

# OFF-SITE ACTIVITY FREQUENTLY ASKED QUESTIONS



**1) Do I have to submit every waste, borrow, and staging site to the VTrans Environmental Section?**

**No, refer to the Off-Site Activity Exemption Record which allows Contractors to utilize certain types of sites for certain activities without needing further approvals by the VTrans Environmental Section. If proposed site does not qualify for the exemption then it needs to be submitted for review.**

**2) When do I have to complete an Offsite Activity Form?**

**You need to complete an Offsite Activity Form for every proposed site unless it meets the exemption criteria. The form should be submitted well in advance of needing to use a site for staging equipment, wasting material, or excavating materials. Essentially, if it involves any area outside of the previously cleared project impact limits, the form needs to be completed. However, certain activities are EXEMPT from needing to be review. See EXEMPTION List.**

**3) When does the review process begin?**

**The review process begins when the VTrans Environmental Section has deemed the submittal complete. The form must be completely filled out and all necessary information (maps, sketches, etc.) attached.**

**4) How long does the review process take?**

**Due to the large volume of work, Contractors need to anticipate a 15-working day turn-around time once the application is deemed complete. The review time is generally much less than this, but there is no guarantee that it will be. Contractors should therefore plan ahead, and submit the information as soon as possible. Finding a site that meets the exemption form would help speed up the process. See EXEMPTION List.**

**5) What are the most common reasons that a proposed site is rejected?**

**There are a variety of reasons. Each site is reviewed for its potential impact on both cultural and natural resources, which include, but are not limited to:**

- archaeological and/or historic sites
- wetlands and wetland buffers
- floodplain and riparian buffer zone encroachments
- potential impact to nearby species/habitats of special concern
- presence of existing violations such as:
  - evidence of unpermitted wetland filling
  - presence of existing (non-permitted) solid waste disposal

**6) What happens if the information provided is not complete?**

**If the information request is not complete, the VTrans Environmental Section will request the additional information from the contact person listed on the form. Once all of the information has been fully submitted, the 15-working day review “clock” will begin.**

**7) If I propose to use state-owned right-of-way for waste, borrow or staging, do I still need to submit the request to the VTrans Environmental Section?**

**Yes, unless Exempt, all areas must be reviewed for potential impacts on the environment. Right of way limits are unrelated to whether or not an area has the potential to contain resources.**

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## 8) What causes delays in review or clearance of my proposed site?

Delays can happen if the proposed site is rejected due to resource issues, or when the usable site is too small to accept all of the wastes from the project. Delays also happen when submittal information is incomplete or if additional information is needed. To avoid this, Contractors are encouraged to submit more than one site and again Contractors should plan ahead, and submit the information as early as possible.

## 9) Are there some areas of the state that are more difficult to clear for waste, borrow, and staging?

Yes, the Champlain Valley below elevation 800 is particularly difficult given the richness of the area for cultural and natural resources. For projects in this region of the state, early and multiple submittals will be the best defense against delays. Generally, the more waste that needs disposal, the more difficult it will be to find an approvable site.

## 10) Can I use a site that was previously cleared for another project?

Previously cleared sites which were used in previous years or by other Contractors may be used, but a full submittal form is still required.

## 11) If a farmer's field has been plowed is it considered disturbed?

No. The plow only turns over soil to about a depth of 6 inches (25 centimeters). Generally soil below that point is intact and may contain archaeological features and/ or artifacts. Also a plow does not usually carry artifacts that far from its original location so even if the top few inches is disturbed, the soil may still contain important material relating to the site.

## 12) Can we stage equipment or trailers on an archaeologically sensitive area if we aren't disturbing the ground?

This is generally discouraged although sometimes staging of equipment, trailers and material are allowed by the Archaeologist on sensitive areas but this is dependent on a number of factors. These activities are not usually allowed in upland locations where artifacts may be very close to the surface. In all cases where allowed, ground protective measures must be used such as Geotextile fabric.

You may always submit a site like this but do not count on it as your only site in case it is rejected.

## 13) Can we waste material on or fill over an archaeologically sensitive area?

No. You are not allowed to fill over a sensitive area. If an area is archaeologically sensitive, it will be rejected for use.

## 14) Doesn't filling over a sensitive area or archaeological site "protect" it? (generally termed "intentional site burial")

At this time, the Division for Historic Preservation for whom our Archaeologist must answer to does not allow this practice. At minimum a Phase I study would be necessary as we would need to be able to identify and evaluate a site before burying it anyway. In addition, there is insufficient information on this subject as to the long-term effects of permanent intentional site burial. For example there are concerns about the effects of weight and compaction of fill on features and artifacts contained within an archaeological site.

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### 15) Can we use Vermont Fish & Wildlife Access Areas for waste, borrow, and/or staging needs?

**No.** Although Vermont Fish & Wildlife Access Areas frequently include areas which appear to be “exempt” from needing a review prior to use, the use of Vermont Fish & Wildlife Access areas are not to be used for waste, borrow, or staging activities, as they are not directly related to hunting, fishing and/or boating. Fish & Wildlife Access facilities have federal and state rules (and funding) which preclude their use for non-fish and wildlife related activities, and violations can result in audit findings and a potential reversion of funds.

### 16) How far from the project limits is an area of disturbance still considered an extension of the project limits?

**One-Quarter (1/4) Mile.** Areas of disturbance that are within 1/4 of a mile of the project limits may be considered extensions of the project by the DEC and require project permits to be obtained or amended to account for the additional disturbance.