

From: MacLean, Alex
Sent: Tuesday, July 03, 2012 4:16 PM
To: Markowitz, Deb
Subject: Fwd: RTE Site Visit MFR, 2 July 2012

Sent from my iPhone

Begin forwarded message:

From: "Bartlett, Susan" <Susan.Bartlett@state.vt.us>
Date: July 3, 2012 3:36:16 PM EDT
To: "MacLean, Alex" <Alex.MacLean@state.vt.us>
Subject: FW: RTE Site Visit MFR, 2 July 2012

Here's what we need you can send it to Deb if you want thanks

From: Weinstein, David (Sanders) [mailto:David_Weinstein@sanders.senate.gov]
Sent: Tuesday, July 03, 2012 1:20 PM
To: Bartlett, Susan
Subject: FW: RTE Site Visit MFR, 2 July 2012

FYI.

I'm going to go and talk to my boss about this in a few minutes. I can't wait.

-d

David Weinstein
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Office of U.S. Senator Bernie Sanders
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Visit Senator Sanders' Online Resources:
[Website](#) | [Facebook](#) | [Twitter](#) | [You Tube](#) | [Bernie Buzz](#)

From: Alan M Robertson [<mailto:pfalz@kingcon.com>]
Sent: Tuesday, July 03, 2012 12:46 PM
To: Weinstein, David (Sanders)
Cc: 'Jessi Hudson'; lairdnan@myfairpoint.net
Subject: FW: RTE Site Visit MFR, 2 July 2012

Dave:

Below is the memo I sent Alexis and Jess on the RTE site visit, and attached is a more detailed explanation as to why we may be waiting for the RTE permit for a long time. Art Gilman and Bob Popp passed along in confidence why these permits are difficult to get in a timely manner, and we don't know that the state won't try to expedite the process, but he indicated that he knows of no RTE takings permit (these are rarely issued, pardon the pun) that ever went quickly, or in less than **several months**.

Calling the state on this too quickly- when they don't even know there is a permit request headed their way- won't make any friends at Fish and Wildlife. It may be enough to call them to indicate the senators interest in not taking too long for a permit to accomplish what amounts to ½ day's work by one or two individuals to transplant 20-30 plants...

Al

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Vermont's East-West Adventure!

From: Alan M Robertson [<mailto:pfalz@kingcon.com>]
Sent: Monday, July 02, 2012 9:01 PM
To: 'Jessi Hudson'
Cc: 'alexis@vtvast.org'; 'lairdnan@myfairpoint.net'
Subject: RTE Site Visit MFR, 2 July 2012

Spent the day with Bob Popp (ANR RTE biologist) and Art Gilman (Gilman and Briggs Environmental) going over the extent of the RTE takings on the LVRT and discussing VAST's likely permit responsibilities if we get a takings permit:

- VAST will have to create three small garden plots (each about 75 SF with a low wire fence to keep people away) to transplant the following and if possible sow seeds this fall of these RTE's:
 - Station 4955+90: SW corner of the intersection of the LVRT at LaFar Street opposite the leaf pile for **Harsh Sunflower**, if the plant we found is proven to be the sunflower. Art and Bob couldn't determine if the flower found is, in fact, the rare species. Only one plant found; most of the large patch is gone.
 - Station 4931 or so on the south side near Waugh Farm Road for Dotted Horsemint. Several plants hiding along the edge of the ballast in this stretch of the LVRT
 - Station 4741+40 opposite the trailer park off Rte 78 east of Highgate for **Low Bindweed**- three plants found
- **St John's Wort** (station 4421+15)(the third rare plant) near the Missisquoi Bridge was not found, appears to be overgrown by other

weeds. Backup plan is to transplant any plants found prior to start of construction to area below bridge between the abutment and the river.

- VAST will try to get a western club to do the site prep. Robertson and Gilman can do the transplanting/sowing in less than a day. Monitoring will probably be required
- VAST will try to contract directly with Gilman and Briggs for the remainder of the RTE services needed, after their contract with VHB is concluded, which would appear to be:
 - Collection of seeds, assistance in plant identification and site preparation for transplanting
 - Final recon for the St. Johns Wort at some future date prior to construction
 - Advice and assistance with ANR over permit, etc
 - Plot monitoring
- The outlook for a timely issuance of a permit, despite the admitted minor nature of the action, is not encouraging, given the bureaucratic process these permits must follow. Art will follow up with Bob on the permit details. Bob will try to expedite the process, but is on vacation next week, and plays no actual role in the writing of the permit.

Al

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Trees are beautiful; use them wisely, we'll make more!

We had a good site visit in the field today with Bob Popp and Art Gilman over the RTE species. The good news is VAST will have to prepare three small garden plots- each about 50-75 SF, cut a few small trees to make sure the RTE's get some sun, and spend maybe a day (myself and Art) transplanting a few weeds to the plots, plus maybe doing some seed collection and sowing. Jess thinks we can get one of the clubs out west to prepare the plots.

The bad news is that the permit may take some time only because:

- Despite the insignificance of the "takings" the process is incredibly bureaucratic
- Fish and Wildlife does the permits (actually their lawyers) and since they don't do them very often they are procrastinators and reluctant to issue the permits.
- First the application must go to the RTE committee and the soonest it can go is about 20 July.
- All of these type of permits MUST be signed by Deb Markowitz; she relies on a staff briefing to cue any problems and sometimes changes her mind about the authorizations...

- Art felt that we would be lucky to get the permit by 15 September; I told him we needed it by 15 August...

VAST will contract directly with Gilman and Briggs for the remaining work to save VHB's overhead and profit. Shouldn't cost too much.

Al

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From: lairdnan@myfairpoint.net [mailto:lairdnan@myfairpoint.net]
Sent: Monday, July 02, 2012 6:41 AM
To: Alan M Robertson
Subject: RE: RE: Act 250 Application #7C1321 - VTrans and VAST Correspondence of June 29

Alan,

Thanks, I have read all the attachments so I am aware of the "history" with the BFP. My focus will be the fact that out of 900 adjacent landowners, it came down to just one submitting "evidence of harm" for the LVRT project. The Act 250 process for this one person cost VAST five years of time and thousands in legal fee's. Only in Vermont.

Laird

On Sun, 1 Jul 2012 20:43:03 -0400, Alan M Robertson <pfalz@kingcon.com> wrote:

Laird:

I've attached some correspondence for your use before you get interviewed by Candice Page. We e-mailed a few months ago when I complained to the editor about the crap VAST has received from the paper over the years with respect to the LVRT.

Please read the attachments in this order:

2-3-11 Response

1-8-2012 RE

1-12-2012 RE

Your interview comes too early for the fundraising effort mentioned in the correspondence so I would try to get her to agree to another article once we have the permits and the approval to go ahead.

Incidentally, I have been in touch with the St. J Selectboard Chair and we're trying to go one step closer to the bridge in St. J. Some bridge work may yet occur this fall...

Al

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E-mail: pfalz@kingcon.com

From: lairdnan@myfairpoint.net [<mailto:lairdnan@myfairpoint.net>]

Sent: Sunday, July 01, 2012 8:19 PM

To: kenandsue@hoeppner.com; spitzer_253@msn.com; steve@larrabees.net; zekezucker@yahoo.com; president@vtmushers.org; jross@ups.com; bethany@nrpcvt.com; michaelohara@charter.net; director@vtvasa.org; walter@northernforestcanoetrail.org

Cc: Alan Robertson; Jessi Hudson

Subject: Fwd: RE: Act 250 Application #7C1321 - VTrans and VASTCorrespondence of June 29

LVRTC,

A request for a 60 day extension of the Act 250 recess has been placed with Kirsten Sultan to allow time to complete the remaining environmental permits, mostly the Agency of Natural Resources rare species taking permits. The request includes the condition to end the 60 day extension if all these permits are obtained sooner so a ruling on the Act 250 permit can take place. I reported the 60 day extension request to the VAST Board of Directors without incident.

Also, I will be interviewed this week by Candice Page of the Burlington Freepress about the LVRT. Expect some fireworks from me about the Act 250 process.

Laird

----- Forwarded message from Cathy Conte -----

Date: Fri, 29 Jun 2012 13:56:38 -0400
From: Cathy Conte
Reply-To: Cathy Conte
Subject: RE: Act 250 Application #7C1321 - VTrans and VAST Correspondence of June 29
To: "'Kirsten.Sultan@state.vt.us'"

Attached please find correspondence to the Commission, with a revised Exhibit 32 and notice that the Applicant wishes to continue the recess beyond 60 days. The original and three copies are being mailed to your office.

All CCs: Please be sure to let me know if you would also like a copy of this mailed to you; otherwise, this is the only copy you will receive.

Thank you.

Cathy



Cathy D. Conte | Paralegal

Please note our email domain has been changed to primmer.com. We ask that you please update your records. Thank you.

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