

Subject: RE: Tyler Bridge Road Culvert replacement #2023-0957

From: "Courage, Zapata" <Zapata.Courage@vermont.gov>

Date: 11/13/2023, 2:31 PM

To: townadministrator <townadministrator@monktonvt.com>

CC: 'Shane Lawrence' <highway@monktonvt.com>

Hi Stan,

I should probably do a site visit in the spring or have otter Creek do a delineation, but based on a desktop review, you can use this information for planning purposes. On the west side of the road, I think your wetland is going to look a little like this:



And on the east side, there is a fringe wetland that wraps around the dry hydrant install: something like this



So what this means is this:

Since this is a culvert project here are some resources as we look at how impacts may be calculated and which if any permitting is needed as there are 4 tiers of permitting/permissions:

- Allowed Use (no permit required: replacing the culvert in-kind, or up to one-time 250 sq ft of new impact area)
- NRGP (non-reporting general permit)
- GP (General Permit- fee based) or
- Indiv Permit (Individual permit- fee based)

ALLOWED USE: if you are replacing the culvert in-kind: same size, same footprint as what was removed, you can do that without a wetland permit. And you have a one-time ability to increase an area of impact by up to 250 sq ft (cumulative for the project) as an Allowed Use. As a note, any aspect of the project that overlaps the existing road prism or the existing footprint of the current culvert/bridge is not considered a new impact.

PERMITTING OPTIONS:

If greater than 250 sq ft of proposed impacts, review the eligibility requirements for the Non-reporting registration (link below) or other permitting options based on area of impact, location and Sq. ft of disturbance.

NRGP: If you need to up-size it, either in width or length, or you need to add stone, wingwalls etc. to it such that there is new ground disturbance then what was previously there, then a wetland permit may be required, which is often a nonreporting General permit, a free permit with typically same day registration and approval. https://dec.vermont.gov/sites/dec/files/documents/Wetlands_NonReportingGeneralPermit_3-9026_Signed.pdf

To qualify under the NRGP you first have to look at total cumulative impacts. If less than 5000, then you have to look at the specific thresholds related to permanent vs temporary impacts and natural vs managed areas.

Step 1. The structure itself: Cannot have more than 1000 sq ft of PERMANENT impact (wetland and/or buffer combined total across all areas-natural and/or managed). So that is why the table shows three columns as you can have up to 1000 sq feet under each category or a combination thereof across the different areas; but a cumulative 1000 sq ft total.

Step 2. Then evaluate if you have any TEMPORARY access requirements/detour roads/staging areas. This is reviewed on its own because it is possible to have a culvert not impacting wetlands or buffers, yet access to it may impact nearby wetland/buffer. In which case you have up to 5000 sq ft for a temporary access. Temporary is the key word.

Step 3. If the culvert is within wetland/buffer AND you need access, then you have to look at the combined totals back against the threshold table.

Step 4. Review against the threshold table for the maximum totals (last column) Maximum Total Allowed Impacts to Wetland and Buffer, natural or managed (sq. ft)* for stream projects IV(c)(i) and IV(c)(ii) are combine for maximum combined totals which for a complete project is less than 5000 sq ft and of that only up to 1,000 sq ft of permanent impact.

If your project qualifies: **then complete and submit this Registration Form:** https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/WetlandGeneralPermit_3-9026_Registration.pdf

Table 1. Impact thresholds by project type:

General Permit Part	Practice or Project Type	Maximum Natural Wetland or Buffer Impact (sq. ft)	Maximum Managed Wetland Impact (sq. ft)	Maximum Managed Buffer Impact (sq. ft)	Maximum Total Allowed Impacts to Wetland and Buffer, natural or managed (sq. ft)*
IV(c)(i)	Stream crossing structure replacement expansion of existing structure	1,000	1,000	1,000	5,000 per IV(c) project, not to exceed 1,000 of permanent impact
IV(c)(ii)	Temporary reroutes for travel and construction access for stream crossing structure	5,000	5,000	5,000	

FEE BASED PERMITS: If the project either exceeds the thresholds for the NRGPP or cannot meet the eligibility requirements such as Aquatic organism passage, the regular fee based permitting process will be needed. Based on the amount of proposed impact and whether that is occurring to natural or managed wetland and buffer will dictate which permit is needed GP/INDIV. In which case get in touch with me and I will outline which permit application you need to complete.

Two common **questions** and **answers**:

1. Where WLs occur at the toe of the road fills, do we need to consider the work area in the existing fill prism, as 'managed buffer impacts' and permit it as such? **No, any impact that overlaps the road, managed road prism, and any existing infrastructure (culvert, wingwalls, rip rap), that impact is considered as existing and NOT calculated as a new impact. If there are proposed impacts outside of these areas, then that area of impact to both wetlands and buffers needs to be calculated. If the proposed impacts to replace the culvert are less than 250 sq. ft then the project will not require a wetland permit. Example: if the culvert foot print is larger, wing walls added, a road detour needed, or a temporary access road for construction is required that the new areas of disturbance are calculated towards the 250 number. Also to**

note is if there are multiple structures Bridge Road Culvert replacement #2023-0957 project, then the 250 sq ft threshold is cumulative over the entire project, not at each individual culvert. A road structure is measured from the filled toe of slope to the toe of slope of either road shoulder, which is commonly called the road prism. See roads document

2. If the work has to be permitted, it would be eligible under the new 9026 GP for flood resiliency or aquatic organism passage? If the project exceeds the 250 sq ft, whether as a single culvert replacement or as a larger comprehensive project in the same general location, you can then review the project against the non-reporting (NR)GP. If it meets the thresholds for impact, for both natural and managed buffer and wetland, the NRGP can be applied for. If the project exceeds those thresholds or otherwise cannot meet the eligibility requirements (AOP), then a traditional fee based permit application will need to be submitted.

HELPFUL RESOURCES:

- Our Roads document: <https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWRRoads2017.pdf>
- Maintenance and Repair: what constitutes and allowed use: https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWR_6-12_AllowedUse_2020.pdf
- Existing Structures and their definition: <https://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/VWRConstructedFeatures2017.pdf>
- The Non-reporting General Permit for stream crossings: https://dec.vermont.gov/sites/dec/files/documents/Wetlands_NonReportingGeneralPermit_3-9026_Signed.pdf
- Here is a short (less than 5 minutes) video: Culvert work, what might need a permit (Wetland/Streams) <https://youtu.be/obnEU4rzmdM>

This project has been assigned wetland project #2023-0957. Let me know if you have questions!

Cheers,
Zap



Zapata Courage | District Wetland Ecologist

Addison & Rutland Counties and the Towns of Rupert, Peru, Dorset, Landgrove, Manchester, Winhall, Sandgate of Bennington Co. and Stockbridge and Rochester of Windsor Co.

The Department of Environmental Conservation supports telework, and there are times when I may be working from another office location or out in the field. I am available to connect by phone and email. I am also available to connect in-person upon request.

Vermont Department of Environmental Conservation
Watershed Management Division | Wetlands Program
450 Asa Bloomer State Office Building
88 Merchants Row | Rutland, VT 05701
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<https://dec.vermont.gov/watershed/wetlands>

-----Original Message-----

From: Town Administrator <townadministrator@monktonvt.com>

Sent: Friday, November 10, 2023 8:53 AM

To: Courage, Zapata <Zapata.Courage@vermont.gov>

Cc: 'Shane Lawrence' <highway@monktonvt.com> RE: Tyler Bridge Road Culvert replacement #2023-0957
Subject: Tyler Bridge Road Culvert replacement

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Zapata

The Town is looking into replacing and resizing the Tyler Bridge Road/Pond Brook culvert. Attached is Otter Creek Engineers Project Scoping Report. the report includes location map, VTrans Hydraulic Memo and an evaluation of options and preliminary cost estimates.

The Town is considering applying for a VTrans Municipal Highway and Stormwater Mitigation Grant to assist in funding the project. Can you provide a preliminary assessment of possible wetland issues to include with the application?

Stan

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Stanley Wilbur, Town Administrator
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