

REQUEST FOR PROPOSALS (RFP)

Final Engineering Design, Permitting Assistance, Bid-Phase Engineering Support, and Construction Observation/Inspection in Support of a Dam Removal in Weathersfield, Vermont

Prepared by:



Prepared under contract to:



Issued.....February 25, 2025
Deadline to Submit Questions.....March 07, 2025
MARC Responds to Questions.....March 14, 2025
Deadline for Submittals.....March 26, 2025

The Town of Springfield invites qualified engineering firms to submit technical and cost proposals for final engineering, permitting assistance, bid-phase engineering, and construction-phase engineering in support of a dam removal in Weathersfield, Vermont. While the dam is in the Town of Weathersfield, the structure and the parcel are owned by the Town of Springfield. A project location map is appended to this RFP.

I. BACKGROUND AND EXISTING CONDITIONS

The Springfield Reservoir Dam (VT# 229.02) is an earthen embankment dam with a concrete core wall and concrete overflow spillway. It is about 50 feet tall and 320 feet long. The obsolete and deteriorated structure is owned by the Town of Springfield, although it is in the neighboring Town of Weathersfield. The dam was built in 1903 to serve as a drinking water supply for Springfield – a purpose it served for about 40 years until it was phased out entirely in favor of well fields in North Springfield. Most elements of the dam such as spillways, gates, the embankment, the gate tower, and other structural elements are inoperable and failing, and the structure has served no functional purpose for decades.

The dam is classified by the Vermont Dam Safety Program as a Significant Hazard structure, yet under the recently updated Vermont Dam Safety Rules, the dam would likely be classified as a High Hazard given the likelihood of loss of life in the event of catastrophic failure. Should the dam fail, the sudden release of accumulated sediment would impact water quality, habitat, and channel stability for years.

In its 2015 Inspection Report, the Vermont Dam Safety Program recommended breaching or fully removing the dam. Accordingly, to safeguard lives, property, infrastructure, and water quality, and to eliminate maintenance and monitoring needs and a significant legal liability, the Town of Springfield wishes to remove the dam.

In 2020, the Mount Ascutney Regional Commission (MARC), in partnership with the Town of Springfield, secured State Clean Water Funds to prepare final (100%) engineering designs and secure applicable local, state, and federal permits ahead of eventual removal of the dam. SLR International was selected as the prime consultant to design the dam removal. The SLR International plan-set was finalized in January of 2022.

In the three years since, the MARC assisted the Town of Springfield to secure implementation funding through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) under Major Disaster Declaration FEMA-4532-DR-VT. To ensure that the dam is removed according to specifications, and to help ensure that all permit conditions are complied with, the Town wishes to engage a qualified engineering firm to prepare modest modifications to the existing plan-set, assist with limited remaining permitting needs, provide bid-phase engineering support, and to provide construction-phase engineering support. The Town contracted the MARC to provide project management and grant administration support. The MARC will serve as the primary point of contact through administration of this Request for Proposals (RFP).

II. SCOPE OF WORK

Task 1. Plan Updates

The 100% engineering design plans were finalized by SLR International in January 2022. However, the home located at 1923 Reservoir Road is in the floodplain adjacent to the stream channel. This is a location in the reach where the channel is actively moving and changing. Hydraulic modeling results show that the home would experience up to one foot of inundation during the 100-year flood before mitigation. The potential for channel migration and avulsion point to higher risk to the home than the model results indicate. Based on these field-observed conditions, it is expected that a dam breach would result in extensive damage to the home and potential loss of life of any occupants. Survey of the aggraded channel bed and first-floor elevation is needed to quantify this potential benefit of the dam removal project.

Additionally, in support of permitting under Section 404 of the Clean Water Act (CWA), the United States Army Corps of Engineers (USACE) has requested that the area of proposed impact below the Ordinary High-Water Mark (OHWM) be delineated on the existing plan-set.

Task 2. Permitting Assistance

Most of the local, state, and federal authorizations needed in support of the dam removal were secured during the design-phase with assistance from SLR International. The following permits have been secured.

1. Town of Weathersfield Local Zoning Permit (Conditional Use Decision);
2. Vermont DEC Dam Safety Order;
3. Vermont DEC 3-9020 Stormwater Construction General Permit

The Selected Consultant should provide support to secure a permit from the USACE under Section 404 of the Clean Water Act (CWA). As noted in Task 1 above, the USACE has requested that the proposed area of impact below OHWM be delineated on the plans.

The Selected Consultant shall also communicate with the Vermont Wetlands Program to ensure that neither a Wetlands General Permit nor a Wetlands Individual Permit are required. However, dam removals are an Allowed Use under the Vermont Wetland Rules; therefore, a permit is not expected to be needed.

Additionally, the Selected Consultant shall assist in ensuring all permit conditions are complied with, as well as ensuring that all items listed in the FEMA Record of Environmental Consideration (REC) are adequately addressed. All the previously issued permits, as well as the FEMA REC, are attached to this Request for Proposals (RFP) for reference.

Task 3. Bid-Phase Engineering Support

Upon successful completion of all permitting and REC tasks noted in Task 2 above, the Selected Consultant shall provide bid-phase engineering support. This shall include:

1. Preparation of a Bid Package, complete and ready for issuance. The Bid Package/Invitation to Bid shall be delivered to MARC to be posted to the Vermont Bid Registry and to be sent directly to area contractors;
2. The Selected Consultant shall prepare any and all addenda to the Bid Package. Any addenda shall be delivered to MARC to be posted to the Vermont Bid Registry and to be sent directly to area contractors;
3. Following the bid deadline, the Selected Consultant shall prepare a bid tabulation and deliver it to MARC. The Selected Consultant shall review and evaluate bids, conduct reference checks, and deliver a contractor recommendation, as well as a written justification for that recommendation, to MARC. Contractor selection shall ultimately be the decision of the Springfield Selectboard. The Selected Consultant may be asked to attend a Springfield Selectboard meeting to discuss the bids received and to explain their recommendation;
4. Upon selection of a contractor, the Selected Consultant shall assist to prepare a draft contract to be executed by and between the Town of Springfield and the Selected Consultant.

Task 4. Construction-Phase Engineering Support

The Selected Consultant shall provide project stakeout and a level of part-time construction observation sufficient to monitor progress, quality, and adherence to FEMA guidelines and permit conditions. The Selected Consultant should be available throughout the project to address any questions or concerns the Selected Contractor may pose. Throughout the construction phase, the Selected Consultant should review and approve contractor invoices and any Change Orders. In addition, the Selected Consultant should retain photographic documentation of the dam removal, and submit basic weekly progress reports to MARC throughout the duration of construction.

Task 5. Reporting

Upon successful completion of the construction-phase and contractor demobilization, the Selected Consultant shall prepare a Final Engineering Report summarizing the construction-phase of the project. The Final Engineering Report shall include as-built drawings. Additionally, the Selected Consultant shall assist with any needed permit reporting, and shall provide modest assistance, as needed, with grant reporting.

Task 6. Recommended Changes to the Scope of Work

Should prospective consultants recommend any changes, additions to, or removals from the Scope of Work described herein, prospective consultants shall clearly outline those recommendations in its proposal, and provide a rationale for its recommendation.

III. PROJECT PLAN-SET AND ENGINEERING REPORT

Should you desire to inspect a copy of the dam removal 100% engineering plan-set and/or the Final Engineering Report, please email Chris Yurek, MARC Senior Planner at cyurek@marcvt.org to request a digital copy. Alternatively, the plan-set and engineering report can be viewed using on our [Grants and RFPs webpage](#).

IV. REQUIRED PROPOSAL CONTENT

Firms responding to this RFP shall provide a proposed Scope of Services as needed to complete the Scope of Work described herein. The proposal shall contain the following sections:

- A. **TECHNICAL PROPOSAL:** Technical Proposals shall contain the following:
1. Cover letter concisely referencing this RFP.
 2. Qualifications: Describe the Firm's related experience in dam removal design and construction phase engineering. A statement demonstrating familiarity and experience with similar construction-phase projects will be of particular interest.
 3. Scope of Work: A Scope of Work for the project detailing the consultant's proposed approach to addressing the tasks detailed in this RFP.
 4. References: Please provide a minimum of two (2) references for clients provided with similar services, including name, telephone number, and email address of the contact person.
 5. Resumes of key staff to be performing the various work tasks.
- B. **COST PROPOSAL:** Cost information shall be included with the Proposal. The following information, listing the prime consultant and each sub-consultant separately, shall be submitted:
1. A schedule of staff to be assigned to the project, their hourly rates, and estimated hours per person by task.
 2. Overhead rates, travel, fees, mileage reimbursement, etc.
 3. Overall project cost.
- C. **PROOF OF INSURANCE:** Proposals should include proof of general liability and property damage insurance, having all major divisions of coverage including:
- Premises – Operations
 - Independent Contractor's Protective
 - Products and Completed Operations
 - Personal Injury Liability
 - Contractual Liability
- The policy shall be on an occurrence form and limits shall not be less than:
- \$1,000,000 per Occurrence
 - \$1,000,000 General Aggregate
 - \$1,000,000 Products/Completed Product Aggregate

V. FUNDING & BUDGET

Funding is provided by a grant to the Town of Springfield from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) under major disaster declaration FEMA-4532-DR-VT. The grant is administered by

Vermont Emergency Management (VEM). The budget for bid and construction phase engineering support shall not exceed **\$56,000**.

VI. REVIEW OF WRITTEN PROPOSALS

Proposals will be evaluated using the criteria listed below by a Selection Committee composed of staff of the MARC and the Town of Springfield. Proposals will be ranked based upon the following criterion:

- Relevant qualifications of the firm and the personnel to be assigned to the project (30 pts);
- Demonstrated understanding of and experience in dam removal projects and construction-phase engineering support (30 pts);
- The relative value and number of hours that the consultant will put into the project based upon the information contained in the Cost Proposal section of the submission (20 pts);
- Clarity and completeness of the proposal (20 pts)

VII. PROPOSAL SUBMITTAL

Proposals must be received by no later than the stated response deadline of **March 26, 2025 by 4:00 PM EST**. Proposals shall be emailed as a PDF attachment to the following. Late proposals will not be considered.

Mount Ascutney Regional Commission
 Attn: Chris Yurek, Senior Planner
cyurek@marcvt.org

If you have any questions pertaining to this RFP, please contact Chris Yurek in writing at cyurek@marcvt.org by no later than March 7, 2025 by 3:00 PM EST.

RFP SCHEDULE	
1. RFP Issued	February 25, 2025
2. Questions regarding RFP due to MARC	March 7, 2025 by 3:00 pm
3. Proposals due to MARC	March 26, 2025 by 4:00 pm
4. Anticipated Contract Award	April 2, 2025

VIII. DISCLAIMER

The Town of Springfield reserves the right to seek clarification of any proposal submitted and to select the proposal considered to best promote the public interest. All proposals become the sole property of the Town of Springfield upon submission. The cost of preparing and submitting a proposal is the sole expense of the consultant. The Town of Springfield reserves the right to accept or reject any and all proposals received as a result of this solicitation, to negotiate with any qualified source, to waive any formality and any technicalities or to cancel the RFP in part or in its entirety if it is in the best interest of the Town of Springfield. This solicitation of proposals in no way obligates the Town of Springfield to award a contract.

If any proposer is aggrieved by the proposed award of the contract, they may appeal in writing via email to the MARC at:

Mount Ascutney Regional Commission
 Attn: Chris Yurek, Senior Planner
 E-mail: cyurek@marcvt.org

The appeal must be sent within fourteen (14) calendar days following the date of the written notice to award the contract.

ATTACHMENT A: PROJECT LOCATION MAP



LEGEND

- Parcels (non-standardized)
- Roads**
 - Interstate
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local
 - Not part of function Classification S
- Stream/River
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

1: 4,461
August 5, 2020



227.0 0 114.00 227.0 Meters
 WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 372 Ft. 1cm = 45 Meters
 © Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

ATTACHMENT B: 3-9020 STORMWATER PERMIT

3/3/2022

Dear Permittee(s),

The Notice of Intent for the discharge of stormwater runoff from Low Risk Construction Activity under Construction General Permit (CGP) 3-9020 (March 19, 2020) has been authorized. You will need the following documents to maintain compliance with this authorization. Enclosed with this cover letter is your **Authorization to Discharge under General Permit 3-9020** and a copy of the **Notice of Authorization** that you must post at your construction site. In addition, any additional Owners and Operators that were not identified on the Notice of Intent at the time of application must file a **Notice of Addition of Co-Permittee**. See below for more details on these and other permit requirements.

1. **Authorization to Discharge under General Permit 3-9020**

The authorization for Low Risk Construction Activity is valid for five years from the date of the authorization. If the project will proceed past the expiration date, you must reapply for coverage under this or another construction stormwater permit before that time. If the project is completed or is sold before that time, you may terminate the authorization by submitting a Notice of Termination, subject to Subpart 7.4 of CGP 3-9020. Any proposed project changes must be first evaluated in accordance with the terms, conditions, and eligibility provisions set forth in Part 5 of CGP 3-9020.

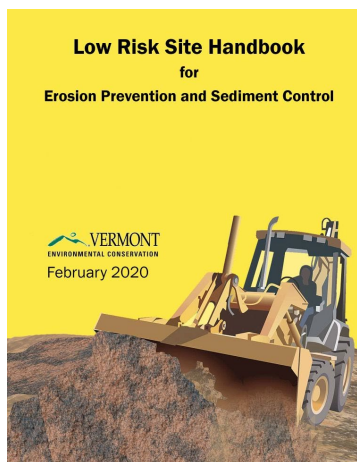
2. **Notice of Authorization for Posting**

The Notice of Authorization, which details the authorization and conditions you selected in completing Appendix A to the CGP, must be posted in a location visible to the public in accordance with Subpart 4.5.C of the CGP.

3. **Notice of Addition of Co-Permittee**

This form must be submitted for every additional Owner and/or Operator who joins the project, in accordance with Subpart 7.3 of the CGP. Use ANR Online to file all Notice of Additions. ANR Online can be accessed using the following link: <https://anronline.vermont.gov>. Instructions on creating an account are available on the main page.

Low Risk Site Handbook for Erosion Prevention and Sediment Control



Please provide the Owner(s) and Operator(s) access to the Low Risk Site Handbook for Erosion Prevention and Sediment Control. This handbook details the practices that must be implemented throughout the construction project to prevent erosion and the discharge of sediment from the construction site. Some practices must be in place before construction begins, so please review the entire handbook before starting the project. The handbook can be found at the website below. Please email anr.wsmdstormwatergeneral@vermont.gov to request a printing of the handbook if you are unable to do so.

The CGP, copies of pertinent forms, and an electronic version of the Low Risk Site Handbook for Erosion Prevention and Sediment Control are available on the [Stormwater Program](#) website. If you have any questions related to your authorization, please contact the Environmental Analyst in the [Stormwater District](#) where your project is located.

Sincerely,
Stormwater Management Program

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VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AUTHORIZATION TO DISCHARGE UNDER
GENERAL PERMIT 3-9020

A determination has been made that the applicant(s) (here in after "permittee"):

Town of Springfield
96 Main Street
Springfield, VT 05156

meets the criteria necessary for inclusion under General Permit 3-9020 for low risk construction activities. Subject to the conditions and eligibility provisions of General Permit 3-9020, the permittee is authorized to discharge stormwater to Boynton Brook (Tributary to Black River) from the following construction activities: Removal of earthen embankment dam that is approximately 320 feet long and 50 feet tall using mechanical means. The earthen embankment and concrete core wall will be removed down to bedrock. Removal of concrete spillway, gatehouse, concrete well house, drain pipes, and remnants of stone culvert. Excavate accumulated sediment in the impoundment with depths ranging between about 3 and 6 feet, 120 feet wide immediately upstream of the dam and becoming narrower and shallower moving up the impoundment upstream of the confluence of Adrich Brook and Peabody Brook. Revegetation of 3.9 acres of riparian and access area. Construction access is via an existing woods road. The project is located at Wellwood Orchard Road in Weathersfield, Vermont.

1. **Effective Date and Expiration Date of this Authorization:** This authorization to discharge shall become effective on March 03, 2022 and shall continue until March 02, 2027. The permittee shall reapply for coverage at least 60 days prior to expiration if the project has not achieved final stabilization or if construction activities are expected after the date of expiration.
2. **Compliance with General Permit 3-9020 and this Authorization:** The permittee shall comply with this authorization and all the terms, conditions, and eligibility provisions of General Permit 3-9020. The completed Notice of Intent (NOI) and Appendix A completed for this project are incorporated by reference into this authorization and are included in the terms of this authorization. These terms include:
 - Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
 - All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
 - Temporary stabilization is not required if work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
 - The total authorized disturbance is 4.88 acre(s).
 - No more than 2 acres of land may be disturbed at any one time.
 - Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
 - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.

- If, after completing corrective action, there continues to be a discharge of discolored stormwater from the construction site to waters of the State, the permittee shall notify DEC by submitting a Discharge Report within 24 hours of discovering the discharge.
3. Transferability and Addition of Co-Permittee: This authorization to discharge is not transferable to any person, nor may any person be added as a permittee, except in compliance with General Permit 3-9020 including submission of a complete Notice of Transfer or Notice of Addition of Co-Permittee.
 4. Following receipt of authorization under General Permit 3-9020, additional Owner(s) and Operator(s) not identified on the Notice of Intent at the time of application shall be added as a co-permittee by filing a Notice of Addition of Co-Permittee with the Secretary. The co-permittee shall be subject to all terms and conditions of the permittee's authorization and Construction General Permit 3-9020.

5. Right to Appeal:

(A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The notice of appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the appellant's attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the notice of appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings.

(B) If this permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Utility Commission pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the clerk of the Public Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

Dated March 03, 2022

Peter Walke, Commissioner
Department of Environmental Conservation

By: 

Christy Witters, Environmental Analyst
Stormwater Management Program

Notice of Authorization
Under Vermont Construction General Permit 3-9020
For Low Risk Construction Activity

**Permittee Directions for Posting:**

This notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the municipal office or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road) or, in the event posting in a publicly accessible location near the active part of the project is infeasible, the permittee shall post in a local public building such as the municipal office or public library.

Project Name:	Springfield Reservoir Dam Removal
Permittee Name(s):	Town of Springfield
NOI Number:	9358-9020
Date of Authorization:	March 03, 2022
Date of Expiration:	March 02, 2027

The project listed above has received authorization under General Permit 3-9020 to discharge stormwater from the following construction activities:

Removal of earthen embankment dam that is approximately 320 feet long and 50 feet tall using mechanical means. The earthen embankment and concrete core wall will be removed down to bedrock. Removal of concrete spillway, gatehouse, concrete well house, drain pipes, and remnants of stone culvert. Excavate accumulated sediment in the impoundment with depths ranging between about 3 and 6 feet, 120 feet wide immediately upstream of the dam and becoming narrower and shallower moving up the impoundment upstream of the confluence of Adrich Brook and Peabody Brook. Revegetation of 3.9 acres of riparian and access area. Construction access is via an existing woods road.

This authorization includes the following requirements:

- Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
 - Temporary stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
- The total authorized disturbance is 4.88 acre(s).
- No more than 2 acres of land may be disturbed at any one time.
- Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
 - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.
- If, after completing corrective action, there continues to be a discharge of sediment from the construction site to waters of the State, the permittee shall notify DEC by submitting a Discharge Report within 24 hours of discovering the discharge.
- The permittee shall comply with all inspection, maintenance, corrective action, record keeping, and reporting requirements, and all other terms, conditions, and eligibility provisions, including those conditions related to project changes, as set forth in General Permit 3-9020 and this authorization.
- Following receipt of authorization under General Permit 3-9020, additional Owner(s) and Operator(s) not identified on the Notice of Intent at the time of application shall be added as a co-permittee by filing a Notice of Addition of Co-Permittee with the Secretary. The co-permittee shall be subject to all terms and conditions of the permittee's authorization and General Permit 3-9020.

To request information on this authorization, or to report compliance concerns, please contact:

Vermont Department of Environmental Conservation

Watershed Management Division

1 National Life Drive, Davis 3

Montpelier, VT 05620

ATTACHMENT C: DAM SAFETY ORDER

STATE OF VERMONT

AGENCY OF NATURAL RESOURCES

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ORDER APPROVING APPLICATION TO ALTER A DAM

10 V.S.A Chapter 43

Applicant: Town of Springfield
Application Number: DS2022-1
Dam Name: Springfield Reservoir Dam
Dam ID Number: 229.02
Hazard Classification: SIGNIFICANT Hazard
Waterbody: Springfield Reservoir, Boynton Brook, Black River Basin
Town: Weathersfield
Project: Remove Springfield Reservoir Dam

Note: Please be aware that other VT Agency of Natural Resources (ANR) permits may be needed for your project, and it is your responsibility to secure any other required permits. To help assist in determining other VT ANR permits that might be needed, use VT ANR's Permit Navigator Tool by going to the VT Department of Environmental Conservation website (dec.vermont.gov). Please be aware that your project may require other local, state, or federal permits outside of VT ANR's jurisdiction which are not covered by the VT ANR Permit Navigator Tool. Failure to secure all necessary permits in advance of construction can result in significant impacts to your project's final scope and can take additional processing time

FACTS

On January 27, 2022, an application under 10 V.S.A. Chapter 43 was filed with the Department of Environmental Conservation, Dam Safety Section (Department) by the Town of Springfield for alteration (removal) of a dam known as Springfield Reservoir Dam, located in Weathersfield, Vermont. The application was considered complete on January 27, 2022. The water level of the reservoir has been maintained lower than designed normal pool levels as the Town of Springfield no longer uses it as a water supply and as a risk reduction measure against an incident or dam failure.

On March 25, 2022 a public notice of the application and project was made available to State and local officials along with other interested parties, providing an opportunity to file written comments or to request a public information meeting. The end of the comment period was on April 27, 2022.

The Department reviewed the documents filed by the applicant and others and finds it has sufficient information to determine that this project will serve the public good and should be approved as provided in 10 V.S.A. §1086. A separate determination will be made by the Department of Environmental Conservation's Rivers Program regarding stream restoration work.

FINDINGS AND CONCLUSIONS

1. **Jurisdiction:** Springfield Reservoir Dam is on Boynton Brook, capturing the flows of Aldrich Brook and Peabody Brook in Weathersfield, Vermont and is owned by the Town of Springfield (applicant). The proposed project involves the alteration (removal) of a dam that is capable of impounding more than 500,000 cubic feet of water/sediment. The dam or project does not relate to and is not incident to the generation of electric energy for public use or as a part of a public utility system. The Department has jurisdiction over this project pursuant to 10 V.S.A. §1081(a); and the Department's authorization to perform this alteration is necessary under 10 V.S.A. §1082.
2. **Project Description:** The project is the removal of the Springfield Reservoir Dam, an approximately 49-foot high by 317-foot-long concrete core wall and earthen embankment structure that is classified as a SIGNIFICANT hazard potential. The project will be conducted in a phased/iterative manner, including dam removal, lowering the water level, construction of a pilot channel, and sediment removal to proposed elevations. The project will remove approximately 67% of the concrete core and 87% of the earthen fill with a finished open channel bottom width of approximately 110 feet. The remaining portion of the dam up on the valley wall will not impound water during the 1,000-year storm event (or during lessor storms), which is the design storm for a SIGNIFICANT hazard protentional dam. Stone check dams or rock filter berms will be installed to catch sediment during the project. The accumulated sediment will be cleaned out before and after storm events, weekly, and as directed by the applicant's engineer. A natural channel will reestablish through the area after the dam is removed. The completed project will result in removal of the dam and restoration of a free-flowing brook in this location.

3. **Plans and Specifications:** The project is to be constructed in accordance with plans and specifications entitled, Springfield Reservoir Dam Removal, dated January 4, 2022. The Engineer of Record for the project is Roy Schiff, PE, of SLR, 1 South Main Street, Floor 2, Waterbury, Vermont, 05676.
4. **Project Purpose:** The purpose of the project is to remove Springfield Reservoir Dam, a SIGNIFICANT hazard potential dam and restore sections of Boynton, Aldrich, and Peabody Brook to a free-flowing and more natural condition.
5. **Public Good Determination 10 V.S.A. §1086(a)**
 - 1) **The quantity, kind and extent of cultivated agricultural land that may be rendered unfit for use by the project, including both the immediate and long-range agricultural land use impacts;** No cultivated agricultural lands will be rendered unfit for use by the project, including both the immediate and long-range agricultural use impacts.
 - 2) **Impact to scenic and recreational values;** The change to scenic and recreational values will be positive as removing the dam and restoring the flowing channel will allow the area to return to a more natural state and diverse area.
 - 3) **Impact to fish and wildlife;** In accordance with 10 VSA §1084, the Department of Fish & Wildlife investigated the potential effects on fish and wildlife habitats for the proposal to remove Springfield Reservoir Dam and restore the channel in this section of Boynton, Aldrich, and Peabody Brooks. Dams and instream impoundments degrade riverine habitats, alter sediment transport, increase water temperatures, and isolate aquatic populations. The permanent removal of this dam and elimination of an artificial impoundment will result in an overall improvement of aquatic habitat.
 - Erosion prevention and sediment control measures should be employed to prevent discharge of sediment to State waters.
 - To protect the health and population of Vermont's fisheries, the capture and transport of live fish is not allowed.
 - Do not interrupt downstream flows.
 - Monitor the riparian area of the project yearly during the growing season to ensure success of plantings.
 - 4) **Impact to forests and forest programs;** There will be no adverse impact or change in forests or forest programs from removing the existing dam.
 - 5) **[Repealed, Minimum Flows, see 10, below];**
 - 6) **The existing uses of the waters by the public for boating, fishing, swimming and other recreational uses;** The project will enhance existing public uses by restoring the natural flow regime.

- 7) **The creation of any hazard to navigation, fishing, swimming or other public uses;** The project eliminates a hazard to navigation, fishing, and swimming.
- 8) **The need for cutting clean and removal of all lumber or tree growth from all or part of the flowage area;** The project does not involve the cutting clean and removal of all lumber or all trees in the existing flowage area.
- 9) **The creation of any public benefits;** Removing the dam will create public benefits by the restoration of the original riverine flow pattern and resulting improvements to aquatic habitat and recreational uses. Other public benefits include the elimination of the potential damage threat of a SIGNIFICANT hazard potential dam.
- 10) **Attainment of the Vermont Water Quality Standards;** The project will be done in a manner that maintains and protects water quality. The completed project will result in a natural free-flowing riverine system.
- 11) **Impact to any applicable state, regional or municipal plans;** Removing the dam and restoring the area to a more natural state will not have a negative impact on any state or regional plans or municipal plans.
- 12) **Impact to municipal grand lists and revenues;** The project will not impact the value of the property on the municipal list and revenues related thereto.
- 13) **Impact to public safety;** The project will result in the removal of a SIGNIFICANT hazard potential dam which results in a reduction of risk to public safety due to an incident or dam failure. The plans entitled, Springfield Reservoir Dam Removal, dated January 4, 2022 are adequate to provide for public safety.
- 14) **Hydroelectric potential;** Springfield Reservoir Dam was not related or incident to the generation of electric energy for public use or as part of a public power utility system. There is not significant hydroelectric potential at this site.

The Department concludes that this project satisfies and will serve the public good requirements of 10 V.S.A. §1086.

SPECIAL CONDITIONS

1. The applicant shall notify the Department's Dam Safety Section (Steven Hanna, 802-490-6123) and the Town of Weathersfield a minimum of **72 hours prior** to commencement of construction and provide the name and telephone number of the contact person for the construction project.
2. **A preconstruction meeting between the applicant or representative, the applicant's engineer or supervising representative, the selected contractor, and the Dam Safety Program shall be held prior to starting construction to review control of water plans, project schedule, and Order Conditions. The Dam Safety Section shall be provided**

meeting minutes. In addition, if not already submitted to the Department, proof the Order has been filed in the land records of the Town of Weathersfield shall be provided to the Department.

3. **The Dam Safety Section shall be invited to a final completion meeting. The Dam Safety Section shall be provided meeting minutes.**
4. The project is to be constructed in accordance with plans and specifications entitled, Springfield Reservoir Dam Removal, dated January 4, 2022. The Design Engineer of Record for the project is Roy Schiff, PE, SLR, 1 South Main Street, Floor 2, Waterbury, Vermont, 05676.
5. Full time construction monitoring by the applicant's engineer shall be provided during the removal of the gatehouse and piping, removal of the dam core wall and embankment structure, during construction of the pilot channel, and at such times as the engineer may consider appropriate.
6. The applicant's engineer monitoring construction shall submit via email on a weekly basis to the Dam Safety Program, a brief summary with observations and representative photographs that document the work including any materials testing results and instrumentation readings.
7. Any construction problems or unanticipated circumstances encountered during construction shall be immediately brought to the attention of the Dam Safety Program (Steven Hanna, 802-490-6123).
8. During removal of the dam, inflow shall be passed, and flow shall not be interrupted or otherwise stopped completely. The flow regime shall be run-of-river and allow for free movement of aquatic organisms to upstream reaches once the project is complete.
9. **The removal shall be completed by October 1, 2025**, unless other dates are approved in writing by the Department. The applicant shall notify the Department at least 14 days prior to a deadline if an extension appears necessary.
10. The work is subject to the following time of year restrictions:
 - Work is limited to the period between April 15 and October 15 of any year.
 - Work in the water, defined as, "work requiring water control, flow manipulation, manipulation of water levels, work directly in the water, or work below the normal water level in the reservoir," shall only occur during the period from June 1 to October 1 of any year.
 - Request to work outside of these dates must be provided to the Dam Safety Program at least 14 days prior and include the following in a written narrative and plans (if applicable).
 - i. Documentation there is no reasonable alternative and/or the task is an emergency

- ii. Updated construction schedule with a list of tasks to be completed outside of the period with their anticipated duration, completion date, and winter shutdown date, if applicable.
 - iii. A discussion of necessary water control measures and how this work will be sequenced to minimize the release of turbid waters.
 - iv. A plan of improved erosion and sediment controls and site stabilization measures to minimize the release of turbid waters, including a plan for the timely containment of sediment discharges should the improved measures fail in any way.
 - v. A monitoring plan to observe, document, and report ambient and receiving water turbidity.
 - vi. Work in the water before June 1 or after October 1 shall not be performed unless approved in writing by the Department after consultation with the Department of Fish & Wildlife.
- If requested by the Department, a site visit to observe site conditions and review work requirements shall be held. Work performed during this period may be subject to additional inspection by State personnel and may be subject to immediate work stoppage if Order or extension requirements are not being met.
11. The applicant shall ensure that every reasonable precaution is taken to prevent the discharge of petrochemicals and debris into waters of the State. Machinery shall be fueled away from waters of the State and shall be maintained in good mechanical condition in terms of integrity of hoses, seals, and gaskets.
 12. Erosion prevention and sediment control (EPSC) measures shall be employed as necessary to prevent discharge of sediment to State waters. Disturbed soils shall be effectively stabilized by October 1st. Stone check dams or rock filter berms shall be installed to catch sediment and shall be cleaned out weekly, before and after storm events, and as directed by the applicant's engineer. If elevated turbidity is observed, work shall stop immediately until corrective measures are employed. Post construction remediation measures shall be required if deemed necessary by the Agency.
 13. Any water quality problems shall be immediately brought to the attention of the Dam Safety Section (Steven Hanna, 802-490-6123).
 14. Live fish shall not be captured and transported to protect the health and population of Vermont's fisheries.
 15. Debris and excess material associated with the project and operation shall be transported and disposed of properly in accordance with State law.
 16. Monitor the riparian area of the project during the growing season to ensure success of plantings.

GENERAL CONDITIONS

1. This Order may be appealed to the Environmental Court by an aggrieved person within thirty (30) days from its date (10 V.S.A. §1099).
2. **The applicant shall file this Order with the land records of the Town of Weathersfield within 10 days of the issuance of this Order. Proof of such filing shall be submitted to the Department within 10 days of the filing or at the preconstruction meeting, and prior to the start of construction**
3. Any proposed modifications to the approved plans and specifications shall be submitted in writing to the Department. Such proposed modifications shall not be made unless approved in writing by the Department.
4. Applicant shall engage a professional engineer registered under Title 26 V.S.A. who has experience in the design, investigation, and removal of dams to monitor the construction, alteration or other action authorized by this Order. (10 V.S.A. § 1090). The engineer shall:
 - a. Submit construction status reports with photographs or other reports required by the Special Conditions **weekly** to the Department;
 - b. Submit, **within one week** of completion of the project, record drawings of the completed work to the Department; and
 - c. Certify in writing to the Department that the project has been completed in accordance with the approved plans and specifications and that in the Engineer's opinion that the dam has been completely and satisfactorily removed and site stabilized.
5. The project shall not be considered complete and in compliance with this Order until:
 - a. the record drawings, certification, and items required by Conditions 4(a) through (c) have been received and accepted by the Department;
 - b. the Department has inspected and approved the completed project; and
 - c. the Department has given its written acknowledgment that the project has been satisfactorily completed in accordance with this Order. **The written acknowledgement shall be filed with the land records of the Town of Weathersfield. Proof of the filing shall be provided to the Department.**
6. This Order does not grant exclusive rights or privileges, which would impair any rights possessed by other riparian or littoral owners or the State of Vermont. It does not grant any right, title or easement to or over any land not owned in fee simple by the applicants. Nor does it authorize any violation of Federal, State, or local laws or regulations.

7. Nothing in this Order shall relieve the owner or operator of the authorized dam and impoundment from their legal duties, obligations and liabilities resulting from such ownership or operation.
8. The applicant shall allow the Commissioner of the Department, or a duly authorized representative, at reasonable times and upon presentation of credentials to enter upon and inspect the property and the project to determine compliance with this Order.
9. The terms and conditions of this Order shall run with the land.
10. This Order may be suspended or revoked at any time after reasonable notice and opportunity to be heard upon failure of Applicant to comply with any condition of this Order, applicable rule, or law. Continuing jurisdiction is reserved for these purposes.

ORDER APPROVING APPLICATION

Based on due consideration of the factors that must be considered under the law and with the conditions contained herein, the Department hereby approves the project as applied for and authorization is hereby granted to carry out the proposed project in strict accordance with the approved plans and specifications entitled Springfield Reservoir Dam Removal, dated January 4, 2022, and the Special and General Conditions that are contained in this Order

Signed this 5th day of May , 2022

John Beling, Commissioner
Department of Environmental Conservation

By: 
Eric Blatt, Director of Engineering
Water Investment Division

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ATTACHMENT D: LOCAL ZONING PERMIT

Town of Weathersfield Vermont

Zoning Board of Adjustment

Application for Conditional Use / Site Plan Review / Flood Hazard Review

Findings of Fact, Conclusion of Law and Decision

Permit Application No.: Unnumbered
Applicant Name: Chris Yurek, Mount Ascutney Regional Commission (MARC)
Landowner Name: Town of Springfield VT
Project Location: 00 Wellwood Orchard Road
Parcel ID#: 12-00-42

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a zoning permit for a Conditional Use, Site Plan Review and Flood Hazard Review submitted by Chris Yurek under the Town of Weathersfield Zoning Bylaws.
2. The application was received by Land Use Administrator Ryan Gumbart. The application is dated 01-20-2022.
3. Notice of the public hearing was posted at the following places:
 - a. Town of Weathersfield, VT Office at Martin Memorial Hall
 - b. Ascutney Post Office
 - c. Perkinsville Post Office
4. A copy of the notice of a public hearing was mailed to the Applicant.
5. A copy of the notice of public hearing was mailed to the owners of properties adjoining the property that is the subject of the application.
6. The Zoning Board did not conduct a Site Visit.
7. The application was considered by the Zoning Board of Adjustment at a public hearing at approximately 7:14 PM on Thursday March 10, 2022. The hearing was continued to

April 14th at 7pm, then continued again on that date to May 12, 2022 at 7pm, then continued again on that date to June 9th at 7pm, then continued again on that date to August 18, 2022 at 7pm. All continuations were at the request of the Applicant for more time to complete application.

8. The continuation of the hearing was considered by the Zoning Board of Adjustment at a public hearing at approximately 8:23 PM on Thursday August 18, 2022.
9. The Zoning Board of Adjustment (ZBA) reviewed the application under the Town of Weathersfield Zoning Bylaw, adopted by the voters on March 5, 1974 and including all subsequent amendments through July 1, 2022 (the Zoning Bylaw).
10. Present at the hearings were the following members of the Zoning Board of Adjustment:
 - a. David (Todd) Hindinger, Chair 03/10/2022 and 08/18/2022
 - b. Jaime Wyman 03/10/2022 and 08/18/2022
 - c. David Gulbrandsen 03/10/2022 and 08/18/2022
 - d. Joseph Bublat; 08/18/2022 (as a potential backup member if needed, though later not participating in the decision because the members listed above were able to attend all the hearings)
11. Zoning Board of Adjustment members Recusing themselves: Not present and not participating was John Broker-Campbell, Vice Chair. Recusing himself but present 03/10/2022 was Willis Wood.
12. Also present at the hearings were:
 - a. Roy Schiff, an engineer for SLR, representing Applicant (03/10/2022);
 - b. Chris Yurek, the Applicant (08/18/2022)
 - c. Jessica Louisosjeyer, an engineer for SLR, representing the applicant (08/18/2022)
 - d. Dwight Phelps, Nancy Phelps (03/10/2022 and 08/18/2022)
 - e. Ryan Gumbart, Land Use Administrator (03/10/2022 and 08/18/2022);
 - f. Diana Stillson, who takes the minutes of the meeting (03/10/2022 and 08/18/2022);
 - g. Willis Wood (03/10/2022).
 - h. Andrea Butterfield (03/10/2022)

- i. Rick Chambers (03/10/2022)
13. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following were determined to meet the definition of interested persons:
 - a. Roy Schiff, Representing Applicant;
 - b. Andrea Butterfield, abutter.
 - c. Willis Wood, abutter.
 - d. Dwight Phelps and Nancy Phelps, abutters
14. At the outset of the hearing, the Zoning Board of Adjustment asked if there were any persons present who wished to give evidence or testimony during the hearing. The following were sworn in by the Chair:
 - a. Roy Schiff
 - b. Andrea Butterfield
 - c. Willis Wood
 - d. Dwight Phelps and Nancy Phelps
 - e. Chris Yurek
 - f. Jessica Louisosjeyer
15. Board members were asked to disclose any potential conflicts of interest. Neither the Applicant nor any member of the Zoning Board expressed concern about conflicts of interest.
16. Board members and the applicant were asked to disclose any potential ex parte communications. No one attending the hearing expressed concerns with ex-parte communications.
17. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:
 - a. Exhibit #1 – Notice of Public Hearing
 - b. Exhibit #2 - Zoning Permit application, three pages.
 - c. Exhibit #3 - Unsigned memo from SLR dated January 19, 2022, 2 pages.
 - d. Exhibit #4 – Project preliminary design plans, 8 pages
 - e. Exhibit #5 – Permit navigator results, 13 pages

- f. Exhibit #6 – VT Statute regarding dam removal, 1 page
- g. Exhibit #7 – VT ANR inspection report, 4 pages
- h. Exhibit #8 – Letter to Land Use Administrator circa 2009, 2 pages
- i. Exhibit #9 – Photos, 12 photos on 3 pages
- j. Exhibit #10 – Letter to Land Use Administrator from State of VT Floodplain Manager, 3 pages including a map.
- k. Exhibit #11 – Application for Conditional Use, 1 page.
- l. Exhibit #12 – Community Facility Project Review Sheet, 3 pages.
- m. Exhibit #13 – Letter from the Conservation Commission, 2 pages.
- n. Exhibit #14 – ANR order approving the application to alter the dam, 8 pages.
- o. Exhibit #15 – Stormwater Discharge Permit 3-9020, 6 pages
- p. Exhibit #17 – SLR memorandum dated June 24,2022 revised August 11, 2022, 4 pages.
- q. Exhibit #18 – Town of Weathersfield Community Facility Project Review and Sign-Off document, three pages.

18. This application was reviewed under the following sections of the Weathersfield

Zoning Bylaws:

- a. Section 2.5.5 - Conservation (C-10) district
- b. Section 3.2.4 - Habitat Areas
- c. Section 3.2.6 – Rare and Endangered Species
- d. Section 3.2.8 – Streambank Conservation
- e. Section 3.2.9 - Wetlands
- f. Section 3.7 - Performance Standards
- g. Section 5.2 - Site Plan Review
- h. Section 5.3 – Condition Use Review
- i. Section 5.6 – Flood Plains and Floodways

FINDINGS OF FACT

The following findings of facts are deemed relevant to the Board's decision on this application. These facts are compiled from the application project documents including the written

application, the items listed in the exhibits, testimony and evidence provided by the Applicant and other parties present at the hearing.

F1. Parcel# 12-00-42 is located at 00 Wellwood Orchard (no 911 address was provided). Its size is 87.5 acres.

F2. The property is owned by The Town of Springfield.

F3. The property is located in the C-10 Zoning District.

F4. Development within the special flood hazard area, within critical habitat and earth disturbances of this magnitude requires a Conditional Use Permit, Site Plan Review and Flood Hazard Review.

F5. The parcel is developed with an old dam and related historic remnants of a water supply system (pipes, tiles, gatehouse, concrete structures) that previously supplied water to the Town of Springfield. There are no residential buildings or buildings unrelated to the water system on the property.

F6. Access to the property is via an existing curb cut along Wellwood Orchard Road. No changes are proposed to the access location.

F7. The Applicant proposes to complete the following major items:

1. Removal of the obsolete and poor-condition Springfield Reservoir Dam.
2. Remove the existing earthen embankment dam using mechanical means. The concrete core wall will be removed down to bedrock. The existing concrete spillway, gatehouse, concrete well house, drain pipes and related infrastructure will be removed.
3. Excavate the accumulated sediment in the impoundment area to specific elevations and regions as shown on the project plans.
4. Revegetate 3.9 acres of riparian and access areas.

F8. The project will be arranged on the property as shown on the project plans, Exhibit #4.

F9. The Springfield Reservoir Dam is in poor condition. If the dam fails it has potential to cause loss of human life and long-term environmental impacts to Boynton Brook and downstream receiving waters. Several of the exhibits (3, 4, 7, 8, 14) and much of the testimony provided confirmed the ongoing risk to the community if this dam is left in place.

F10. Section 3.2.4 - Habitat Areas. This section was reviewed at the hearing. The project involves the restoration of an existing developed site to one that will be undeveloped.

1. The Weathersfield Conservation Commission provided Exhibit 13, in which they request specific action be taken regarding site habitat restoration. Specifically the Conservation Commission states, “we advise the Zoning Board of Adjustment to request plans for habitat restoration including a list of species to be planted and a methodology for where the various species will be planted in relation the waterbodies.”, and they ask “How will the site be maintained going forward to ensure that it is not left to degrade over the next hundred years as it naturalizes and is incorporated in the surrounding ecosystem?” The applicant did not provide a habitat restoration plan. The applicant declined to provide a more developed species planting and management plan for the years following the completion of the main project. The ZBA supports and adopts the recommendations of the Conservation Commission and finds a habitat restoration plan is necessary.
2. Abutter and Interested Person Willis Wood expressed concerns about there not being a vegetation succession plan and wondered how the site would be managed. This concern echoes the request of the Conservation Commission. Willis Wood also expressed concern about the control of invasive species. The applicant did during the hearing state that there is some Japanese honeysuckle in the wetlands that will be coming out (removed). They (presumably the Engineer monitoring the site during the construction period) will make sure the equipment is clean during the construction phase. Then the Army Corp of Engineers (via their permit) will monitor the site for invasive species removal. The applicant declined to provide a more developed species planting and management plan for the years following the completion of the main project. The Army Corp of Engineers permit has yet to be obtained, hence we do not have this to review. Therefore the ZBA supports and adopts the recommendations of the Conservation Commission and Interested Person Willis Wood and finds that a plan to control invasive species during the site restoration process is necessary.
3. The Conservation Commission found that the deer wintering area value was low in the project area as currently vegetated. The ZBA finds that whatever the quality of the deer wintering area currently present, the proposed project restoration of the habitat will not adversely affect the potential for future deer wintering area.

4. The removal of the manmade dam and manmade reservoir habitat and restoration of the surrounding landscape to riparian area is found to be an improvement of the Habitat Area.

F11. Section 3.2.6 – Rare and Endangered Species. This section was reviewed at the hearing. The Northern Long-eared bat species was identified by Vermont Fish and Wildlife as possibly present at the project area. This species could be affected by tree clearing. The Army Corp of Engineers permit for this project is required. It is pending. SLR represented that this permit would include a determination of whether or not bat habitat was present and would include any conditions necessary to protect this species. SLR represented that there were no other endangered species within the project site. Exhibit 17.

F12. Section 3.2.8 – Streambank Conservation. This section was reviewed at the hearing. This project involves the conversion of a manmade impoundment back to a natural riparian area. There will be a temporary construction period and prolonged period of revegetation. Eventually the streambank will be restored to a stable stream bank habitat. The ZBA finds that the project will eventually restore the condition intended by bylaw 3.2.8 and thereafter allow this area to be protected in accordance with this bylaw.

F13. Section 3.2.9 – Wetlands. This section was reviewed at the hearing. The State of Vermont has not formally approved the project as exempt, nor as yet determined that a Wetlands Permit is required. These determinations are pending. SLR represented that the project activities would most likely be exempt based on their informal emails and discussions with the State so far. The ZBA finds that a formal determination from the Wetlands division is still needed and if the activity is not exempt that the applicant must obtain this permit.

F14. Section 3.7 - Performance Standards. This section was reviewed at the hearing. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw.

1. 3.7.1 Adjoining Properties. Property Lines. The project plans shown some activities on abutting property. The applicant did not provide easements or agreements for these activities on land owned by others. The ZBA finds that any work on this project should be confined to land owned by the Applicant, unless and until a written agreement is to be recorded in the land records allowing for access to complete the work.

2. 3.7.1 Adjoining Properties. Water Supplies. An abutter to the project inquired with the Land Use Administrator prior to hearing about potential impacts to their water supply resulting from the removal of the water in the ponded area and once the site was restored. SLR indicated that the dam water level has already been reduced, so it was likely that if there were any affect it would have showed up by now. SLR indicated that they did not think there would be any effect on abutting water supplies.
3. 3.7.2. Nuisance Standards. There was no other evidence provided that the proposed activity would exceed the Nuisance Performance Standards for the district. The applicant testified that the construction activity would be temporary, one or two construction seasons, then the land would be restored and the site would be natural (undeveloped).

F15. Section 5.2 - Site Plan Review. This section was reviewed at the hearing.

1. 5.2.1. Compatibility with the surrounding development. The project is temporary and once complete will result in a naturalized area. SLR represented during the 3/10/2022 hearing that the use of the property as Town Forest would not change and that the land is going to be a natural area. The project is found to be compatible with the surrounding development.
2. 5.2.2. Traffic access and circulation. The traffic which will be generated by this project during the temporary construction period will be substantial. Preliminary estimates based on current dump truck legal loads would be approximately 2,600 truck loads of material. The Weathersfield Highway Superintendent has requested that wheel ruts be repaired, that the trucks go downhill from the site access (towards Reservoir Road) and that the Contractor be respectful of the residents in the area. The applicant did not provide a construction traffic control plan, a destination for where all this material was going, nor a definitive route where the trucks would travel. The Traffic Management Notes on the plan are statements of what is required but do not demonstrate what will be done, i.e. they are not a plan. The potential for the high volume of heavily loaded trucks to damage the Town of Weathersfield road system is distinct. The ZBA finds that in the absence of a construction traffic control plan provided by the applicant it is necessary to have one to safeguard the travelling public. The ZBA finds that in the absence of a planned loaded truck travel route provided by the applicant, and given the potential for damage to town

roads and adverse effects on residents, it is necessary to define one to protect the interests of the Town of Weathersfield and provides for the safety of the Town of Weathersfield.

3. The plan set is not stamped and is marked Preliminary Design (90%). The ZBA finds that a final set, marked “Issued for Construction” or “Final Design” is required.
 4. 5.2.3 Protection of natural resources. The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. Regarding the cultural features, abutter and Interested Person Willis Wood wanted more information and expressed concern about archeologically sensitive site identified on the plan and of the stone culvert identified on the plans. The applicant has not yet completed a historic review of the stone culvert and of the archeologically sensitive site. The board finds that both of these sites, in the absence of clarifying information, require protection.
 5. 5.2.4 Storm water management and drainage. The project plans (Exhibit 4) and the construction stormwater permit (exhibit 15) provide a detailed plan and regulated process (by the State of Vermont) to protect the waters from stormwater discharges. The exhibits and testimony provide sufficient evidence that the construction stormwater will be managed on the site.
 6. 5.2.5 Landscaping and screening. The project plans (Exhibit 4) include a seeding mix to be applied to the restored site. The ZBA may require a plan be prepared and bonding or other surety may be required to ensure installation and maintenance. Referring to the Findings of F10, a more developed species planting and management plan for the years following the completion of the main project is required.
- F16. Section 5.3 – Condition Use Review. This section was reviewed at the hearing.
1. The capacity of existing or planned community facilities. The proposed use, a project that involves the conversion of a manmade impoundment back to a natural riparian area, once complete will not have an adverse impact on the capacity of the existing or planned community facilities.
 2. The character of the area; and/or traffic. The proposed use, during the construction period, will result in substantial construction traffic, as described in F15.2 above and does have the potential to adversely affect the safety of the travelling public and the condition

of the town road network. Accordingly, the Board will attach conditions addressing these potential impacts.

3. All other bylaws being met. The ZBA finds that it has reviewed the bylaws and does not find any other applicable that are not contained herein.

4. A performance bond may be required by the ZBA for conditional use permits.

Accordingly, the ZBA will attach conditions thought appropriate.

F17. Abutter and Interested person Dwight Phelps identified that there are remnants of the old water supply pipe on his property and his deed has a provision granting the Town of Springfield an easement for this pipe. He wanted to know during the hearing if this easement could be lifted. The ZBA finds that this is a reasonable request to make and that the easement should be lifted.

F18. Section 5.6 – Flood Plains and Floodways. This section was reviewed at the hearing. The property is located with a mapped Special Flood Hazard Area Zone A. Hydraulic modeling provided by SLR and the resulting conclusion provided by SLR is that the hydraulic modeling shows not adverse impact for the project. SLR states that the project will not only reduce downstream flood risk, but will also remove a major encroachment in the river corridor, and will improve aquatic and wildlife passage and connectivity. There was some discussion during the hearing about what engineering and record keeping follow up was needed to be done to assure that Weathersfield remained in good standing with the FEMA program. SLR concluded that it was their opinion that no further action was necessary. The exhibits (Exhibits 4, 9, 16, 17) and testimony provided by SLR are found to demonstrate conformance with the provisions of section 5.6.

F19. The applicant provided a copy of the Vermont Order Approving Application to Alter a Dam. This order includes detailed facts, finding and conclusions. The ZBA finds that the Order contains conclusions which, when combined with the evidence provided during this hearing, includes sufficient technical and oversight conditions to assure this complicated project can be completed.

CONCLUSIONS OF LAW

It is not the aim or duty of the Zoning Board of Adjustment to favor one individual over another, nor to approve or disapprove any specific activity. Rather, it is to interpret the above findings of facts which “*shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions should be based on the findings of fact.*” (Bylaws 9.6.3). Based on the Findings of Fact, the Zoning Board of Adjustment makes the following Conclusions Of Law regarding the proposed project, as conditioned.

- CL1. Section 2.5.5 - Conservation (C-10) district was reviewed in detail. For this project within the C-10 district Flood Hazard Review, Conditional Use Review and Site Plan Review are required and were completed. The Zoning Board concludes that, as conditioned, the proposed project use is consistent with the C-10 district and that the applicable reviews have been completed.
- CL2. Section 3.2.6 – Rare and Endangered Species was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.6 are upheld.
- CL3. Section 3.2.4 - Habitat Areas was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.4 are upheld.
- CL4. Section 3.2.8 – Streambank Conservation was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.6 are upheld.
- CL5. Section 3.2.9 – Wetlands was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.9 are upheld.
- CL6. Section 3.7 - Performance Standards was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 3.7 are upheld.

- CL7. Section 5.2 - Site Plan Review. The Site Plan review process was completed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. As conditioned, the Zoning Board concludes that the Site Plan and related exhibits, when updated and resubmitted, can satisfy the bylaws.
- CL8. Section 5.3 – Condition Use Review. The Conditional Use Review process was completed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. As conditioned, the Zoning Board concludes that the Conditional Use, can satisfy the bylaws.
- CL9. Section 5.6 – Flood Plains and Floodways was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 5.6 are upheld.
- CL10. Section 7.8 - Site Plan Review. The Site Plan review process was completed in detail. As conditioned, the Zoning Board concludes that the Site Plan, when revised and resubmitted, can satisfy the bylaws.
- CL11. The Zoning Board concludes that there are specific proposed activities that require bonding.
- CL12. The Zoning Board concludes that the Vermont Order Approving Application to Alter a Dam contains conditions which provide additional assurance that this complicated project can be completed.

DECISION AND CONDITIONS

On September 20th, 2022 at a deliberative session, and based on the foregoing Findings of Facts and Conclusions of Law all three of the deliberating members of the Zoning Board of Adjustment voted unanimously to Approve the application for a Conditional Use, Site Plan Review and Flood Hazard Review from Chris Yurek of the Mount Ascutney Regional Commission made on behalf of the Owner, the Town of Springfield to demolish/remove an earthen embankment dam and associated infrastructure on Parcel 12-00-42 in the C-10 district with the following conditions:

- C1. The applicant shall submit a revised plan set to the Land Use Administrator marked “Issued for Construction” or “Final Design”. The Land Use Administrator (Administrative Officer) shall review the plan set to verify that it has been revised as such.
- C2. The applicant shall submit to the Land Use Administrator a copy of the correspondence from the Wetlands Division of ANR indicating the project is exempt from a Wetlands permit from their office, or a copy of the permit if one is required.
- C3. Written permission shall be obtained for all portions of the project for any work on abutting property that is accessed to complete the project. The applicant shall submit to the Land Use Administrator a copy of such agreements and the applicant shall record the document in the land records.
- C4. No disturbance within the Archeologically Sensitive Area and the stone culvert area shown on the plans is permitted. The applicant shall submit to the Land Use Administrator a copy Historical assessment site evaluation for the Archeologically Sensitive Area and the stone culvert shown on the plan if one is completed.
- C5. The applicant shall submit to the Land Use Administrator a habitat restoration plan including a list of species to be planted, a methodology for where the various species will be planted in relation the waterbodies and a timeframe for when they will be planted. The plan is to be initiated as soon as the removal phase is complete. The plan is to include provisions describing how the site will be managed and maintained to ensure that it is not left to degrade as it naturalizes and is incorporated in the surrounding ecosystem. The plan is to include a plan to control invasive species during the site restoration process. The plan is to identify who will be completing the work.
1. The Land Use Administrator or Conservation Commission may visit the site to inspect and report on any deviations from the plan or failures of the plan to further a controlled naturalization process. The inspections are to occur any time within 10 years of the completion of the removal.
 2. A performance bond is required for the habitat restoration and invasive species scope of work. The amount is \$100,000, the term is for 10 years after removal, the conditions of forfeiture shall be any failure of the project site to conform to the conditions herein. The project site is to also include any abutting lands that are disturbed as part of the project.

The surety contract shall be satisfactory to the Administrative Officer as to form, sufficiency and manner of execution, and shall be filed with the Town Clerk.

C6. The Applicant is to arrange with the Owner, the Town of Springfield, to clear any deeded easements regarding water rights or waterline rights on the Phelps property. The applicant shall submit to the Land Use Administrator a copy of such deed information and the applicant shall record the document in the land records.

C7. Traffic:

1. The exiting loaded truck traffic (sediment and dam material filled trucks leaving the site) is restricted to travel down (west) on Wellwood Orchard to Reservoir Road, thereafter turning left and exiting Weathersfield into Springfield. An alternate path of travel for specific loaded truck counts may be approved in writing by the Town of Weathersfield Road Superintendent. This approval must be provided in writing to the Land Use Administrator prior to any travel deviating from that described in the first sentence of this condition.
2. A construction traffic control plan is to be submitted to the Land Use Administrator prior to any exiting loaded truck travel. The plan is to demonstrate conformance with the Traffic Management Notes shown on the project plans. The traffic control plan is to be provided to the Road Superintendent, who may make comments and amend the plan.
3. Exiting loaded truck traffic load size is restricted to that which is customary and legal for ordinary dump trucks on ordinary roads in VT. Specialized wide or heavy hauling equipment that uses oversized loads is not allowed.
4. The Contractor is to repair any damage to the road network within the Town of Weathersfield resulting from the use of the network by the Contractor. The Contractor is required to provide any maintenance equipment and provide upkeep of the roads made necessary by their work. Any repairs are to be completed to the satisfaction of the Highway Superintendent.

C8. The applicant shall submit to the Land Use Administrator a copy of the permit, yet to be obtained, from the Army Corp of Engineers. The document is to include their findings and protective requirements for the Northern Long-eared bat.

C9. Removal of the dam, related infrastructure, sediment and earthen embankment as shown on the plans shall be completed by October 1, 2025.

- C10. Those items shown on the application documents, facts, plans and items listed in these Conditions which require upkeep and maintenance are ongoing requirements.
- C11. Any deviation from the application documents, facts and plans without prior written approval of the Zoning Board of Adjustment shall constitute a violation of the Weathersfield Zoning Bylaws and the Administrative Officer shall be required to take appropriate enforcement action.
- C12. The Applicant is to comply with the Vermont Order Approving Application to Alter a Dam. Each notification, report, inspection, meeting and other action which is identified as being provided to or involving the Dam Safety Section (The Department) is also to be provided to or involve (such as meetings) the Land Use Administrator.
- C13. Prior to commencing construction the Land Use Administrator (Administrative Officer) shall review each of the conditions listed above for compliance. If the Land Use Administrator is unsure whether or not the conditions are sufficiently addressed or there is any ambiguity in any resubmittal, or the plans contain substantial changes to those reviewed during the hearing, the Zoning Board will be convened to complete this review at their next regular meeting.

Dated at Weathersfield, Vermont, this 28th day of September, 2022.



BY:

David (Todd) Hindinger, Chair

Members participating in the hearing, and deliberations:

David (Todd) Hindinger, Chair

Jaime Wyman

David Gulbrandsen

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Copies of this decision will be distributed to:

Applicant (via certified mail)

Landowner

Every person or body appearing and having been heard at the hearing

Administrative Officer

Town Clerk

ATTACHMENT E:
FEMA RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

Comment Project Location/Lat, Long:
 0 Wellwood Orchard Rd., Weathersfield VT
 Latitude: 43.35117, -72.48954

Project Scope of Work:
 The Town of Springfield intends to use Hazard Mitigation Grant Program (HMGP) funding to remove the Springfield Reservoir Dam. The dam was constructed in 1903 to serve as a municipal water supply for Springfield, VT. Use of the reservoir was phased out in the late 1970's in favor of the use of wellfields in North Springfield. Since the late 1970's, the reservoir dam had not served a functional purpose and has become structurally deteriorated. The dam is currently classified by the Vermont Dam Safety Program as a Significant Hazard structure. Under the recently updated Vermont Dam Safety Rules, the dam would likely be classified as a High Hazard given the potential for loss of life in the event of a dam failure.

The Springfield Reservoir Dam is an earth embankment dam with a concrete core wall and concrete overflow spillway that is approximately 50 feet tall and 320 feet long. As part of the proposed project, approximately 67% of the concrete core wall and 87% of the earthen berm would be removed leaving only a portion of the dam up the valley wall above contact with the floodplain. Roughly 9,000 cubic yards of accumulated sediment would be removed from the impoundment area and a flood bench would be created in the former impoundment area. Pilot channels would be created for the two upstream tributaries which would be allowed to naturally evolve after project completion. Additionally, the concrete overflow spillway, gatehouse, concrete wellhouse, drainpipes, and remnants of a failed stone culvert would be removed in their entirety. Following construction, approximately 3.9-acres of the former impoundment area would be planted with native vegetation, after which, the stream corridor would be allowed to naturally evolve.

Approximately 15 mixed hardwood trees on the dam embankment would be removed. Sediment fill would be deposited back where original dam fill was extracted, resulting in the removal of approximately 195 hemlock trees. Construction access would be via existing unpaved access roads.

NEPA Comment: NEPA: This project is Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with the FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01.
 - kphilp - 10/03/2024 20:23:04 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n9	(*n9) Federal Assistance for Flood Hazard Reduction Actions. Federal assistance for drainage, berm, water crossing, and detention, retention, or sediment pond projects which have the primary purpose of addressing flood hazards and: (a) Do not affect more than 25 acres, (b) Do not result in adverse flood risk effects to downstream communities, (c) Do not result in any increase of flood levels within the community during the occurrence of the base flood discharge if the action takes place within the regulatory floodway, and (d) Where the effect of the proposed project when combined with other existing or reasonably foreseeable development will not increase water surface elevation of the base flood more than one foot at any point within the community if the action takes place in a floodplain with no regulatory floodway. This CATEX covers minor flood control actions as identified in Sections 1366 and 1361 of the National Flood Insurance Act (NFIA). Actions that are not covered in Sections 1366 and 1361 of the NFIA, such as dikes, levees, seawalls, groins, and jetties, are excluded from this CATEX.	Yes

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
Bald and Golden Eagle Protection Act (BGEPA)	Completed	Review concluded	BGEPA: FEMA coordinated with the Vermont Fish and Wildlife Department on 10/13/2023 to determine whether the project as described is within/near known Bald Eagle nests. VT Fish and Wildlife responded on 10/16/23 and 10/17/2023 stating that they did not have any documentation of eagles using the Springfield Reservoir, did not foresee any issues with eagles in regard to the proposed project and believed there was sufficient alternative winter roost trees in the area. See attached correspondence. - kphilp - 10/03/2024 20:43:45 GMT
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would affect waters, including wetlands, of the U.S.	CWA Section 404/401: This project as described may require permitting or coordination from the U.S. Army Corps of Engineers (USACE) or the Vermont Department of Environmental Conservation. See condition(s).CWA Section 402: The proposed project required authorization under Stormwater Construction General Permit (CGP) 3-9020 by Vermont Agency of Natural Resources to fulfill NPDES Permitting requirements under Section 402 of the Clean Water Act. Authorization was issued under Permit Number 9358-9020 on March 03, 2022. See condition. - kphilp - 10/03/2024 20:39:36 GMT
	Completed	Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

Environmental Law/ Executive Order	Status	Description	Comment
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	EO11988: Per Flood Insurance Rate Map (FIRM) community and panel number 50027C0730E effective 09/28/2007; the project is located wholly, or in part, within the Special Flood Hazard Area (SFHA), i.e., the project is in Zones A. Per 44 C.F.R. Part 9, an 8-Step analysis is required. See attached 8-Step Documentation. The applicant coordinated with the VT Department of Environmental Conservation River Corridor and Floodplain Protection Program, and comments were provided by the floodplain manager. See attachment. See condition. - kphilp - 10/03/2024 20:23:54 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review concluded	
Executive Order 11990 - Wetlands	Completed	Located in wetlands or effects on wetlands	EO11990: Determination based on review of U.S. Fish and Wildlife National Wetlands Inventory, Wetlands Mapper, located at http://www.fws.gov/wetlands/Data/Mapper.html , accessed on 02/22/2023; As required by 44 C.F.R. Part 9, the 8-Step process is required, and has been completed as part of the Floodplain review. 8-Step Documentation is attached under EO11988 Floodplain Management Review. See condition. - kphilp - 10/03/2024 20:29:13 GMT
	Completed	Possible adverse effect associated with constructing in or near wetland	
	Completed	Review completed as part of floodplain review - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	EO12898: Minority or low-income populations were identified through program coordination and public involvement, state EJ community lists or maps, or EJSCREEN reports for the area around Springfield Reservoir. Review of the project scope of work revealed no adverse effects on these populations. Therefore, no additional review for potential EJ concerns is required. The maps, reports, and other information are saved to the project files. - kphilp - 10/03/2024 20:30:29 GMT

21:04:13

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	ESA: FEMA determined that the proposed project "May affect, but not likely to adversely affect" ESA-listed northern long-eared bat and initiated informal consultation with the USFWS on 03/11/2024 and subsequently revised the consultation to include tricolored bat on 06/05/2024. The Service concurred with FEMA's determination on 09/27/2024. Subsequent updates to the USFWS official species list do not list tricolored bat as potentially occurring at the project location. See attached consultation documentation. See conditions. - kphilp - 10/03/2024 20:34:42 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	FPPA: Per NRCS Web Soil Survey Mapper located at https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx , the project as described is not located within designated farmland as defined by 7 C.F.R. Part 658.2(a). - kphilp - 10/03/2024 20:40:48 GMT
Fish and Wildlife Coordination Act (FWCA)	Not Applicable	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	MBTA: Based on conditions required to protect endangered bats and agreed upon as part of the Endangered Species Act consultation process, all tree removal would occur outside of the peak migratory bird nesting season; therefore, there would be no effect on migratory birds. - kphilp - 10/03/2024 20:41:33 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Standard Section 106 review	NHPA: A review of the project was conducted in accordance with FEMA's Vermont Programmatic Agreement dated

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

Environmental Law/
Executive Order

Status

Description

Comment

05/10/2018 (Statewide PA). FEMA determined that the Springfield/Weathersfield Dam is eligible for listing in the National Register of Historic Places (NRHP) on 03/12/2024 for its significance under National Register Evaluation Criteria A and C. In accordance with Stipulation II.C.6.a. of the Statewide PA and 36 C.F.R. Section 800.5, FEMA has determined the Undertaking will adversely affect historic properties and that it is appropriate to resolve those effects through the Abbreviated Consultation Process. FEMA consulted under Stipulation II.C.6.a of the Statewide PA and 36 C.F.R. Section 800.6 with the Vermont Division for Historic Preservation (VT SHPO), the Advisory Council for Historic Preservation (ACHP), the Town of Springfield, and Vermont Emergency Management (VEM) through an abbreviated consultation process to develop treatment measures to avoid, minimize, and mitigate the adverse effects of this Undertaking. The Standard Treatment Measure A: Historic Resource Documentation and Treatment Measure C: Public Interpretation were agreed upon by all parties on 03/13/2024. To remain in compliance with Section 106, the NHPA stipulations and conditions detailed within the Treatment Measure plan must be carried out. Any change to the approved scope of work will require reevaluation under Section 106. Failure to comply with these stipulations and conditions may jeopardize receipt of FEMA funding. - kphilp - 10/03/2024 20:32:11 GMT

Completed Historic Buildings and Structures

Completed Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review

Completed Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence attached)

Completed Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence attached)

Completed Resolution of Adverse Effect completed. (MOA attached) - Review concluded

21:04:13

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	Archeological Resources	
	Completed	Project affects undisturbed ground	
	Completed	Project area has potential for presence of archeological resources	
	Completed	Determination of historic properties affected	
	Completed	NR eligible resources present in project area. (FEMA finding/ SHPO/THPO concurrence attached)	
	Completed	Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence attached)	
	Completed	Resolution of Adverse Effect completed. (MOA attached) - Review concluded	
OTHER (enter specifics in comments)	Completed	Review concluded	VT ANR DEC Dam Safety Program - State Soil and Water Laws- The proposed project requires authorization from the VT ANR Dam Safety Program. A Dam Safety Order was received from the Dam Safety Program on May 05, 2022. See Condition. - kphilp - 10/03/2024 20:59:15 GMT
State Fish, Wildlife and Natural Heritage Laws	Completed	Review concluded	VT Act 250 - State Fish, Wildlife and Natural Heritage Laws- This project as described may require Vermont Act 250 permitting from the District Environmental Commission. See condition(s). - kphilp - 10/03/2024 20:46:38 GMT
State Hazardous Materials and Solid Waste Laws	Completed	Review concluded	VT Solid Waste Management Program comment: See condition and advisory. - kphilp - 10/03/2024 20:49:21 GMT
State Water and Soil Laws	Completed	Review concluded	VT ANR River Management Program: The project as described may require permitting or coordination from the Vermont Department of Environmental Conservation's Agency of Natural Resources Rivers Program. See condition - kphilp - 10/03/2024 20:47:38 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

CONDITIONS

Special Conditions required on implementation of Projects:

EO11988 (Floodplains) condition: The applicant must abide by all conditions set forth in the VT DEC River Corridor and Floodplain Protection Program letter dated March 02, 2022.

Source of condition: Executive Order 11988 - Floodplains

Monitoring Required: No

EO11988 (Floodplains) condition: Within six months of project completion, the Applicant must initiate with FEMA a Flood Insurance Rate Map (FIRM) change and request a Letter of [Flood] Map Revision (LOMR) in accordance with 44 C.F.R. Parts 65.3 and 9.11(d)(6). A copy of the Letter of Map Revision must be submitted to the State and FEMA for inclusion in the administrative record.

Source of condition: Executive Order 11988 - Floodplains

Monitoring Required: No

EO11990: Before construction begins, the Applicant must obtain approval from the VT DEC Wetlands Program. A copy of the approval/permit, or documentation from the permitting official that an approval/permit is not required, must be forwarded to the State and FEMA for inclusion in the administrative record. Contact Rebecca Chalmers, 802-490-6192, Rebecca.chalmers@vermont.gov to determine permitting requirements for work in or near wetland resources.

Source of condition: Executive Order 11990 - Wetlands

Monitoring Required: No

CWA 404 condition: Before construction begins, the Applicant must obtain any required Clean Water Act section 404 permit from the U.S. Army Corps of Engineers. A copy of the approval/permit, or documentation from the permitting official that an approval/permit is not required, must be forwarded to the State and FEMA for inclusion in the administrative record.

Source of condition: Clean Water Act (CWA)

Monitoring Required: No

CWA 402 condition: The applicant must abide by all conditions of the Stormwater Construction General Permit authorization (Permit Number 9358-9020) issued by the Vermont DEC Watershed Management Division on March 03, 2022.

Source of condition: Clean Water Act (CWA)

Monitoring Required: No

NHPA CONDITION #2 (human remains): Stop Work if human remains are discovered. The project proponent and their contractor must immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the remains, project all human remains discoveries, and restrict access to discovery sites. The project proponents and their contractor must follow all state laws associated with the discovery of human remains, including immediately notifying the proper authorities. Violation of state law will jeopardize FEMA funding for this project. The project proponent will inform the Office of the Chief Medical Examiner, the State Archaeologist, the State Emergency Management Agency (VEM), and the FEMA Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in the vicinity of the discovery(s) may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

NHPA CONDITION #3 (Treatment Measure): All treatment measures outlined in the abbreviated consultation process (development of a historic resource documentation package and public interpretation with an educational exhibit and website) must be fulfilled.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

NHPA CONDITION #1 (artifacts): Stop work if archaeological deposits (for example Indian pottery, stone tools, shell, old house foundations, old bottles) are found/uncovered during construction. The project proponent and/or their contractor must immediately stop all work in the vicinity of the find, take reasonable measures to avoid or minimize harm to the finds, secure all archaeological finds (without removing them), and restrict access to the area of the find. The project proponent must immediately report the archaeological discovery to the State Emergency Management Agency and the FEMA Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will determine the next steps.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

VT ANR DEC Dam Safety Program condition: The applicant must abide by all conditions set forth in the Order Approving Application to Alter a Dam dated May 05, 2022, in reference to application number DS2022-1.

Source of condition: OTHER (enter specifics in comments)

Monitoring Required: No

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4532-0010-VT (R) (1)

Title: Springfield/Weathersfield Dam Removal

Before construction begins, the Applicant must obtain Vermont Act 250 permitting from the District Environmental Commission. A copy of the approval/permit, or documentation from the permitting official that an approval/permit is not required, must be forwarded to the State and FEMA for inclusion in the administrative record. Contact Stephanie Gile (stephanie.gile@vermont.gov, 802- 261-1943) to determine permitting requirements.

Source of condition: State Fish, Wildlife and Natural Heritage Laws

Monitoring Required: No

VT Solid Waste Management Program condition: The Applicant is required to use a licensed solid waste hauler and take demolition debris to a certified facility (10 V.S.A. sections 6605 and 6607a). The Applicant must provide the State and FEMA with a statement of how construction and demolition wastes were disposed of, including the name/location of the facility used, no later than submission of a project closeout package.

Source of condition: State Hazardous Materials and Solid Waste Laws

Monitoring Required: No

VT Solid Waste Management Program advisory: VT DEC's Solid Waste Management Program can provide information about salvage opportunities, recycling options, and other ways to divert that waste from disposal. Contact 802-828-1138 for more information.

Source of condition: State Hazardous Materials and Solid Waste Laws

Monitoring Required: No

VT ANR River Management Program condition: Before construction begins, the Applicant must obtain a permit/authorization from the Vermont Department of Environmental Conservation's VT ANR River Management Program (Scott Jensen; 802-490-6962; scott.jensen@vermont.gov) and comply with all terms and conditions of the issued permit. A copy of the permit, or documentation from the permitting official that a permit is not required, must be provided to FEMA no later than submission of a project closeout package.

Source of condition: State Water and Soil Laws

Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.