

September 2nd, 2026

To: Rachel Czar and Jaron Borg

CC: Secretary Julie Moore

Re: Request to Reconsider Denial of Stream Alteration Permit 4827 for Piney Woods Road

Dear Ms. Czar and Mr. Borg,

We are writing on behalf of the Town of Monkton with a Request for Reconsideration of the denial decision reached on our Stream Alteration Permit 4827 for Piney Woods Road.

We support and appreciate the importance of the Department of Environmental Conservation's role to preserve, enhance, and protect Vermont's natural resources and public health.¹ It is at least in part for this reason that despite having wide latitude to conduct emergency repairs on Piney Woods Road when it washed out in July 2024², the town at that time instead chose to leave the road closed and pursue a more sustainable long-term route with FEMA. The hope then was to secure federal funding for more permanent repairs to the road that would provide a higher level of hazard mitigation and reduce costs for the town.

As is readily apparent to all, much changed shortly after July 2024 with the advent of a new federal administration. Despite thousands of hours of labor and time by the Selectboard, town employees, town highway department, the Vermont Emergency Management team, our FEMA representatives, and the engineering firm the Town has paid to lead the work (Dubois & King), it took the federal government nearly two years to fully approve the town's request for funding. This approval included funding for upsizing and adding additional culverts throughout the road, including adding one box culvert at a site that was totally washed out. Specifically, the existing culvert subject to the 4827 application denial was not damaged. Only funding for the repair of the roadway overtopping was deemed eligible by FEMA. FEMA sent money to the state allocated for this approved project in February 2026. The Town followed every requirement and request asked of it along the way, including but not limited to monthly meetings for years to provide detailed breakdowns of project details and costs, pictures, and information of the various sites on the road.

The town then completed extensive public engagement about the repairs to the road at its town meeting and a series of additional community meetings that drew many residents to provide input on the road. Residents - including members of our local first response agencies - clearly voiced their frustration at how long the road has been closed and how it negatively impacted their ability to respond to emergencies, attend work and medical appointments. The road is widely considered an important linking road that facilitates faster travel for residents and EMS.

¹ <https://dec.vermont.gov/>

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<https://governor.vermont.gov/sites/scott/files/documents/Amended%20and%20Restated%20EO%2003-23.pdf>

After all of this, the Town then took the next step of contracting with a top outside independent engineering firm (Dubois & King) to submit the stream alteration permits for the two sites that were reviewed, approved, and funded by FEMA. One of these permits was approved. However, the other (4827) was denied based on an interpretation that since the road was completely washed out “this entire structure failed and cannot be reused in this location.” This assessment is not the determination that was reached by FEMA, who did not identify that culvert as needing to be replaced because it was still intact after the storm in July 2024. If it was, it also would not have been what Dubois & King requested in the permit. Our proposal directly followed FEMA's findings and recommendations.

The denial did also not provide any information about what design would be approved, but one can surmise that another box culvert is what is preferred by the state as the other permit - which included a box culvert - was approved. FEMA explicitly did not believe a box culvert was necessary and therefore provided no funding for the Town to install one at that site. It is essential to note that an additional box culvert of the size needed would cost roughly between \$700,000-900,000. This figure has been confirmed by speaking with multiple local contractors who install them as well as with Dubois & King.

Setting aside the technical arguments for and against the permit denial decision, it is essential to zoom out to focus on the actual impact of this decision on the Town and its residents. What it does is effectively force the town to choose between three untenable options:

1) Give up nearly \$900,000 of federal money and close the road permanently to the public after nearly three years of thousands of hours of labor, time, and energy. There is no value to fixing one culvert and leaving the other one closed as it would leave the road completely impassable. Once this money is returned to FEMA, the town will not receive additional funding for that road in the future.

2) Propose an entirely new design and scope of work to FEMA for additional funding, which will at best take the federal administration months to review. We have also heard clearly (albeit understandably not in writing) that the federal administration expects municipal recipients of federal funds to spend the money they have by next summer and not to expect any additional funds.

Additionally, what is the likelihood of FEMA deciding to grant a small Vermont town an additional likely \$900,000 dollars for an additional box culvert that they themselves did not believe was necessary after they conducted their review of the area? Notwithstanding the significant additional administrative effort and money required to again provide more documentation after working on this for years (more engineering plans for an additional site, more FEMA submissions, more documents, etc.) we believe the odds of FEMA granting additional funding in this case is effectively zero. There is also the important issue of needing to comply with time restrictions where the town is prohibited by the state from working in the waterway due to protected habitats.

3) Ask the Monkton taxpayers to pay out of pocket for another box culvert that FEMA and our engineering firm has said is not necessary and happens to cost nearly as much as the entire highway department budget in a single year in the midst of an affordability crisis for residents.

We therefore urge the DEC to exercise its discretion and reconsider its decision. We are hard pressed to see how requiring the town to remove and replace an undamaged culvert that existed for decades and charge another expensive bill to taxpayers is in the public interest. There are hundreds of culverts across the state in towns like ours that are not being forced to magically come up with nearly a million dollars of taxpayer funds out of their own pockets to open a critical access road that has been closed for years. It also seems inadvisable to deny the town the ability to implement the significant proposed improvements to the roadway, streams and other culvert work for this Piney Woods Road and watershed area which FEMA and a top independent engineering firm approved.

Denying one part of the proposed repair while allowing the other repairs (which are significant) misses the forest for the leaves. It also fails to appreciate that the Town could have kept the culvert in place and repaired the road on our own per the emergency executive order in July 2024 and it would have been that way until the present day. If allowing the culvert to remain there was seen as in the public interest at that time, then how is it now somehow not in the public interest to allow it to remain given it would follow the recommendation and funding allocated from FEMA?

We respectfully urge you to reconsider your decision.

Sincerely,

Town of Monkton Selectboard

Senator Steven Heffernan, Addison District

Senator Ruth Hardy, Addison District

Representative Karen Lueders, Addison-4 District

Representative Herb Olson, Addison-4 District

Robert Howard, Chief, Monkton Volunteer Fire Department

Will Elwell, Chief, Bristol Rescue Squad (*serves the majority of Monkton*)

Jenna Lindemann, Director of Operations, Vergennes Area Rescue Squad (*serves part of Monkton*)