

Email to Bruce Johnson from Renée Carpenter on June 14, 2018 dealing with the Friends of Coburn Pond and potential Natural Resources Board enforcement actions against VTrans for actions taken/not taken at the constructed wetlands project near Coburn Pond:

Thank you for printing out the maps and this email for the Selectboard and Planning Commission. As statutory parties and participants to the original Act 250 hearing process, having the two Town Committees weigh in adds value and weight to our request for enforcement.

These two versions of the constructed wetlands drawing “Exhibit A” which was attached to the Court-ordered settlement, **define the permit requirements** for the Constructed Wetlands:

The first—the smaller one—is an enlarged section of “Exhibit A” with areas of *Friends of Coburn Pond's* concerns highlighted for clarification for enforcement purposes.

The area colored brown or tan across which the snowmobile path is currently routed was excavated well beyond the negotiated agreement and is approximately the area of deepest concern [no pun intended] since water levels in January are deep and impassable. Because it is **very unlikely** that the Army Corps of Engineers would allow that to be re-filled, moving the snowmobile path to its permit-required location is the best course of action.

The second attachment—the larger one—is a similar modification of the full 11x17 sheet, “Exhibit A,” from the court order. The **blue line**, in both cases, highlights what VTrans is **required by permit** to build.

As we discussed over the telephone, since I am a “statutory party” (represented and supported by *Friends of Coburn Pond*), and we are seeking enforcement action on one other permit violation, we can help to enforce that VTrans move the snowmobile path to be in compliance with the court-ordered permit at the same time as a single Enforcement Action Request. Once the project is closed out, however, this constructed wetlands will remain as it was left, since the Army Corps of Engineers and Natural Resources Board (NRB) will continue to have permitting authority over any future construction (which means that none will be allowed through the wetlands). **We need to resolve these issues as soon as possible.** Also as we discussed, *Friends of Coburn Pond* can help to draft the Letter of Interest **required** for the NRB to enforce, have you all review it, and—once approved—have it signed by leaders of VAST and The Gully Jumpers. That letter signed as noted and then submitted by *Friends of Coburn Pond* as part of our enforcement request should compel VTrans to move the trail as the court-ordered permit requires.

I think we all want the best for that section of the VAST trail where it runs through the constructed wetlands. No one wants the inevitable if it is not corrected: Snowmobilers tearing up the ridge of the wetlands to get around the marked trail when that section fills with deep water in mid- to late January (especially since the trails don’t even open until mid-December). It’s unfortunate that VTrans didn’t do it right in the first place.

Moving the snowmobile path is one significant issue—as noted above. Members of the Gully Jumpers & VAST have given their verbal approval. We are planning a site visit, after which *Friends of Coburn Pond* will draft a letter for their signatures.

Not pertinent to VAST/ GJ is **the second enforcement issue**. Most important to *Friends of Coburn Pond*, and likely most significant to the Town and its residents in the long run, is that VTrans **created an outlet** at the south end of Coburn Pond where there has not been one previous to their extensive excavations. We protected the Coburn Pond Swimming Hole for its **existing uses**—swimming, fishing, and other recreation—and thus also protected its **water quality**. Now, the outlet created when VTrans excavated too deeply (instead of minimal excavation) in the tan-shaded areas and—**in clear violation of the court-ordered agreement**—excavated along the shoreline at the south end of the pond, water flows back and forth between the constructed wetlands and the swimming hole, altering the characteristics of the pond ecosystem and diminishing the water quality in the pond.

We want the shoreline around the tail of the pond at the south end to be restored to prevent water flow between the pond and the constructed wetlands, and the snowmobile path moved to comply with Exhibit A.

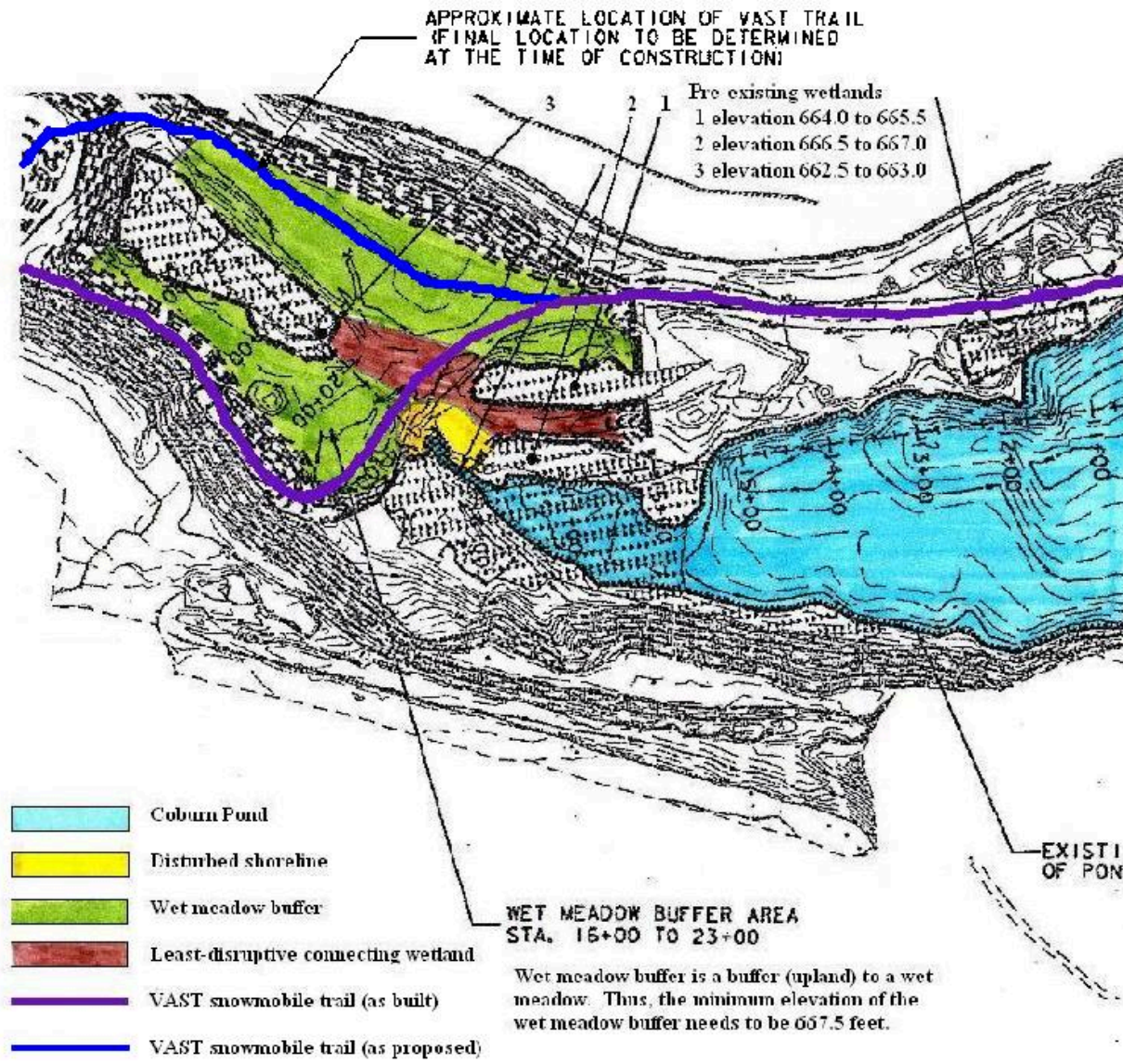
Friends of Coburn Pond has initiated this second enforcement action (the first being last summer of 2017, to end the unauthorized use of glyphosate in the constructed wetlands, and to insist that the court-required manual removal of “nuisance species” be implemented) to, once again, require VTrans to comply with our court-ordered agreement. We have engaged the two snowmobile organizations to support the court-ordered design agreed upon as mapped and outline to assure ongoing public access to the snowmobile path throughout the season. And, as with the initial Act 250 hearing process, **we are requesting that the Town Committees sign a Letter of Interest and Concern** that the Court-Ordered Settlement Agreement (which is the Permit to construct the wetlands south of Coburn Pond) be completed as agreed. *Friends of Coburn Pond* is willing to draft the **Letter of Interest and Concern** for your review and signatures in a similar process as that which we have done in the past.

It is important that we act as quickly as possible to be effective, since the fifth and final monitoring year was 2017, and VTrans will be acting to close out this project as soon as is possible. Toward that end, I will draft your letter for review at the earliest possible time.

Thank you for your consideration and interest.

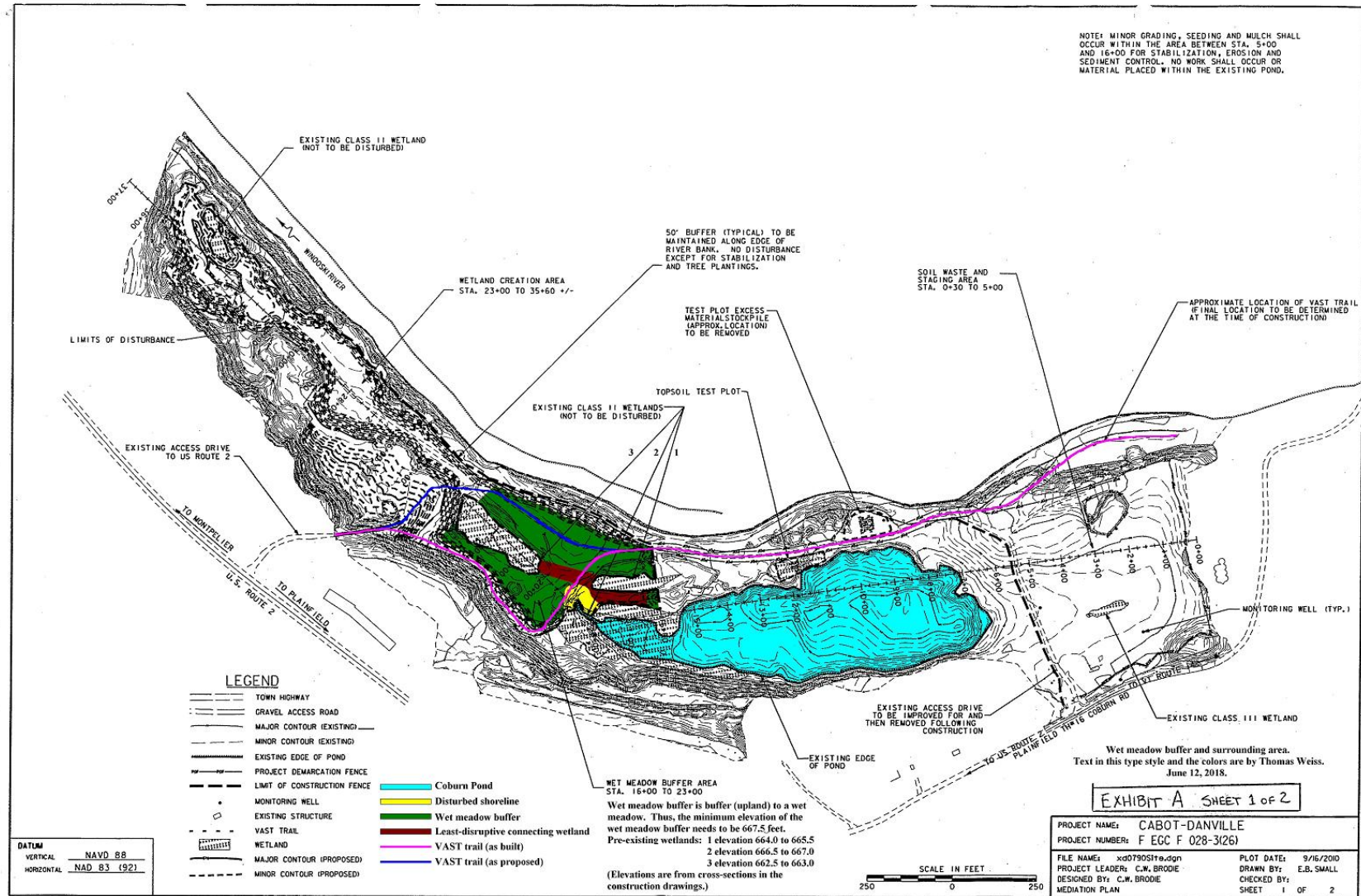
Renée

Renée Carpenter
Friends of Coburn Pond
2051 VT Rte 214
Plainfield, VT 05667



Wet meadow buffer and surrounding area.
 This map is a portion of Sheet 1 of 2 of Exhibit A of the court order.
 Modifications in this type style and the colors are by Thomas Weirs.
 June 11, 2018

NOTE: MINOR GRADING, SEEDING AND MULCH SHALL OCCUR WITHIN THE AREA BETWEEN STA. 5+00 AND 16+00 FOR STABILIZATION, EROSION AND SEDIMENT CONTROL. NO WORK SHALL OCCUR OR MATERIAL PLACED WITHIN THE EXISTING POND.



EXISTING CLASS II WETLAND (NOT TO BE DISTURBED)

WINDGAT RIVER

WETLAND CREATION AREA STA. 23+00 TO 35+60 +/-

50' BUFFER (TYPICAL) TO BE MAINTAINED ALONG EDGE OF RIVER BANK. NO DISTURBANCE EXCEPT FOR STABILIZATION AND TREE PLANTINGS.

TEST PLOT EXCESS MATERIAL STOCKPILE (APPROX. LOCATION) TO BE REMOVED

SOIL WASTE AND STAGING AREA STA. 0+30 TO 5+00

APPROXIMATE LOCATION OF VAST TRAIL IF FINAL LOCATION TO BE DETERMINED AT THE TIME OF CONSTRUCTION.

TOPSOIL TEST PLOT

EXISTING CLASS II WETLANDS (NOT TO BE DISTURBED)

1 2 3

EXISTING ACCESS DRIVE TO US ROUTE 2

TO MONPELLIER

U.S. ROUTE 2

TO PLAINFIELD

TO US ROUTE 2 PLAINFIELD TWP 16 COBURN RD

TO VY ROUTE

MONITORING WELL (TYP.)

EXISTING CLASS III WETLAND

EXISTING ACCESS DRIVE TO BE IMPROVED FOR AND THEN REMOVED FOLLOWING CONSTRUCTION

EXISTING EDGE OF POND

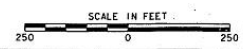
WET MEADOW BUFFER AREA STA. 16+00 TO 23+00

Wet meadow buffer is buffer (upland) to a wet meadow. Thus, the minimum elevation of the wet meadow buffer needs to be 667.5 feet. Pre-existing wetlands: 1 elevation 664.0 to 665.5 2 elevation 666.5 to 667.0 3 elevation 662.5 to 663.0 (Elevations are from cross-sections in the construction drawings.)

LEGEND

- TOWN HIGHWAY
- GRAVEL ACCESS ROAD
- MAJOR CONTOUR (EXISTING)
- MINOR CONTOUR (EXISTING)
- EXISTING EDGE OF POND
- PROJECT DEMARCATION FENCE
- LIMIT OF CONSTRUCTION FENCE
- MONITORING WELL
- EXISTING STRUCTURE
- VAST TRAIL
- WETLAND
- MAJOR CONTOUR (PROPOSED)
- MINOR CONTOUR (PROPOSED)
- Coburn Pond
- Disturbed shoreline
- Wet meadow buffer
- Least-disruptive connecting wetland
- VAST trail (as built)
- VAST trail (as proposed)

DATUM
 VERTICAL NAVD 88
 HORIZONTAL NAD 83 (92)



Wet meadow buffer and surrounding area.
 Text in this type style and the colors are by Thomas Weiss.
 June 12, 2018.

EXHIBIT A SHEET 1 OF 2

PROJECT NAME:	CABOT-DANVILLE	PLOT DATE:	9/16/2010
PROJECT NUMBER:	F EGC F 028-3(26)	DRAWN BY:	E.B. SMALL
FILE NAME:	xg0790Site.dgn	CHECKED BY:	
PROJECT LEADER:	C.W. BRODIE	SHEET	1 OF 2
DESIGNED BY:	C.W. BRODIE		
MEDIATION PLAN			