (5) buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after use is discontinued. 2. Seasonal swimming floats.	1. Structures/work in or affecting navigable waters, not defined under any previous headings. Includes, but is not limited to: utility lines, aerial transmission lines, pipelines, outfalls, intakes.	Projects where an EIS is required by the corps.

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Appendix A - Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 15 of this document Lake Champlain, Lake Memphremagog, Wallace Pond and wetlands adjacent to these water bodies.

Activity	Category A	Category B	Individual Permit
11) MISCELLANEOUS	3. Boat & float lifts to authorized residential docks. 4. Coast Guard approved aids to navigation. 5. Structures/fill incidental to oil spill clean up. 6. Scientific measurement devices & survey activities such as exploratory drilling, surveying/sampling provided that such structures do not restrict movements of aquatic organisms. Not to include oil/gas exploration or seismic testing or fills for roads or construction pads. 7. Fish & Wildlife harvesting devices, e.g. pound nets, & small/fish attraction devices, e.g. open water fish concentrators, provided activity is not in wetlands, except Sea Lamprey control projects	2. Zebra Mussel Control Projects 3. Fishery habitat enhancement structures 4. Sea Lamprey control projects 5. Nuisance aquatic plant control projects. 6. Utility lines installed by directional bore.	Activities within the horizontal limits of Corps Federal Navigation project or with docked or moored vessels extending within those limits, (does not include utility lines, aerial lines and subsurface crossings in Cat B.)

Unofficial FERC-Generated PDF of 20020522-0228 Received by FERC OSEC 05/20/2002 in Docket#: P-2731-000

Appendix A - Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 15 of this document, State permits may be required for specific projects regardless of the General Permit Category.

Notes

1. Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds, and wetlands. (Ref. Title 33 CFR 328.4(c))

2. Navigable Waters: waters that have been designated by Congress as navigable. (Ref. Title 33 CFR 329) In Vermont these waters are: Lake Champlain, the Connecticut River, Lake Memphremagog, Wallace Pond, Ompompanoosuc River to mile 3.8, Waits River to mile 0.9, the Black River from the mouth to mile 25 in Craftsbury, the Battenkill River to mile 50 in Manchester, the Lamoille River from the mouth to mile 79 in Greensboro, the Missisquoi River from the mouth to mile 88.5 in Lowell, Otter Creek from the mouth to mile 63.8 in Procter, the Winooski River from the mouth to Marshfield, the Moose River from Passumpsic River to the Victory Town Line, the Nulhegan River from its mouth to its source including the East Branch, the Black Branch and the Yellow Branch, Paul Stream from the mouth to the source, the East Branch of the Passumpsic River from the confluence with the Passumpsic River to East Haven, the Passumpsic River from the mouth to confluence with the East Branch, the White River from its mouth to its source, and the Wells River from its mouth to Groton Pond.

3. Special Aquatic Sites: Include inland wetlands, vegetated shallows (permanently inundated areas that support rooted aquatic vegetation), and riffle and pool complexes. (Ref. 40 CFR 230)

4. Boating facilities: Facilities that provide, rent or sell mooring space, i.e. marinas, yacht clubs, boat yards, dockominiums.

5.Temporary Impacts: Duration limits for temporary impacts will be determined on a project specific basis at the screening meetings.

6. <u>Special Wetlands</u>: vernal pools, bogs, fens, and wetlands which provide habitat for threatened or endangered or species as designated by the State of Vermont Natural Heritage Program. The following definitions for vernal pools, bogs, and fens apply for the purposes of this GP:

<u>Bog</u> - a peat accumulating wetland with hydric, organic soils, a complete, or nearly complete, Sphagnum cover and a pH value ranging from 3.5 to 5.6 that receives water primarily from precipitation. Typical species include Sphagnum, leatherleaf, and pitcher plant.

<u>Fen</u> - a peat accumulating wetland with hydric organic soils and a pH value ranging from 4.0 to 8.0. Sphagnum moss may be present, however, not as a complete cover. It generally receives water and minerals from runoff flowing through it. Typical species include low sedges, Sphagnum, other mosses and heath shrubs.

<u>Vernal Pool</u> - an often temporary body of water occurring in a shallow depression that fills during spring rains and snow melt and typically dries up during summer months. Vernal pools support populations of specialized species which may include wood frogs, mole salamanders (Ambystoma), fairy shrimp, fingernail clams and other invertebrates. A feature common to vernal pools is the lack of breeding populations of fish. Some shallow portions of permanent water bodies also provide vernal pool function by supporting breeding populations of vernal pool species. Old, abandoned, artificial depressions may provide these necessary breeding habitats.

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Appendix A – Definition of Categories

Conditions of the GP apply to all categories, see pages 9 through 15 of this document, State permits may be required for specific projects regardless of the General Permit Category.

Notes, continued

7. The following rivers are rivers of concern due to either endangered species or cumulative impacts. Therefore, there are no non-reporting bank stabilization activities in these rivers:

- **The West River, from Jamaica to the confluence with the Connecticut River;**
- **Otter Creek, from Rutland to the confluence with Lake Champlain;**
- **Lewis Creek, from the Rte 116 crossing to the confluence with Lake Champlain;**
- **The Missisquoi River from the International Boundary in Richford, VT to the Confluence with Lake Champlain;**
- **The Lamoille River from Hardwick to the confluence with Lake Champlain;**
- **The Connecticut River;**
- **The Winooski River from Montpelier to Lake Champlain;**
- **The White River to the headwaters;**
- **Pikes Falls to the headwaters of North Branch of Ball Mountain Brook;**
- **The Ompompanoosuc River to the headwaters;**
- **The Poultney River to the headwaters.**
- **The Batten Kill River to the headwaters.**

8. Any fill in the following waters of the U.S. must be reviewed under category B of the VTGP for potential impacts to Essential Fish Habitat:

- **The Connecticut River;**
- **The Black River (from its mouth in Springfield to its headwaters);**
- **The Deerfield River;**
- **The Nulhegan River;**
- **The Ompompanoosuc River;**
- **The Ottauquechee River;**
- **The Passumpsic River;**
- **Paul Stream;**
- **The Saxtons River;**
- **The Stevens River;**
- **The Wells River;**
- **The West River;**
- **The White River;**
- **The Williams River.**

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<Default> - 8 Markers, Length = 15 miles, 5270 fe	HARRIS FARM - 044° 00' 28.8" N, 073° 11' 10	OUTFALL - 044° 02' 21.1" N, 073° 10' 54.5" W
CVPS-DIVERSION STRUCTURE - 044° 03' 51	ELDERLY SER - 044° 01' 12.6" N, 073° 10' 02	PARKING - 044° 00' 32.2" N, 073° 11' 03.9" W
MAPLELANDMRK - 044° 02' 04.7" N, 073° 10	GATEWAY - 044° 00' 36.3" N, 073° 11' 10.3"	***VT MARBLE - 044° 04' 09.5" N, 073° 11' 44.6***

Name: MIDDLEBURY
Date: MARCH 2002
Scale: 1 inch equals 2000 feet

Location: 044° 03' 59.5" N 073° 12' 59.0" W
Caption: WEYBRIDGE HYDROELECTRIC STATION
FERC No. 2731

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