



## Addendum No. 1

September 14, 2023

Re: Curtis Pond Dam Rehabilitation Project  
Town of Calais, Vermont

From: DuBois & King, Inc.  
Michael Hildenbrand, P.E.  
28 Main Street  
Randolph, Vermont 05060  
(802) 728-3376

To: Prospective Bidders

This Addendum forms part of the Contract Documents and modifies the original Bidding Documents issued for the Curtis Pond Dam Rehabilitation Project dated August 14, 2023. Acknowledge receipt of this Addendum in the space provided on Page 1 of the Bid Form. Failure to do so will subject the Bidder to disqualification.

### **I. Pre-Bid Meeting**

A Non-Mandatory Pre-Bid meeting was held at the Project Site on August 31, 2023 at 10:00 a.m. Attendees are listed on the attached Pre-Bid Meeting Attendance Log. Michael Hildenbrand, of DuBois & King, Inc. described key elements of the project. The following addresses questions received prior to the pre-bid meeting, at the pre-bid meeting, as well as subsequent questions from prospective bidders.

### **II. Contract Document (Bid Document) Changes**

1. Replace C-200 Section 3.04 with the following:

*A Bidder (Prime Contractor or a Contractor/Subcontractor Team) on this Project must have successful experience with control of water and the rehabilitation of dams of a similar size and complexity in the State of Vermont or neighboring states. The contractor shall provide project experience and references. Additionally, a Bidder must have experience with adhering to environmental permits such as dams, wetlands, etc.*

2. Add the following to Technical Specification 01150 – Measure and Payment:

*Item No. 12: Add Alternate Bid Item No.2 Remove Stone Buttress*

*Lump sum, no measurement required. This is an Add Alternate Bid Item which will not be included in the Base Bid. Owner reserves the right to add or not add this item to the contract following the bid process and award of the contract to the contractor.*

*Payment shall be per lump sum for all work to remove the stone buttress and restore the disturbed area to its condition prior to the placement of the stone buttress as indicated on the Drawings and described below:*

- 1) Remove stone buttress, taking care to not disturb the existing downstream face of the dam. The Contractor will restore the downstream face to the condition prior to the installation of the stone buttress, at the Contractor's expense.*
- 2) The stone buttress shall retain ownership of the stone and will be transported to a location to be determined by the Town of Calais.*
- 3) Restore the area disturbed by the installation of the stone buttress including grading, seeding and stabilization measures.*

### 3. Permits

The Dam Safety Order has been received for the project and is included with this addendum. The project is still waiting on several permits, which are expected to be issued in this calendar year.

## III. Questions & Answers

### **Question 1: Is there an Engineer's Estimate for the project?**

An opinion of probable construction cost was prepared during final design of the project with an estimated amount of \$750,000 as shown on the bid advertisement.

### **Question 2: Is there a Plan Holder List for the project?**

DuBois & King maintains a plan holder list for the project on our website for those that purchase plans. When additional documents are uploaded to the website, plan holders will be notified and provided the documents.

### **Question 3: Can clarification be provided on the low level outlet pipe? The notes call for a 16" ID DR17 HDPE.**

The Low Level Outlet pipe needs to meet a minimum hydraulic performance provided by a 16" ID pipe. The contractor shall install a pipe or pipes that meet the minimum opening size and is able to meet the structural requirements where this pipe is being installed. Once the existing sluiceway is exposed and cleaned, it may be determined that a larger diameter pipe.

### **Question 4: Who is responsible for the Design of cofferdam?**

Per Section 01010 – Summary of Work 1.03.F of the Technical Specifications: *“The Contractor shall employ a VT-licensed engineer to design the temporary cofferdam and submit the design, including calculations and drawings to the Engineer for review. The cofferdam submission shall also be reviewed and commented upon by the VT Dam Safety Section.”*

**Question 5: Can shotcrete be used instead of dental concrete?**

No, shotcrete is not allowed.

**Question 6: Is there additional boring information available other than what’s on the plans?**

Boring logs have been included with this addendum. Per measure and payment item ... a rock core is required as part of the design of the rock anchors.

**Question 7: Is blasting allowed at the site and if yes, during what hours.**

Blasting is not allowed at the site at any time.

**Question 8: What is the project schedule?**

Construction is expected to begin on June 1, 2024 and substantial completion by September 30, 2024.

**Question 9: Is there a laydown area available?**

There is a small area to the east of the intersection of Worcester Road and Camp Road. The town is looking at additional areas and will provide options in a subsequent addendum.

**Question 10: What are the minimum flows required for the downstream channel?**

See Control of Water Note 2 on Sheet 2 of the plan set.

**Question 11: Can the low level outlet pipe be installed via an open trench between the upstream and downstream stone faces of the dam? How will the support cradle for the LLO be determined?**

The contractor shall not install the LLO via open trench. See the Low Level Outlet notes on Sheet C11 for additional information.

**Question 12: Where to put stabilization stone?**

The materials removed as part of Add Alternate Bid Item No. 2 will be transported to 3011 Vermont Route 14, East Calais, Vermont 05650.

**Question 13: Are there any noise constraints placed on the project?**

The contractor shall do their best to manage noise and the impact on the immediate neighbors. Work at the site will be performed during regular working hours, Monday through Friday.

**Question 14: Drawing C7, Notes 3 and 4 refer to installing stones along the new concrete walls. I believe that this is only required if add alternate 1 is accepted, correct? These notes will not be applicable if the base bid only is utilized?**

Correct, these notes only refer to Add Alternate Bid Item No. 1.

**Question 15: At the prebid meeting, it was discussed that the intent of the project was to not pour the new concrete dam directly against the existing stone dam. Dam cross section B and C on Drawing C7 and C8 appear to depict the new concrete dam cast directly against the old stone dam. Can this be clarified? Specifically I am looking to get clarification on the exact requirements (or restrictions) of pouring new concrete against the existing dam.**

If there is an existing upstream stone face, the preference is to cast the new concrete dam against. This will be determined in the field after the existing upstream stone face is excavated. The alignment of the new concrete dam may be

Yes, in areas where there is not enough space to install and remove the forms, the new concrete dam can be poured directly against the existing stone dam.

**Question 16: In the measurement and payment section of the tech specs, Item #10 Site Work and Clean Up states that the downstream left stone wall is to be removed and restacked “in-kind and in-place”. This scope is difficult to see with the storm repair work that was done in July. It also should be noted that Drawing C5 specifically calls out no construction activities on the downstream stone wall. Can this note be clarified on the extent of scope?**

It is the intent of the project that the downstream face of the existing dam maintains the historic condition of the dam, including rehabilitating the existing stone wall that is out of plumb. It is expected that construction activities do not negatively impact the downstream stone faces of the dam. We do not believe the entire downstream face needs to be removed and restacked, only the portion of the left wall that needs to be replumbed.

**Question 17: Will the contractors be allowed to remove the white birch tree on the downstream side of the dam (adjacent to Camp Rd)? To assist with better site access/laydown?**

Yes, any trees within 15 feet of the dam footprint may be removed.

**This document constitutes Addendum 1 for this project.**

**GREEN MOUNTAIN BORING**PO Box 218  
East Barre, VT 05649To: Dubois & King  
ATTN: Jeff Tucker  
Route 66 Professional Center  
Randolph, Vermont 05060

<b>Date</b>	10/21/03
<b>Job Name/Site</b>	Curtis Pond Dam/Calais, Vermont
<b>Job Number</b>	03064
<b>Crew</b>	Michael McGinley/Tyler Sabin
<b>Inspector</b>	

HOLE #	OFFSET	STATIC LEVEL	SOILS	AUGER REFUSAL	DEPTH
P-1	-	1.5'	Tripod probe until refusal	4.5'	4.5'
P-2	-	3'	Rebar until refusal	5'	5'
P-3	-	1.5'	Rebar until refusal	4'9"	4'9"

TOTAL FOOTAGE: 14'3"

AUGERS USED: Solid

**GREEN MOUNTAIN BORING**  
 PO Box 218 ° East Barre, Vermont 05649 ° 802 476-5073

TO:	Dubois & King	PROJECT NAME:	Curtis Pond Dam	SHEET:	1
	ATTN: Jeff Tucker	LOCATION:	Calais, Vermont	DATE:	10/20/03
	Route 66 Professional Center	GMB JOB #:	03064	HOLE #:	B-1
	Randolph, Vermont 05060			LINE & STA.	
				OFFSET:	

Ground Water Observations  None at 0 hours	Augers-Size I.D.	3.25"	Surface Elevation:	
	Split Spoon	1 3/8"	Date Started:	10/20/03
	Hammer Wt.	140#	Date Completed:	10/20/03
	Hammer Fall	30"	Boring Foreman:	Michael McGinley
			Inspector:	Jeff Tucker
			Soils Engineer:	

LOCATION OF BORING:

Sample Depths From/To (Feet)	Type of Sample	Blows per 6" on Sampler	Moisture Density or Consist.	Strata Change Elev.	Soil Identification	Sample		
						No.	Pen. Inches	Rec. Inches
0-2	Dry	4/3/6/2	Damp		Sand, small stones and fractured rock	1	24	8
2-4	Dry	2/15/40/100 for 4"	Wet/Dry	2.5'	Sand, into weathered rock, into ledge	2	24	24
					Split spoon refusal at 3'10"			

Ground Surface to: 2'      Used 3.25" augers, then split spoon to refusal at 3'10"

SUMMARY B-1  
 Earth Boring      3'10"  
 Rock Coring  
 Samples              2

**GREEN MOUNTAIN BORING**  
 PO Box 218 ° East Barre, Vermont 05649 ° 802 476-5073

O: Dubois & King ATTN: Jeff Tucker Route 66 Professional Center Randolph, Vermont 05060	PROJECT NAME: Curtis Pond Dam	SHEET: 2
	LOCATION: Calais, Vermont	DATE: 10/20/03
	GMB JOB #: 03064	HOLE #: B-2 LINE & STA. OFFSET:

Ground Water Observations  None at 0 hours	Augers-Size I.D. 3.25" Tripod	Surface Elevation:
	Split Spoon 1 3/8" Hammer Wt. 140# Hammer Fall 30"	Date Started: 10/20/03 Date Completed: 10/20/03 Boring Foreman: Michael McGinley Inspector: Jeff Tucker Soils Engineer:

LOCATION OF BORING: As marked

Sample Depths From/To (Feet)	Type of Sample	Blows per 6" on Sampler	Moisture Density or Consist.	Strata Change Elev.	Soil Identification	Sample		
						No.	Pen. Inches	Rec. Inches
0-2	Dry	2/1/1/2	Dry		Sand and small stones	1	24	4
2-4	Dry	11/8/5/3	Dry		Weathered rock with a trace of sand	2	24	16
4-6	Dry	4/8/4/3	Dry		Rock fragments with a trace of sand	3	24	12
6-8	Dry	4/6/8/7	Wet		Weathered rock, trace of sand	4	24	8
8-10	Dry	9/9/6/15	Wet		Weathered rock, trace of sand	5	24	16
10-12	Dry	9/50/15/12	Wet		Rock fragments, trace of sand	6	24	12
14	Dry	13/11/15/100 for 2"	Wet		Till and rock fragments	7	24	24
					Split spoon refusal at 13'8"			

Ground Surface to: 12' Used 3.25" augers, then split spoon to refusal at 13'8"

SUMMARY B-2  
 Earth Boring 13'8"  
 Rock Coring  
 Samples 7



**GREEN MOUNTAIN BORING**  
 PO Box 218 ° East Barre, Vermont 05649 ° 802 476-5073

ID:	Dubois & King ATTN: Jeff Tucker Route 66 Professional Center Randolph, Vermont 05060	PROJECT NAME: Curtis Pond Dam	SHEET: 3
		LOCATION: Calais, Vermont	DATE: 10/20/03
		GMB JOB #: 03064	HOLE #: B-3
			LINE & STA. OFFSET:

Ground Water Observations  None at 0 hours	Augers-Size I.D. 3.25" Tripod	Surface Elevation:
	Split Spoon 1 3/8"	Date Started: 10/20/03
	Hammer Wt. 140#	Date Completed: 10/20/03
	Hammer Fall 30"	Boring Foreman: Michael McGinley
		Inspector: Jeff Tucker
		Soils Engineer:

LOCATION OF BORING: As marked

Sample Depths From/To (Feet)	Type of Sample	Blows per 6" on Sampler	Moisture Density or Consist.	Strata Change Elev.	Soil Identification	Sample		
						No.	Pen. Inches	Rec. Inches
0-2	Dry	2/3/1/1	Dry		Sand and small stones with rock fragments	1	24	10
2-4	Dry	1/1/10/8	Wet		Sand and small stones with rock fragments	2	24	6
4-6	Dry	4/5/7/3	Wet		Sand and small stones with rock fragments	3	24	6
6-8	Dry	2/2/8/12	Wet		Organics (wood), sand, trace of silt, small stones	4	24	10
8-10	Dry	25/35/100 for 3"	Wet		Rock fragments	5	24	12
					Split spoon refusal at 9'3"			

Ground Surface to: 8' Used 3.25" augers, then split spoon to refusal at 9'3"

SUMMARY B-3  
 Earth Boring 9'3"  
 Rock Coring  
 Samples 5

**GREEN MOUNTAIN BORING**  
 PO Box 218 ° East Barre, Vermont 05649 ° 802 476-5073

TO:	Dubois & King	PROJECT NAME:	Curtis Pond Dam	SHEET:	4
	ATTN: Jeff Tucker	LOCATION:	Calais, Vermont	DATE:	10/20/03
	Route 66 Professional Center	GMB JOB #:	03064	HOLE #:	B-4
	Randolph, Vermont 05060			LINE & STA.	
				OFFSET:	

Ground Water Observations  None at 0 hours	Augers-Size I.D.	3.25" Tripod	Surface Elevation:	
	Split Spoon	1 3/8"	Date Started:	10/20/03
	Hammer Wt.	140#	Date Completed:	10/20/03
	Hammer Fall	30"	Boring Foreman:	Michael McGinley
			Inspector:	Jeff Tucker
			Soils Engineer:	

LOCATION OF BORING: As marked

Sample Depths From/To (Feet)	Type of Sample	Blows per 6" on Sampler	Moisture Density or Consist.	Strata Change Elev.	Soil Identification	Sample		
						No.	Pen. Inches	Rec. Inches
0-2	Dry	1/1/1/2	Damp		Sand, small stones, trace of organics	1	24	3
2-4	Dry	2/2/8/8	Wet		Sand, small stones, trace of silt, rock fragments	2	24	6
4-6	Dry	6/9/9/12	Wet		Sand, small stones, rock fragments, trace of silt	3	24	8
6-8	Dry	1/4/35/100 for 5"	Wet		Sand, small stones, till like material, rock fragments	4	24	16
					Split spoon refusal at 7'11"			

Ground Surface to: 6' Used 3.25" augers, then split spoon to refusal at 7'11"

SUMMARY B-4  
 Earth Boring 7'11"  
 Rock Coring  
 Samples 4

STATE OF VERMONT

AGENCY OF NATURAL RESOURCES

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**ORDER APPROVING APPLICATION TO ALTER A DAM**

**10 V.S.A Chapter 43**

Applicant:	Town of Calais and Curtis Pond Association Conservation
Application Number:	DS2022 - 3
Dam Name:	Curtis Pond Dam
State Dam ID No:	40.09
National Dam ID No:	VT00063
Hazard Classification:	SIGNIFICANT Hazard Potential
Waterbody:	Curtis Pond Brook, Winooski River Basin
Town:	Calais
Project:	Curtis Pond Dam Rehabilitation

**\*Note: Please be aware that other VT Agency of Natural Resources (ANR) permits may be needed for your project, and it is your responsibility to secure any other required permits. To help assist in determining other VT ANR permits that might be needed, use VT ANR's Permit Navigator Tool by going to the VT Department of Environmental Conservation website ([dec.vermont.gov](http://dec.vermont.gov)). Please be aware that your project may require other local, state, or federal permits outside of VT ANR's jurisdiction which are not covered by the VT ANR Permit Navigator Tool. Failure to secure all necessary permits in advance of construction can result in significant impacts to your project's final scope and can take additional processing time\***

## FACTS

On August 18, 2022 the Department of Environmental Conservation's Dam Safety Program received an application to rehabilitate Curtis Pond Dam. The application was considered technically complete on June 12, 2023 with the receipt of final plans and specifications.

On June 22, 2023, a public notice of the application and project was made available to State and local officials along with other interested persons, providing an opportunity to file written comments or request a public informational meeting. The end of the comment period was on July 24, 2023. No public comments were received.

The Dam Safety Program reviewed the documents filed by the applicant and finds it has sufficient information to determine that this project will serve the public good and should be approved as provided in 10 V.S.A. §1086.

## FINDINGS AND CONCLUSIONS

1. **Jurisdiction:** Curtis Pond Dam is on a tributary of the Curtis Pond Brook in Calais, Vermont. The applicant is the Town of Calais and the Curtis Pond Association (applicant). The proposed project involves the rehabilitation of a dam that is capable of impounding more than 500,000 cubic feet of water. The dam or project does not relate to and is not incident to the generation of electric energy for public use or as a part of a public utility system. The Dam Safety Program has jurisdiction over this project pursuant to 10 V.S.A. §1081(a); and the Dam Safety Program's authorization to perform this alteration is necessary under 10 V.S.A. §1082.
2. **Project Description:** The project is the rehabilitation of Curtis Pond Dam, an earthen and stone masonry dam with a principal spillway and non-functional low-level outlet. A cofferdam will be installed upstream of the dam so that work can be conducted in-the-dry while continuing to pass water downstream. Lesser Burr Reed will be removed from the work area for transplanting prior to beginning construction. A structurally independent concrete wall and footing anchored to bedrock will be constructed along the upstream face of the dam. A replacement concrete spillway will be installed extending to the existing outlet channel. A new low-level outlet, with pipe and valve, will be installed through the dam. Existing stone will be placed against the exposed portion of the downstream face of the new concrete to maintain the look of the stone dam. Turf reinforcement matting will be installed on the crest of the dam, covered with topsoil, seeded, and mulched to provide protection against erosion during future high flow events. The stone placed along the downstream face of the dam as temporary stabilization measure will be removed.
3. **Plans and Specifications:** The project will be constructed in accordance with specifications and plans entitled, "Curtis Pond Dam Rehabilitation Project," dated May 16, 2023. The Engineer of Record for the project is Jeff Tucker, PE, of DuBois & King, Inc, 28 North Main Street, Randolph, Vermont 05060.

4. **Project Purpose:** The purpose of the project is to rehabilitate the dam and address deficiencies to improve the safety of the dam and to maintain the waterbody and associated uses.
5. **Public Good Determination 10 V.S.A. §1086(a)**
  - 1) **The quantity, kind and extent of cultivated agricultural land that may be rendered unfit for use by the project, including both the immediate and long range agricultural land use impacts;** No cultivated agricultural lands will be rendered unfit for use by the project, including both the immediate and long-range agricultural use impacts.
  - 2) **Impact to scenic and recreational values;** There will not be an adverse impact to scenic values as there has been a dam and pond at this location for many years and the project will maintain the current water level in the pond. The existing stone dam will remain. Existing stone will be placed against the exposed portion of the downstream face of the new concrete to maintain the look of the dam. The project will maintain existing recreational uses.
  - 3) **Impact to fish and wildlife;** Dams and instream impoundments degrade riverine habitats, alter sediment transport, increase water temperatures, and isolate aquatic populations. The renovation of this dam to preserve this artificial impoundment will perpetuate these negative impacts. The following recommendations will minimize negative impacts on fish and wildlife.
    - Minimum flows during the work should be imposed to lessen downstream impacts.
    - Do not interrupt downstream flows.
    - Erosion prevention and sediment control measures should be employed to prevent discharge of sediment to State waters.
    - Work in the water should be completed during the period June 1 to October 1.
    - To protect the health and population of Vermont's fisheries, the capture and transport of live fish from the pond should not be allowed.
  - 4) **Impact to forests and forest programs;** There will be no adverse impact or change in forests or forest programs from renovating the existing dam.
  - 5) **[Repealed, Minimum Flows, see 10, below].**
  - 6) **The existing uses of the waters by the public for boating, fishing, swimming, and other recreational uses;** The project will have a positive impact on public uses by rehabilitating the dam to continue existing recreational uses by the public.
  - 7) **The creation of any hazard to navigation, fishing, swimming, or other public uses;** The project will not create a hazard to navigation, fishing, and swimming or other public uses.
  - 8) **The need for cutting clean and removal of all lumber or tree growth from all or part of the flowage area;** The project does not involve the cutting of trees in the existing flowage area.

- 9) **The creation of any public benefits;** There is a public benefit to rehabbing the dam by providing a safe and well-maintained structure, protecting water quality, and maintaining existing recreational uses.
- 10) **Attainment of the Vermont Water Quality Standards;** The project, with the conditions imposed through this Order, will be completed in a manner that meets the Vermont Water Quality Standards.
- 11) **Impact to any applicable state, regional or municipal plans;** No comments were received regarding impact to applicable plans. The dam and pond have been in existence for many years and maintaining the existing dam will not have a negative impact on any State or regional plans or municipal plans.
- 12) **Impact to municipal grand lists and revenues;** The project will not impact the value of the property on the municipal list and revenues related thereto.
- 13) **Impact to public safety;** The project is being implemented to correct deficiencies of the SIGNIFICANT hazard potential dam, which will serve to reduce the associated risk to the public and protect public safety. The specifications and plans entitled “Curtis Pond Dam Rehabilitation Project,” dated May 15, 2023 are considered adequate to provide for public safety.

**The Dam Safety Program concludes that this project satisfies and will serve the public good requirements of 10 V.S.A. §1086.**

### **SPECIAL CONDITIONS**

1. The applicant shall notify the Department’s Dam Safety Program (Steven Hanna, 802-490-6123) and the Town of Calais a minimum of **72 hours prior** to commencement of construction.
2. The applicant shall provide the Dam Safety Program with the name and telephone number of the contact person for the construction project prior to starting work.
3. **A preconstruction meeting between the applicant or representative, the applicant’s engineer or supervising representative, the selected contractor, and the Dam Safety Program shall be held prior to starting construction to review the project, the water control plan, the project schedule, and Order Conditions. The Dam Safety Program shall be provided meeting minutes from the preconstruction meeting.**
4. **The Dam Safety Program shall be invited to a 50% meeting and shall be provided with minutes from the meeting.**
5. **An onsite meeting with the Dam Safety Program shall be held prior to rewatering the work area.**
6. **The Dam Safety Program shall be invited to a final completion meeting. The Dam Safety Program shall be provided with meeting minutes from the meeting.**

7. The project is to be constructed in accordance with specifications, and plans entitled, "Curtis Pond Dam Rehabilitation Project," dated May 16, 2023. The Engineer of Record for the project is Jeff Tucker, PE, of DuBois and King, Inc, 28 North Main Street, Randolph, Vermont 05060.
8. When rewatering the work area, the rate of refill shall be no more than one foot per day and shall be monitored during the incremental loading of the dam.
9. Inflow shall continue to be passed downstream during the construction project and flow shall not be interrupted or otherwise stopped completely.
10. Applicant shall engage a professional engineer registered under Title 26 V.S.A. who has experience in the design and investigation of dams to monitor the construction, alteration or other action authorized by this Order. (10 V.S.A. § 1090). Supervision by the engineer or their representative shall be provided by the applicant at following times:
  - a. During installation of the cofferdam.
  - b. During installation of rock anchors.
  - c. During placement of concrete.
  - d. During installation of the low-level outlet.
  - e. During installation of the turf reinforcement matting.
  - f. During final inspection prior to cofferdam removal.
  - g. At other times the engineer may consider appropriate.
11. The applicant's engineer supervising construction shall submit via email on a **weekly** basis to the Dam Safety Program, a brief summary report with observations, representative photographs that document the work including any materials testing results and instrumentation readings.
12. **The entire project shall be completed by October 15, 2026**, unless other dates are approved in writing by the Dam Safety Program. The applicant shall notify the Dam Safety Program at least 14 days prior to a deadline if an extension appears necessary.
13. Work in the water, defined as work requiring water control, flow manipulation, manipulation of water levels, work directly in the water, or work below the normal water level in the reservoir, shall only occur during the period from June 1 to October 1 of any year. Request to work outside of these dates must be provided to the Dam Safety Program at least 14 days prior and include the following in a written narrative and plans (if applicable):
  - Documentation there is no reasonable alternative and/or the task is an emergency.
  - Updated construction schedule with a list of tasks to be completed outside of the period with their anticipated duration, completion date, and winter shutdown date, if applicable.
  - A discussion of necessary water control measures and how this work will be sequenced to minimize the release of turbid waters.

- A discussion of how the approach to work tasks to be completed outside of the period will be altered to accommodate inclement or cold weather conditions.
  - A plan of upgraded erosion and sediment controls and site stabilization measures to minimize release of turbid waters, including a plan for the timely containment of sediment discharges should the upgraded measures fail in any way.
  - A monitoring plan to observe, document, and report ambient and receiving water turbidity.
  - Work in the water before June 1 or after October 1 shall not be performed unless approved in writing by the Dam Safety Program after consultation with the Department of Fish & Wildlife.
14. Work not in the water in upland areas is limited to the period May 1 through October 31 of any year.
  15. If requested by the Dam Safety Program, a site visit to observe site conditions and review work requirements shall be held. Work performed during this period may be subject to additional inspection by State personnel and may be subject to immediate work stoppage if Order or extension requirements are not being met.
  16. The applicant shall ensure that every reasonable precaution is taken to prevent the discharge of petrochemicals and debris into waters of the State. Machinery shall be fueled away from waters of the State and shall be maintained in good mechanical condition in terms of integrity of hoses, seals, and gaskets.
  17. Erosion prevention and sediment control (EPSC) measures shall be employed as necessary to prevent discharge of sediment to State waters. Excavated and disturbed areas will be covered with topsoil and seeded and mulched. Disturbed soils shall be effectively stabilized by October 1<sup>st</sup>.
  18. Any water quality problems shall be immediately brought to the attention of the Dam Safety Program (Steven Hanna, 802-490-6123).
  19. Live fish shall not be captured and transported from the pond to other waters to protect the health and population of Vermont's fisheries. Any future stocking of the pond shall comply with pertinent State laws.
  20. Debris and excess material associated with the project and operation shall be transported and disposed of properly in accordance with State law.

## GENERAL CONDITIONS

1. This Order may be appealed to the Environmental Court by an aggrieved person within thirty (30) days from its date (10 V.S.A. §1099).
2. **The applicant shall file this Order with the land records of the Town of Calais within 10 days of the issuance. Proof of such filing shall be submitted to the Dam Safety Program within 10 days of the filing or at the preconstruction meeting, and prior to the start of construction.**



3. **Any proposed modifications to the approved plans and specifications shall be submitted in writing to the Dam Safety Program. Such proposed modifications shall not be made unless approved in writing by the Dam Safety Program.**
4. Applicant shall engage a professional engineer registered under Title 26 V.S.A. who has experience in the design and investigation of dams to supervise the construction, alteration or other action authorized by this Order. (10 V.S.A. § 1090). The engineer shall:
  - a. Perform or oversee a qualified engineer to perform full-time construction monitoring and reporting.
  - b. Submit construction status reports, results of testing or other reports required by the Special Conditions **weekly** to the Dam Safety Program.
  - c. Submit, **within one month** of completion of the project, record drawings of the completed work to the Dam Safety Program.
  - d. Submit an Operation and Maintenance Manual that documents regular activities and monitoring at the dam as well as monitoring and actions under unusual loading events.
  - e. Submit an Emergency Action Plan (EAP) that includes a dam breach flood inundation map, identifies property/residents/businesses potentially impacted by a dam breach, and includes emergency contact information for the Owner and its agents as well as applicable local and State emergency personnel. The EAP shall be completed in the manner and format required by the State. The EAP shall be completed and submitted to the Dam Safety Program **within six months** of the completion of the project.
  - f. Submit written confirmation to the Dam Safety Program that the project has been completed in accordance with the approved plans and specifications and that in the engineer's opinion, the dam can safely impound water.
5. The project shall not be considered complete and in compliance with this Order until:
  - a. The record drawings, certification, and items required by Conditions 4(a) through (f) have been received and accepted by the Dam Safety Program.
  - b. The Dam Safety Program has inspected and approved the completed project; and
  - c. The Dam Safety Program has given its written acknowledgment that the project has been satisfactorily completed in accordance with this Order. **The written acknowledgement shall be filed with the land records of the Town of Calais. Proof of the filing shall be provided to the Dam Safety Program.**
6. This Order does not grant exclusive rights or privileges, which would impair any rights possessed by other riparian or littoral owners or the State of Vermont. It does not grant any

right, title or easement to or over any land not owned in fee simple by the applicants. Nor does it authorize any violation of Federal, State, or local laws or regulations.


7. Nothing in this Order shall relieve the owner or operator of the authorized dam and impoundment from their legal duties, obligations and liabilities resulting from such ownership or operation.
8. The applicant shall allow the Commissioner of the Department of Environmental Conservation, or a duly authorized representative, at reasonable times and upon presentation of credentials to enter upon and inspect the property and the project to determine compliance with this Order.
9. The terms and conditions of this Order shall run with the land.
10. This Order may be suspended or revoked at any time after reasonable notice and opportunity to be heard upon failure of Applicant to comply with any condition of this Order, applicable rule, or law. Continuing jurisdiction is reserved for these purposes.

### **ORDER APPROVING APPLICATION**

Based on due consideration of the factors that have to be considered under the law and with the conditions contained herein, the Dam Safety Program hereby approves the project as applied for and authorization is hereby granted to carry out the proposed project in strict accordance with the approved specifications and plans entitled, "Curtis Pond Dam Rehabilitation Project," dated May 16 2023 and the Special and General Conditions that are contained in this Order.

Signed this 22nd day of August, 2023

John Beling, Commissioner  
Department of Environmental Conservation

By:   
Eric Blatt, Director of Engineering  
Water Investment Division