

STATE OF VERMONT  
WATER RESOURCES BOARD

Town of Putney  
Sackett's Brook Impoundment  
Putney, Vermont

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

INTRODUCTION

On October 16, 1987, the Department of Environmental Conservation issued Stream Alteration Permit SA-2-0200 to the Town of Putney. This permit authorized the installation of a water main intake and the desiltation of an impoundment located on Sacketts Brook in the Town of Putney.

On October 19, 1987, the Town of Putney filed an appeal under the provisions of 10 V.S.A. § 1024(a). A public hearing regarding this appeal was conducted at Montpelier, Vermont on October 30, 1987 by the Water Resources Board.

Appearances at this hearing were entered by the following parties:

- a. Town of Putney
- b. Department of Environmental Conservation
- c. Department of Fish and Wildlife

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

Exhibit #1: A copy of Stream Alteration Permit SA-2-0200 dated October 16, 1987.

Exhibit #2: A copy of the application form submitted by the Town of Putney dated October 12, 1987.

Exhibit #3: A letter addressed to the, Region II Environmental Office dated August 12, 1987 from David B. Hannum, Jr. on behalf of the Town of Putney.

Exhibit #4: A copy of agreement between the Windham County Deputy State's Attorney and the Town of Putney, re: Docket No. 2028-10-83WmCr.

Exhibit #5: A letter dated July 10, 1985 addressed to Mr. John Bagge, Town Manager, Town of Putney from A. Peter Barranco, Department of Water Resources and Environmental Engineering.

Exhibit #6: A letter dated November 30, 1984 addressed to John Bagge, Town Manager, Town of Putney from Robert Wernecke on behalf of DuBois and King.

**Exhibit #7:** A copy of a fisheries survey conducted on Sacketts Brook on **July 23, 1969** by the Department of Fish and Wildlife.

**Exhibit #8:** A copy of a fisheries survey conducted on Sacketts Brook on **October 29, 1986** by the Department of Fish and **Wildlife**.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Permit SA-2-0200 **authorizes the** Town of Putney to desilt the impoundment on Sacketts Brook located within the Village of Putney and at the same time to make **modifications** to a water main **intake**.
2. All parties stipulated that the only issue in dispute in this proceeding is the terms of Condition 8 which requires that the approved desiltation **and construction** activities take place between June 1 and October 1, 1988.
3. **Condition 8** was **imposed solely** for the purpose of protecting the **fishery** in Sacketts Brook downstream of the impoundment.
4. The impoundment in **question** is the sole source of water for fire fighting purposes 'within the Village of Putney and, during the winter months, for much of the Town of Putney as well.
5. The water: is obtained from the impoundment by 'means **of two** existing water **mains**. The intakes for both water mains are currently 'in danger of becoming inoperable due to the accumulation **of** silt within the impoundment.
6. **The** desiltation **and** construction activities authorized by the permit can be completed within a **day or so**.
7. All parties. agreed, and the Board so finds, that the method of desilting the impoundment authorized by **Stream** Alteration Permit SA-2-0200 would have the least environmental impact of any other method.
  - a. The desilting'operation will result in the release of silt and **sediment** downstream of the dam in quantities that, if **allowed** to occur between October 1st and June 1st, are likely to adversely affect fisheries reproduction. This impact will be felt in Sacketts Brook between the impoundment itself and the Brook's confluence with the Connecticut River, a distance of **between** one and' two miles.
9. All parties agree, and the Board so finds, that in,order to provide a reliable source of water for fire protection **during the coming** winter to the Town and Village of Putney there **is** no practical alternative to the immediate desilting of the impoundment on Sacketts Brook.

10. The Water Resources Board concludes that, despite potential adverse impacts on downstream fisheries, it is in the public interest to authorize the Town of Putney to proceed immediately with the desiltation of the impoundment on Sacketts Brook and the installation of water main intake. In reaching this conclusion the Board takes notice of 10 V.S.A. § 1021 which provides in part that the requirement to obtain a stream alteration permit in the first place, "shall not apply to emergency protective measures necessary to preserve life or to prevent severe imminent damage to public or private property or both."

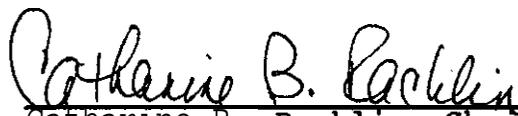
ORDER

Based on the above Findings of Fact and Conclusions of Law, the Water Resources Board issues the following order:

1. Condition 8 of Stream Alteration Permit SA-2-0200 is amended to read as follows:
  8. All work authorized by this permit, once commenced; shall be accomplished in the most expeditious manner possible.
2. Condition 11 of Stream Alteration Permit SA-2-0200 is amended to read as follows:
  11. This permit expires on January 1, 1988 and can be revoked at any time inspection reveals that compliance is not being made with the above conditions.
3. All other terms and conditions of Stream Alteration Permit SA-2-0200 as issued on October 16, 1987 shall remain in full force and effect.

Dated at Burlington, Vermont this 3rd day of November, 1987.

For the Water Resources Board

  
Catharine B. Rachlin, Chairman