



Department of Fish and Wildlife
Department of Forests, Parks & Recreation
Department of Environmental Conservation

STATE OF VERMONT

AGENCY OF NATURAL RESOURCES

Department of Environmental Conservation

Watershed Management Division

111 West Street
Essex Jct, VT 05452

TEL 802-777-5328

Statutory Authority:

This permit is issued under Title 10,
Vermont Statutes Annotated, Chapter 41,
Subchapter 2, Alteration of Streams.

Applicant: Franklin County Natural Resource District

Mailing Address: 50 South Main Street, Suite B-20, Saint Albans, VT 05478

Phone: 802-582-3133

Email: info@FranklinCountyNRCD.org

Project Location: Dam ID: 19.02, Trout Brook, Reservoir Road, Berkshire, 44.93745°N, -72.78179°W

Stream Alteration Individual Permit

Permit #: SA-4249

Project Name: Trout Brook dam removal and channel stabilization

Project Description: This project consist of stabilizing the Brook bed over the top of the existing waterline; leaving the part of the dam near the waterline as bank stabilization; removing the rest of the dam, upstream rock toe and outlet structures; ±150 LF bolder revetment and live stakes as bank stabilization to protect water supply well; excavation of pilot channels with large wood debris including tree roots placed in it, installation of post assisted log structures and beaver dam analogs, and large wood debris including tree roots

Based upon the Findings contained in this permit, the Secretary of Natural Resources has determined that the proposed project complies with the Vermont Stream Alteration Rule (Environmental Protection Rule, Chapter 27) and hereby approves the proposed project subject to the conditions contained in this permit.

(a) Findings

1. The proposed Stream Alteration Permit consists of a dam removal.
2. The proposed project meets the Standards of the Vermont Stream Alteration Rule (Subchapter 4) as set forth below:
 - A. Based on the information contained in the submitted plans as listed below, the proposed project will not cause the construction stream reaches to depart from or further depart from the channel width, depth, meander pattern or slope associated with equilibrium conditions.
 - B. Because the project will not impede the subject stream reaches from achieving equilibrium conditions, aquatic organism passage will not be further impeded through the project site.

(b) Specific Conditions

- (1) This project shall be completed according to plans submitted to this Agency of Natural Resources (Agency) titled "Trout Brook Reservoir Dam Removal (VT ID 19.02) by SLR, dated "Draft Final Design March 25, 2025, Revised May 2, 2025. No substantial changes shall be made to the approved permit information and/or plans without prior written approval from the Agency.
- (2) There shall be no work in flowing water, work area must be isolated from stream flow in a manner that shall present the least disturbance of stream flow and results in minimal discharge of turbidity or sediment downstream. The water control plan shown and described on the plans shall be followed.
- (3) There shall be no discharge of uncured concrete to stream flow.
- (4) All construction equipment shall be clean and well maintained, free of fuel, hydraulic and gear oil leaks.
- (5) All existing vegetation within the project area shall be maintained except for vegetation that must be removed for the purposes of construction and construction access.
- (6) To prevent significant damage to fish life and wildlife, all in-stream work shall be restricted to the period from June 1st to October 1st.
- (7) The project site shall be stabilized with erosion prevention and sediment control (EPSC) measures as described in the project drawings.

(c) General Conditions

1. Access to property. By conducting any activity authorized under this permit, the permittee agrees to allow Agency representatives access to the property covered by this permit, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Stream Alteration Rule and this permit. This permit does not grant the permittee the right to enter on any property not owned by the permittee.
2. Changes to authorized activity. All activity shall be completed and maintained in accordance with the terms and conditions of this permit. The permittee shall notify the Secretary of any planned changes to the authorized activity prior to carrying out such changes. The Secretary may require the permittee to submit additional information on the proposed change. The Secretary may require an amendment to this permit, which may require re-noticing of the project for public comment.
3. Remedial measures. The Secretary maintains continuing jurisdiction over an activity authorized under this permit and may at any time order remedial measures if it appears the activity is not in compliance with this permit.
4. Compliance with other regulations. This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
5. Legal responsibilities for damages. The Secretary, by issuing this permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
6. Revocation. The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this permit for cause, including:
 - (A) Violation of the terms or conditions of this permit.
 - (B) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts.

- (C) A change in any condition or new information that requires either a temporary or permanent reduction or elimination of the authorized activity.
7. Duty to comply; enforcement. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Vermont Stream Alteration Rule and 10 V.S.A. Chapter 41 and may be cause for an enforcement action and/or revocation and reissuance, modification, or termination of this permit.
 8. Transfer of permit. The permittee may transfer this permit by submitting a notice of transfer on a form provided by the Secretary. The notice shall be submitted at least 10 days prior to transfer and shall include, at a minimum, the name and address of the new permittee, the name and address of the former permittee, the date of transfer, and a statement signed by the new permittee stating that he or she has read and is familiar with the terms and conditions of this permit and agrees to comply with it.
 9. Limitations. This permit conveys no vested rights or exclusive privileges. This permit conveys no title to land nor authorizes any injury to public or private property.
 10. Appeals.
 - (A) Renewable Energy Project. If this decision 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 Service Board 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 Service Board 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 Department of Public Service. For further information, see the Rules and General Orders of the Public Service Board, available online at www.psb.vermont.gov. The address of the Public Service Board is: 112 State Street, Montpelier, Vermont, 05620-2701. Telephone # 802-828-2358.
 - (B) All Other Projects. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision 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, available online at www.vermontjudiciary.org. The address for the Environmental Division is: 32

Cherry St.; 2nd Floor, Suite 303; Burlington, VT 05401. Telephone # 802-951-1740.

This permit amendment shall expire on November 1, 2026.

Jason Batchelder, Commissioner
Vermont Department of Environmental Conservation

By: 

Dated: 07/03/2025

Chris Brunelle, River Management Engineer

c: SLR
U.S. Army Corps of Engineers, New England District