

AMENDMENT

CASE NO: 5W0905-7-EB
APPLICANT: Vermont Department of
Forests, Parks and Recreation
ADDRESS: 103 South Main Street
Waterbury, VT 05671-0601

LAWS/REGULATIONS INVOLVED:
10 V.S.A. Chapter 151
(Act 250)

The Vermont Environmental Board hereby issues Land Use Permit Amendment #5W0905-7-EB pursuant to the authority vested in it by 10 V.S.A Chapter 151. This permit applies to the lands previously identified in the land records of the Town of Fayston, Vermont, as the subject of a deed to the State of Vermont, the Permittee, as grantee. This permit amends Land Use Permit Amendment #5W0905-7, which authorizes the construction of 200 feet of mountain bike trail, 1,000 feet of cross-country ski trail, and three replacement trail bridges, as well as a previously built recreational trail system throughout the 2,695-acre project tract known as the Phen Basin, in the Town of Fayston, Vermont (Project).

The Permittee, and its assigns and successors in interest, are obligated by this permit to comply with the following conditions:

1. The project shall be completed, operated and maintained in accordance with: (a) the terms and conditions of Land Use Permit Amendment #5W0905-7, except as amended hereby; (b) the plans, exhibits, and testimony submitted by the Permittee to the Environmental Board; (c) Findings of Fact and Conclusions of Law #5W0905-7-EB; and (d) the other conditions of this permit.
2. No changes shall be made to the project without the written approval of the District 5 Environmental Commission or the District Coordinator, whichever is appropriate under Act 250 and applicable rules.
3. Condition 12 of Land Use Permit #5W0905-7 is deleted.
4. A portion of the Catamount Trail shall be decommissioned and relocated on or before September 15, 2006. The Trail shall be rerouted beginning at a point at least 100 feet to the north of the first point where the Trail meets the path to the pond, out to at least 100 feet to the west of this point, and back to the existing Trail at least 100 feet to the south of the last point where the Trail currently meets the path to the pond.

5. The soils in the path to the pond shall be aerated in places to accommodate plantings, from the Trail to a point no closer than 50 feet to the wetland. Permittee shall plant native plants and saplings, such as young maples, aspen, birches, pines, beech, hemlock, pin cherry and ash, as well as plantings appropriate for the shrub layer, such as hobble bush and striped maple, in this part of the path and in the clearing. The specific location and density of plantings shall be sufficient to provide substantial interference with physical and visual access to the wetland from the decommissioned trail segment within five years from September 15, 2006. Plants and saplings currently growing near the path and clearing may be used, as well as those growing in the area to be cleared for the new trail segment. To ensure that these plantings are established and will continue to grow in, they must be maintained, and replaced as reasonably necessary, for five years from September 15, 2006.
6. The decommissioned section of the Trail shall be blocked at both ends with large rocks or boulders. Permittee may also block access to the closed trail segment with other natural elements, such as felled trees or logs, plantings to form natural vegetative screening as set forth in the preceding condition, other suitable natural barriers, or any combination thereof.
7. Care shall be taken in developing the new trail segment to minimize impacts on the wetland complex and wildlife habitat. Heavy equipment shall not be used from April 1st through September 1st.
8. On or before September 15, 2006, the Permittee shall file a revised site plan with the District 5 Environmental Commission and the Board depicting the relocation of the Catamount Trail in compliance with the Board's Findings of Fact, Conclusions of Law, and Order and this Permit.
9. The Permittee shall install and maintain signs, consistent with the Board's Findings of Fact, Conclusions of Law, that: a. inform trail users of the sensitivity of the wildlife habitat near the wetland between May 1st and August 15th; b. require that trail users stay on the trail; and c. require that dogs be leashed. Signs shall be posted at either end of the new trail segment, and may be posted in other areas, in the discretion of the Permittee.
10. The Permittee shall work with trail user groups and the holders of conservation easements on the parcel to monitor and evaluate use of the decommissioned portion of trail and other areas in the vicinity of the wetland complex during the May 1 through August 15 period, and in general. To assist in these efforts, the Permittee may enlist the help of volunteers through local trail organizations.

DATED at Montpelier, Vermont this 7th day of September, 2005.

ENVIRONMENTAL BOARD

/s/Patricia Moulton Powden _____
Patricia Moulton Powden, Chair
George Holland*
Patricia Nowak*
Alice Olenick
Karen Paul
Richard C. Pembroke, Sr.*
A. Gregory Rainville
Christopher D. Roy

* Board members George Holland, Patricia Nowak and Richard C. Pembroke, Sr. DISSENT from the conditions related to closing and rerouting a segment of the Catamount Trail, as noted in the Board's Findings of Fact, Conclusions of Law, and Order issued herewith.