CHITTENDEN COUNTY RPC
Communities Planning Together

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DRAFT MEMORANDUM

TO: Jim Ryan, Municipal Roads General Permit Manager

FROM: Chittenden County Regional Planning Commission

DATE: March __, 2017

RE: Comments on initial draft Municipal Roads General Permit

Thank you for the opportunity to comment on the initial draft Municipal Roads General Permit. Please consider these comments as you revise the draft permit for final rule making. Thank you for your consideration

1. **Inventories** - Please clarify if ALL connected roads (including ones that meet the MRGP road standards and have no erosion issues) need to be inventoried every 5 years.

2. **Triggers** - For each of the triggers for improvement identified in the permit, there needs to be clear definitions on the thresholds for "Fully Meets", "Partially Meets", and "Does Not Meet."

3. **Class 4 Roads** - Currently municipalities are not required to maintain Class 4 roads in accordance with Title 19. If this permit is going to require municipalities to correct gullies on Class 4 roads, statute should be clarified to specifically require only this kind of maintenance. However, we are also concerned that requiring municipalities on Class 4 roads, even if it is confined to major erosion problems, could lead to causing more erosion just to get to the site with the right equipment.

4. **Stone-lined Ditching** - We are concerned that the stone line ditching standards in the draft MRGP creates a discrepancy with the Orange Book standards (i.e. 5% v. 8%). The standard should be consistent across programs to ensure municipalities are remain eligible for funding programs including FEMA Disaster Recover funds. We feel strongly that municipalities should not have to try to follow two different sets of standards for connected roads and non-connected roads to avoid these conflicts.

5. **Outfalls outside of the ROW** – Often these grass lined ditches will need to be stabilized well outside of the ROW. Make it clear in the permit what responsibilities the municipalities have to address these issues even if they are outside the ROW.

6. **Culvert Requirements** - Please clearly define the different culverts and associated standards (driveway, conveyance, drainage, etc.).

7. **Reporting Cycle** - Consider an annual reporting cycle rather than semi-annual, considering there will be minimal work occurring between October to April to report. We would prefer an April reporting date so that municipalities can report what has been approved in the budget to be addressed in that construction season. Reducing the administrative burden for both municipalities and the State by 50% is desirable.

8. **Annual Fee** – A $2,000 flat annual fee is too heavy of a burden for smaller Towns. Fee level should be variable depending on the number of connected road segments or road-related impervious cover with maybe some additional consideration related to the size of the municipal budget. The total amount of fees should be tied to the cost to administer the permit and not generate excess revenue.

9. **MS4 Fees** –We understand and would like confirmed that no additional fees will be charged to MS4 permittees when the MRGP requirements are added to the MS4 permits.

10. **Historic Projects** – Although it may not seem to be directly connected to the MRGP permit going forward, it is our understanding that the State can document and take credit for phosphorous reduction to meet the Lake Champlain TMDL going back to more than 10 or maybe even 15 years ago. We understand that date is 2002 for the stormwater permits, v. two years prior to the permit issuance for the MRGP. It would seem to us that it would be very beneficial to the State to ask for documentation of these prior projects that were done solely by municipalities.

11. **Slope Data** – Recent higher resolution LiDAR (elevation) data is a more accurate source for slope data. There is a chance that fewer roads may be deemed "connected" because of this more accurate data. While this data may not be available statewide yet, we'd like to use it in Chittenden County. Can we re-examine the slope data and provide information back to the State to update your data?