
MEMORANDUM

TO: Norwich Select Board
FROM: Mary Layton
SUBJECT: Christopher Ashley Correspondence, December 30, 2015
DATE: January 30, 2016
CC: Neil Fulton, Nancy Kramer

This memorandum is in reference to Christopher Ashley's memorandum of December 30, 2015; a response to a statement that I made about management of the Norwich Pool Dam Stream Alteration Permit proposal.

I see the development of this proposal very differently from Chris Ashley, especially in light of the very detailed rejection by the Vermont Agency of Natural Resources of an essential application for a Stream Alteration Permit. It is clear upon close reading of the denial that the specific requirements of the application were not met. The ANR follows statute in framing the criteria of the application, and is the responsible agency for approval of the permit. The application failed to meet the criteria. The permitting process is legal and according to statute. Why then try to frame this failure as a political debate?

It made sense to me initially that a team of experts was developing the proposal, including an engineering firm, fish biologists, and an attorney specializing in the statutory requirements for a successful application. After review of the rejection letter I have significant doubt that the statutory requirements were researched properly, and I view the effort as a significant waste of time and money.

The Agency of Natural Resources makes the decision in regard to Stream Alteration Permits. They use the standards that are mandated by statute. To suggest that they

acted in bad faith as Ashley has suggested is a very serious allegation, one that I think that neither he nor I has the specific professional qualifications to make. It would take a point-by-point analysis by qualified experts to make this a true allegation. I understand that an attorney is ordinarily hired to go over the specific requirements of the application, and that the attorney will sign off on the project in this regard. When I asked Neil Fulton recently if attorney Nate Stearns had produced a letter that would indicate that he signed off on the project, he stated that no such letter exists. In this case I presume that Nate Stearns acted as an expert advisor, but that he was not asked to attest to the fact that all statutory requirements were met in the application. I view this as putting the Stream Alteration Permit application, and the more important FEMA application, under a significant risk.

This, as well as failure of the Town Manager to consider having Alternate Projects as backup to the Pool Dam restoration effort, are signs of very poor judgment and management.

It is very hard emotionally to have the Norwich Pool restoration effort fail. I think it is important not to let emotion distort our judgment so that we cannot face reality.

Mary Layton