

State of Vermont
Water Resources Board

Green Mountain Stock Farm
Excavation of Gravel
Third Branch, White River
Randolph, Vermont

10 V.S.A. §1024
Findings of Fact,
Conclusions of Law and
Order

Introduction,

Following a public hearing held on June 20, 1985 to consider the above captioned appeal, the hearing referee on June 21, 1985 issued preliminary findings of fact. In accordance with 10 V.S.A. §905(a)(1)(C)(iv) all parties received copies of the preliminary findings and were given an opportunity to file exceptions or requests with respect to the referee's preliminary findings. The deadline for such filings was July 10, 1985. The following filings were received on or before July 10, 1985 in response to the preliminary findings:

- (1.) A letter dated June 25, 1985, from Barry Cahoon on the behalf of the Department of Water Resources and Environmental Engineering.

On the basis of its record in this matter, the Water Resources Board makes the following findings of fact and conclusions of law.

Findings of Fact and Conclusions of Law

1. The last sentence of Preliminary Finding of Fact #14 is amended to read as follows:

14 The Department of Water Resources has observed stream bank erosion in which as much as 50 to 100 feet of property adjacent to the stream has been eroded during the period between 1978 and 1985.
2. The Water Resources Board adopts in their entirety, except as amended by finding #1 above, the preliminary findings of fact issued by the hearing referee on June 21, 1985.
3. To the extent that they are not incorporated in the foregoing, all exceptions and objections to the preliminary findings of fact and all requests for supplementary findings of fact proposed by the parties, are hereby denied.
4. The proposed excavation of between three and four thousand cubic yards of gravel from the Third Branch of the White River in the Town of Randolph from four separate sites on property owned by Green Mountain Stock Farms, if conducted in accordance with the terms of Stream Alteration Permit

SA-3-0193 as issued on May 29, 1985 by the Department of Water Resources and Environmental Engineering, will not:

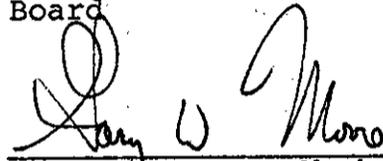
- (a) adversely affect the public safety by increasing flood hazards,
- (b) significantly damage fish life or wildlife, and
- (c) significantly damage the rights of riparian owners.

Order

On the basis of the above findings of fact and conclusions of law, the Water Resources Board hereby denies the appeal of William and Carol Kevan and reinstates Stream Alteration Permit SA-3-0193 including all conditions as issued by the Department of Water Resources and Environmental Engineering on May 29, 1985.

Done this 11th day of July, 1985, at Berlin, Vermont.

Vermont Water Resources
Board



Gary W. Moore, Chairman

Water Resources Board members
in favor of this decision:

Gary W. Moore, Chairman
William Boyd Davies, Member,
Catherine B. Rachlin, Member
William D. Countryman, Member
Kathleen A. Scheele, Member

State of Vermont
Water Resources Board

Green Mountain Stock Farm
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10 V.S.A. §1024
Preliminary Findings
of Fact.

Introduction

On May 29, 1985, the Department of Water Resources and Environmental Engineering issued Stream Alteration Permit #SA-3-0193 to the Green Mountain Stock Farm. This permit authorizes the excavation of approximately 6,000 cubic yards of gravel from four locations on the third branch of the White River in the Town of Randolph, Vermont.

On June 7, 1985, William and Carol Kevan appealed the issuance of Stream Alteration Permit #SA-3-0193 under the provisions of 10 V.S.A. 91024(a). A public hearing regarding this appeal was conducted at Randolph, Vermont on June 20, 1985 by a hearing referee appointed by the Vermont Water Resources Board. Appearances at this hearing were entered by the following parties:

- a. Green Mountain Stock Farm
- b. Town of Randolph
- c. Department of Water Resources and Environmental Engineering
- d. William and Carol Kevan

During the course of this proceeding the following documents were entered into the record:

Applicant's Exhibit 1: A map showing the location of the proposed excavation sites, as well as; a drawing entitled "Typical Section" indicating the manner in which the gravel is to be excavated from each of those sites.

Applicant's Exhibit 2: A copy of the application that the Green Mountain Stock Farm filed with the Department of Water Resources and Environmental Engineering on May 17, 1985.

Department Exhibit 1: A copy of Stream Alteration Permit #SA-3-0193 issued by the Department of Water Resources and Environmental Engineering on May 29, 1985 to Green Mountain Stock Farm.

Department Exhibit 2: A copy of a document entitled "Stream Alteration Investigation Report."

Preliminary Findings of Fact

1. Green Mountain **Stock Farm** owns approximately 1,300 acres of land in the Town of Randolph. The Third Branch of the White River borders the lands of Green Mountain Stock Farm for a distance of approximately three **miles**.
2. **Since 1978**, Green Mountain Stock Farm has obtained several Stream Alteration Permits from the Department of Water **Resources** and Environmental Engineering to remove gravel from the **Third** Branch of the White River at various locations on its property.
3. **In May** of 1985, Green **Mountain** Stock Farms applied for and subsequently obtained a Stream Alteration Permit authorizing it to excavate up to **6,000** cubic yards of gravel from four **sites** at various locations on its property, as shown on Applicant's Exhibit 1.
4. William **and** Carol Kevan own property which adjacent to the Third Branch of the White River and which also abuts the Green Mountain Stock Farm. The Kevan's property is located between sites #1 and #4 as shown on Applicant's Exhibit #1.
5. At the time Green Mountain Stock Farm filed its application in May of 1985 the amount of gravel that would excavated **from the four sites was** estimated to be 6,000 cubic yards. The total amount of gravel to be removed from the four sites is **now estimated** to be between 3,000 - 4,000 cubic yards. The amount to be removed from each site is estimated as follows:
 - (a) Site #1 - 2,000 cubic yards
 - (b) Site #2 - 500 cubic yards
 - (c) Site #3 - 400 cubic yards
 - (d) Site #4 - 500 cubic yardsThe gravel from sites three and four has already been removed.
6. Green Mountain Stock Farm has removed gravel from sites one, **two and** four on an almost annual basis since 1978.
7. The gravel being removed at each site was deposited **during** periods of high water flows. The excavation would be accomplished in such a **manner** that all the **gravel** removed will be above the water level as shown by Applicant's Exhibit #1. This would be done by "scalping" the gravel deposition above the water level. No excavation below the water level **would** occur.

Preliminary Findings of Fact
June 21, 1985
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latter **should be** addressed to the Vermont Water Resources Board,
State Office Building, Montpelier, Vermont 05602. (telephone
128-2871).

Done this **21st day** of June, 1985, at Montpelier, Vermont.

By William Bartlett
William A. Bartlett
Hearing Referee