

STATE OF VERMONT  
SUPERIOR COURT  
ENVIRONMENTAL DIVISION

ANR v The Forest Farmers, LLC

22-ENV-00073

AOD ORDER

The Assurance of Discontinuance, signed by the Respondent(s) on the 2nd day of June, 2022 and filed with the Superior Court, Environmental Division, on this 20th day of July, 2022, is hereby entered as an order of this Court, pursuant to 10 V.S.A. 8007(c).

Electronically signed July 20, 2022 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh". The signature is stylized and cursive.

Thomas G. Walsh, Judge  
Superior Court, Environmental Division

**STATE OF VERMONT**

**SUPERIOR COURT**

**ENVIRONMENTAL DIVISION  
Docket No.**

**SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff**

**v.**

**THE FOREST FARMERS, LLC,  
Respondent**

**VIOLATION**

1. 10 V.S.A. § 913(a) & Vermont Wetland Rules § 9.1: clearing vegetation, dredging, and placing fill in Class II wetland and its buffer zone prior to obtaining a permit.

**ASSURANCE OF DISCONTINUANCE**

Pursuant to the provisions of 10 V.S.A. § 8007, the Secretary (“Secretary”) of the Agency of Natural Resources (“Agency” or “ANR”) and The Forest Farmers, LLC (“Respondent”), hereby enter into this Assurance of Discontinuance (“Assurance”), and stipulate and agree as follows:

**STATEMENT OF FACTS AND DESCRIPTION OF VIOLATION**

1. Respondent owns and operates a maple sugaring facility on an approximately 2350-acre property it owns on the south side of 1308 Railroad Bed East in Marshfield, Vermont (the “Property”).
2. On October 11, 2018, Agency staff in the Wetlands Program visited the Property and observed the recent construction of a sugarhouse and associated drainage ditches in proximity to a Class II wetland on the Property. The Wetlands Program requested that Respondent delineate the wetland to determine the extent of any impacts to the Class II wetland and its 50-foot buffer zone.
3. On May 8, 2019, the Wetlands Program repeated its request for a wetland delineation when Respondent’s consultant inquired about installing a wastewater system on the Property to service the sugarhouse.

4. On December 6, 2019, Respondent completed installation of a wastewater system that services the sugarhouse on the Property, pursuant to Wastewater System and Potable Water Supply Permit No. WW-5-8078.
5. On May 27, 2020, the Wetlands Program confirmed the results of Respondent's wetland delineation and the impacts to the Class II wetland and its 50-foot buffer zone associated with the construction of the sugarhouse and wastewater system.
6. On March 9, 2021, Respondent submitted a wetland permit application seeking after-the-fact approval of the wetland impacts associated with the sugarhouse and wastewater system.
7. On June 25, 2021, Respondent received Individual Wetland Permit No. 2019-016, authorizing the as-constructed sugaring infrastructure with impacts to 6,373 square feet of Class II wetland and 20,119 square feet of buffer zone. The Permit required the restoration of 4,268 square feet of wetland and 4,874 square feet of buffer area before September 15, 2021, with a certification to the Agency within 30 days of completion and an Agency site inspection before October 20, 2021.
8. The Agency alleges that the above conduct constitutes a violation of 10 V.S.A. § 913(a) and Vermont Wetland Rules § 9.1
9. Respondent admits the factual findings described above solely for purposes of resolving this case.

### AGREEMENT

Based on the foregoing Statement of Facts and Description of Violation, the parties agree as follows:

- A. For the violation described above, Respondent shall pay a total penalty of \$ 6,750.00. Payment shall be made by either:
  1. Check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Assistant  
Agency of Natural Resources  
Environmental Compliance Division  
1 National Life Drive, Davis 3  
Montpelier, VT 05620-3803

Or

2. Credit card or electronic check payment through the ANR's online system at:  
[https://anronline.vermont.gov/?formtag=ANR\\_EnforcementPenaltyPayment](https://anronline.vermont.gov/?formtag=ANR_EnforcementPenaltyPayment)

Payment shall be received no later than thirty (30) consecutive calendar days following the Effective Date of this Assurance.

- B. No later than July 1, 2022, Respondent shall complete all wetland restoration work in accordance with Wetland Permit No. 2019-016 and demonstrate to the Agency that Respondent has satisfied all permit conditions, including certifying any restoration work and organizing any site inspections.
- C. Without formally admitting or denying wrongdoing or liability, Respondent agrees to this settlement of the violation alleged above in order to resolve all outstanding disputes.
- D. Respondent agrees that the violation alleged is deemed proved and established as a "prior violation" in any future state proceeding that requires consideration of Respondent's past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. § 8010.
- E. The State of Vermont and the ANR reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth hereinabove.
- F. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent's on-going obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the Respondent.
- G. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Division of the Superior Court (the "Effective Date"). When so entered by the Environmental Division, this Assurance shall become a judicial order. In the event that such order is vacated, the Assurance shall be null and void.

- H. The Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of the Assurance, provided that the Respondent fully complies with the agreements set forth above.
- I. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Environmental Division of the Superior Court. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- J. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.
- K. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

*[Signatures on following pages.]*

**SIGNATURES**

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted. Further, I, Michael Farrell, the undersigned, hereby state under oath that I am the Managing Member of The Forest Farmers, LLC, that I have the power to contract on behalf of The Forest Farmers, LLC, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

Dated at Marshfield, Vermont, this 2 day of June 2022.

**THE FOREST FARMERS, LLC**

By: Michael Farrell  
**Michael Farrell, Managing Member**

**STATE OF VERMONT**

**COUNTY OF** Washington, ss.

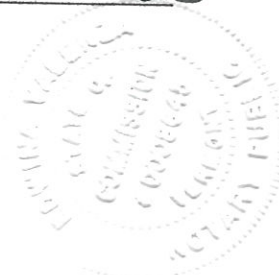
At Marshfield, Vermont, this 2<sup>nd</sup> day of June 2022,  
the above signatory personally appeared, signed, and swore to the truth of the foregoing. Before me,

Edwina Valenza  
Notary Public State of Vermont

Printed Name Edwina Valenza

Commission No. 0008645

My Commission Expires 1-31-23



The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this 13th day of June, 2022.

**SECRETARY, AGENCY OF NATURAL RESOURCES**



BY: \_\_\_\_\_  
John Beling, Interim Commissioner  
Department of Environmental Conservation