

Jeff Ramsey
Vermont Agency of Transportation
219 North Main St
Barre City, VT 05641

8/18/2022

Re: LUP Application 9A0158-12, Vermont Agency of Transportation, Middlebury State Airport

Consideration of primary agricultural soils under 10 V.S.A. §§6093, 6086

Dear Applicant:

Thank you for the opportunity to comment on the above-referenced project.

Purpose:

This review letter will aid in the District Commission's determination as to whether any reduction in the agricultural potential of the tract's primary agricultural soils will occur as a result of the construction of the project. Please note that this letter focuses solely on whether there are primary agricultural soils on the project site (10 V.S.A. § 6001(15)), any impact to these primary agricultural soils and whether any proposed mitigation is adequate, pursuant to 10 VSA §6093(a).

Summary of Agency Review:

The Agency holds the opinion that the proposed impacts to primary agricultural soils total: 0.5 acres of primary agricultural soils proposed to be impacted, either directly or indirectly; **0* acres of mitigation recommended today** because the proposed new impact to mapped soils is 0.5 acres (de minimis) in light of the permit history, pre-existing impacts, and plans as reviewed.

- No mitigation is recommended today because the proposed impact to soils not previously impacted/mitigated is *de minimis*. Mitigation would not be recommended until the cumulative impacts from this and any future amendments ultimately warrant at least 2.0 acres mitigation after the multipliers. See permit history regarding pre-existing permitted impacts and mitigation fee previously paid under 9A0158-8. Applicant's soils matrix and PAS plan document these pre-existing / pre-existing, previously mitigated impacts.

Process and Basis for Opinion:

The Agency was originally contacted by Jeff Ramsey on behalf of Vermont Agency of Transportation (the "Applicant"), to review a project generally described as Middlebury State Airport proposed hangar development. The Agency's review primarily consisted of a review of permit history and the following submitted materials:

- PAS Site Plan with Soils Matrix, titled “Middlebury State Airport”, revision dated 07/30/2021
- Criterion 9(B) intake form submitted by Jeff Ramsey, revision sent by email dated 08/02/2021;
- Permit history showing existing impacts and existing mitigation, including exhibit 16a from 9A0158-8 dated 4/4/2016

The Agency’s review of primary agricultural soils is also based on an evaluation of USDA soil survey(s), satellite imagery, the supplied site development plans, supplied ground topographic survey, soil limitations, size, location, landscape patterns and other elements of the definition of primary agricultural soil as applied to the project site. See 10 V.S.A. §6001(15).

See Applicant’s soils matrix, on its PAS Site Plan of revision date 7/30/2021, for complete breakdown of soil map unit acreage on tract, including proposed and existing impacts by NRCS map unit.

The review and evaluation indicates:

± 0.5 acres = proposed new impact to primary agricultural soils

The Agency accepts your assertion that 0.5 acres of the primary agricultural soils on the site will be directly or indirectly impacted by the proposed development. The proposed new impacts would be to the following soil map units:

<i>Key</i>	<i>Soil Type</i>	<i>Ag Value</i>	<i>Slope</i>	<i>Proposed Impact (Acres)</i>
AdB	Adams & Windsor loamy sands	6	2-8%	0.5

*0.5 acres (proposed impacts to Statewide soils of agricultural value group “6”) * 2 (mitigation multiplier, ag value ‘6’) = 1.0 acres mitigation calculated [de minimis], only if/when the result of this and future amendments results in a 2.0 acre or greater cumulative mitigation area. No mitigation recommended with this proposed amendment today.*

Conclusions:

Having reviewed your submission, it is the Agency’s assessment that the proposed 0.5 acre impact to Statewide soils is ***de minimis*** and no mitigation is warranted at this time.

The Agency respectfully requests that the District Commission add the following permit condition for the ***de minimis*** impacts.

The Agency provides the following proposed permit condition:

The project impacts 0.5 acres of primary agricultural soils (PAS) for which 1.0 acres of mitigation are calculated (de minimis; no mitigation warranted today). The Permittee shall mitigate the 0.5 acres PAS impact only if/when the cumulative PAS impacts (from this pending Act 250 Permit application and subsequent amendment impacts on this parcel or involved lands) result in a mitigation area of 2.0 or more acres, as further outlined in Exhibit ____ (letter dated 08/18/2022) from the Vermont Agency of Agriculture, Food & Markets).

See also exhibit 026 on Act 250 database, pre-application review correspondence consistent with this 9(B) review letter [0.5 acre proposed impact, de minimis].

Please note the Agency will not be attending the 8/19 hearing but, if needed, could provide any further information in response to a hearing recess order.

Sincerely,

Vermont Agency of Agriculture, Food & Markets



By: -----
Ari Rockland-Miller
Act 250 Coordinator
Vermont Agency of Agriculture, Food & Markets
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CERTIFICATE OF SERVICE

I hereby certify on this 18th day of August 2022, a copy of the foregoing:

Agency of Agriculture, Food & Markets – Criterion 9(B) Review Letter

regarding **LUP Application #9A0158-12, Vermont Agency of Transportation, Middlebury State Airport**

was sent by email to the individuals listed below (or US Mail, postage prepaid, to those listed without email address):

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Dated this **August 18th, 2022**
VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS



By: _____
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