



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

REPLY TO:  
ATTENTION OF:

NOV 04 2008

Regulatory Division  
CENAE-R-PEC-62  
Permit Number: NAE-2008-361

Mr. Gerald Belisle  
Black Hole, LLC  
P.O. Box 1345  
St. Albans, Vermont 05478

Dear Mr. Belisle:

We have reviewed your application to retain and maintain fill placed in about 0.56 acre of wetlands, and to restore about 1.1 acre of wetlands in conjunction with the construction of a 10-lot residential subdivision off VT Route 105 in Swanton, Vermont. The work is shown on the attached plans, on seven sheets, entitled "SITE LOCATION" (dated "02/04/08") and FOREST HEIGHTS SUBDIVISION" (dated "1/15/08", "4/4/08", "8/18/08" and "8/19/08").

I am sure you are now aware that you should have applied for and obtained the necessary Corps permit before you started work. We are declining further action and closing our enforcement file in that this was a minor encroachment and you have agreed to restore a portion of the disturbed wetlands, and we believe you will hereafter comply with the law.

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the attached Federal permit known as the Vermont General Permit (GP). This work must be performed in accordance with the terms and conditions of the GP.

This authorization expires on December 5, 2012, unless the GP is modified, suspended or revoked. You must complete the work authorized herein by December 5, 2012. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend you contact us *before* this permit expires to discuss a time extension or permit reissuance.

If you change the plans or construction methods for work in our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

This authorization requires you to complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).


This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 2 of the GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Michael S. Adams of my staff at (802) 872-2893 if you have any questions.

Sincerely,

  
Frank J. DelGiudice  
Chief, Permits & Enforcement Branch  
Regulatory Division

Attachments

Copies Furnished:  
Ms. Amy Norris  
VT Department of Environmental Conservation  
111 West Street  
Essex Junction, Vermont 05452

Mr. Jeff Severson  
Oakledge Environmental Services, Inc.  
P.O. Box 4065  
Burlington, Vermont 05406

Mr. Shane Mullen  
Ruggiano Engineering, Inc.  
5 Lake Street  
St. Albans, Vermont 05478