

# ORANGE COUNTY LEGISLATURE

Copy 8/14/12

**Committee:** Physical Services  
**Sponsor:** Bonelli  
**Co-Sponsor:**

**Agenda No. 13**

## RESOLUTION NO. 147 OF 2011

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE REHABILITATION OF BEAVER DAM LAKE DAM, TOWN OF BLOOMING GROVE AND CLASSIFYING THE ACTION AS UNLISTED AND ISSUING A POSITIVE DECLARATION.**

**WHEREAS**, Orange County intends to rehabilitate the existing Beaver Dam Lake Dam and spillway that serves the Beaver Dam Lake Protection District in Salisbury Mills, Town of Blooming Grove on the tributary to Moodna Creek; and

**WHEREAS**, an environmental assessment has been completed pursuant to the State Environmental Quality Review Act (SEQRA), and the assessment indicates that the project may have potential significant adverse environmental impacts. The DEIS that is prepared will be limited in scope to those significant impacts identified on the environmental assessment form.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature hereby establishes itself as lead agency for the environmental review of the action to rehabilitate the existing Beaver Dam Lake Dam and spillway that serves the Beaver Dam Lake Protection District in Salisbury Mills, Town of Blooming Grove on the tributary to Moodna Creek.
2. Classifies the action as unlisted, and issues a positive declaration based on potential significant adverse environmental impacts.
3. The DEIS that is prepared will be limited in scope to those significant impacts identified on the EAF.

State Environmental Quality Review

**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:     Part 1     Part 2     Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in Part 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.** \*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

**REHABILITATION OF BEAVER DAM LAKE DAM**

Name of Action

**COUNTY OF ORANGE**

Name of Lead Agency

**MICHAEL PILLMEIER**

Print or Type Name of Responsible Officer in Lead Agency

**CHAIRMAN**

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

# PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action <b>REHABILITATION OF BEAVER DAM LAKE DAM</b>		
Location of Action (Include Street address, Municipality and County) <b>SALISBURY MILLS, TOWN OF BLOOMING GROVE, O. C., NY, ON TRIBUTARY TO MOODNA CK.</b>		
Name of Applicant/ Sponsor <b>ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS</b>	Business telephone <b>845-291-2750</b>	
Address <b>2455 - 2459 Rt 17M</b>		
City/ P.O. <b>GOSHEN</b>	State <b>NY</b>	Zip Code <b>10924</b>
Name of Owner (if different)	Business telephone	
Address		
City/ P.O.	State	Zip Code
Description of Action <b>Project includes the rehabilitation of the existing dam and spillway that serves the Beaver Dam Lake Protection District</b>		

Please Complete Each Question - Indicate N/A if not applicable

## A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:  Urban       Industrial       Commercial       Residential (suburban)       Rural (non-farm)  
 Forest       Agriculture       Other: \_\_\_\_\_

2. Total acreage of project area: **0.94± acres.**

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.44</u> acres	<u>0.44</u> acres
Forested	<u>0.00</u> acres	<u>0.00</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	<u>0.00</u> acres	<u>0.00</u> acres
Wetland (freshwater or tidal as per Articles 24, 25 of ECL)	<u>0.00</u> acres	<u>0.00</u> acres
Water Surface Area	<u>0.00</u> acres	<u>0.00</u> acres
Unvegetated (rock, earth or fill)	<u>0.29</u> acres	<u>0.29</u> acres
Roads, buildings and other paved surfaces	<u>0.00</u> acres	<u>0.00</u> acres
Other (indicate type) <b>concrete surface</b>	<u>0.21</u> acres	<u>0.21</u> acres

3. What is predominant soil type(s) on project site? **Mardin gravelly silt loam**

- a. Soil drainage:  Well drained \_\_\_% of site       Moderately well drained **100%** of site  
 Poorly drained \_\_\_% of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? **0** acres. (See 1 NYCRR 370)

4. Are there bedrock outcroppings on project site?  Yes       No

- a. What is depth to bedrock? **greater than 25'** (in feet)

5. Approximate percentage of proposed project site with slopes:  0-10% **20%**  10-15% \_\_\_%  
 15% or greater **80%**
6. Is project substantially contiguous to, or contain a building, site or district, listed on the State or the National Registers of Historic Places?  Yes  No SEE APPENDIX A
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? at spillway level (in feet)
9. Is site located over a primary, principal or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No  
 According to: NYSDEC, SEE APPENDIX B & C  
 Identify each species: INDIANA BAT
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
 Yes  No Describe: \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain: Lake is utilized for water sports and recreation.
14. Does the present site include scenic views known to be important to the community?  Yes  No
15. Streams within or contiguous to project area: Tributary to Moodna Creek  
 a. Name of Stream and name of River to which it is tributary: Moodna Creek
16. Lakes, ponds, wetland areas within or contiguous to project area:  
 a. Name: Beaver Dam Lake b. Size (in acres): 164.00
17. Is the site served by existing public utilities?  Yes  No  
 a. If Yes, does sufficient capacity exist to allow connection?  Yes  No  
 b. If Yes, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor: N/A acres.
- b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.
- c. Project acreage to remain undeveloped: N/A acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed: N/A %
- f. Number of off-street parking spaces existing N/A; proposed N/A
- g. Maximum vehicular trips generated per hour: N/A (upon completion of project)
- h. If residential, number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length
- j. Linear feet of frontage along a public thoroughfare project will occupy is: \_\_\_\_\_ feet

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons /cubic yards
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0± acres
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  Yes  No
6. If single-phase project, anticipated period of construction: 12 months (including demolition)
7. If multi-phased: N/A
- a. Total number of phases anticipated: \_\_\_\_\_ (number)
- b. Anticipated date of commencement - Phase 1: \_\_\_ month \_\_\_ year (including demolition)
- c. Approximate completion date of final phase: \_\_\_ month \_\_\_ year
- d. Is Phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction 5; after project is complete 0
10. Number of jobs eliminated by this project: 0.
11. Will project require relocation of any projects or facilities?  Yes  No  
If yes, explain: \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount: \_\_\_\_\_
- b. Name of water body into which effluent will be discharged: \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type: \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain: \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month? \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name: \_\_\_\_\_; location: \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If yes, explain: \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s): \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity: N/A gallons/minute
23. Total anticipated water usage per day: N/A gallons/day
24. Does project involve Local, State or Federal funding?  Yes  No  
If yes, explain: BEAVER LAKE DAM ASSOC. FEES AND NYS CLEAN WATER BOND ACT

25. Approvals Required:		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town Zoning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OC Legislature, bonding for the Association	
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC Dam Permit	
Federal Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE, <0.1 Ac	

### C. Zoning and Planning Information

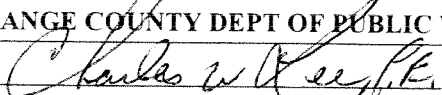
- Does proposed action involve a planning or zoning decision?  Yes  No  
 If yes, indicate decision required:  
 zoning amendment  zoning variance  special use permit  subdivision  site plan  
 new/revision of master plan  resource management plan  other \_\_\_\_\_
- What is the zoning classification(s) of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the present zoning? N/A
- What is the proposed zoning of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
- Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action? N/A
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile?  Yes  No
- If the proposed action is the subdivision of land, how many lots are proposed? N/A  
 a. What is the minimum lot size proposed? \_\_\_\_\_
- Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
- Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No  
 a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

### D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

### E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name ORANGE COUNTY DEPT OF PUBLIC WORKS Date 5/17/11  
 Signature  Title Commissioner of Public Works

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

#### General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in Column 2. The examples are generally applicable throughout the State and for most situations. But for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

#### Instructions (Read Carefully)

- Answer each of the 20 questions in Part 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question, then check the appropriate box (Column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check Column 2. If impact will occur but threshold is lower than example, check Column 1.
- Identifying that an impact will be potentially large (column 2) does not mean it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact is column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **YES** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
<b>Small to Moderate Impact</b>	<b>Potential Large Impact</b>	<b>Can Impact be Mitigated By Project Change</b>

#### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?

NO       YES

#### Examples that would apply to Column 2:

- Any construction on slopes of 15% or greater (15' rise per 100' of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3'.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3' of existing ground surface.
- Construction that will continue for more than one year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site (i.e., cliffs, dunes, geological formations, etc.)?

NO       YES

- Specific land forms:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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**IMPACT ON WATER**

3. Will proposed action affect any water body designated as protected?  
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO     YES

**Examples that would apply to Column 2:**

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

1	2	3	
Small to Moderate Impact	Potential Large Impact	Can Impact be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Will proposed action affect any non-protected existing or new body of water?

NO     YES

**Examples that would apply to Column 2:**

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: **Partial or complete draining of the lake during construction**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

5. Will proposed action affect surface or groundwater quality or quantity?

NO     YES

**Examples that would apply to Column 2:**

- Proposed action will require a discharge permit.
- Proposed action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.
- Proposed action would use water in excess of 20,000 gallons per day.
- Proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed action will allow residential uses in areas without water and/or sewer services.
- Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

6. Will proposed action alter drainage flow or patterns, or surface water runoff?

NO     YES

**Examples that would apply to Column 2:**

- Proposed action would change flood water flows.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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- Proposed action may cause substantial erosion.
- Proposed action is incompatible with existing drainage patterns.
- Proposed action will allow development in a designated floodway.
- Other impacts:

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### IMPACT ON AIR

7. Will proposed action affect air quality?  NO  YES

#### Examples that would apply to Column 2:

- Proposed action will induce 1,000 or more vehicle trips in any given hour.
- Proposed action will result in the incineration of more than one ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 pounds per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### IMPACT ON PLANTS AND ANIMALS

8. Will proposed action affect any threatened or endangered species?  NO  YES

#### Examples that would apply to Column 2:

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will proposed action substantially affect non-threatened or non-endangered species?  NO  YES

#### Examples that would apply to Column 2:

- Proposed action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will proposed action affect agricultural land resources?  NO  YES

#### Examples that would apply to Column 2:

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping), or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).
- Other impacts:

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will proposed action affect aesthetic resources?  NO  YES  
(If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

**Examples that would apply to Column 2:**

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES**

12. Will proposed action impact any site or structure of historic, prehistoric or paleontological importance?  NO  YES

**Examples that would apply to Column 2:**

- Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of Historic Places.
- Any impact on an archaeological site or fossil bed located within the project site.
- Proposed action will occur in an area designated as sensitive for archaeological sites on the New York State Site Inventory.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?  NO  YES

**Examples that would apply to Column 2:**

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: **For the duration of construction, 6-12**

**months, the recreational use of the lake will be limited or unavailable**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact be Mitigated By Project Change

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?  NO  YES

List the environmental characteristics that caused the designation of the CEA.

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**Examples that would apply to Column 2:**

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  NO  YES

**Examples that would apply to Column 2:**

- Alteration of present patterns of movement of people and/or goods.
- Proposed action will result in major traffic problems.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**IMPACT ON ENERGY**

16. Will proposed action affect the community's sources of fuel or energy supply?  NO  YES

**Examples that would apply to Column 2:**

- Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a major commercial or industrial use.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact be Mitigated By Project Change

**NOISE AND ODOR IMPACTS**

17. Will there be objectionable odors, noise or vibration as a result of the proposed action?  NO  YES

**Examples that would apply to Column 2:**

- Blasting within 1,500' of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed action will remove natural barriers that would act as a noise screen.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON PUBLIC HEALTH**

18. Will proposed action affect public health and safety?  NO  YES

**Examples that would apply to Column 2:**

- Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000' of a site used for the disposal of solid or hazardous waste.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will proposed action affect the character of the existing community?  NO  YES

**Examples that would apply to Column 2:**

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police, and fire, etc.)
- Proposed action will set an important precedent for future projects.
- Proposed action will create or eliminate employment
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?  NO  YES

**If Any Action in Part 2 is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

**REHABILITATION OF  
BEAVER DAM LAKE DAM  
PART 3 – SEQRA**

- 1) The proposed action will result in a physical change to the site. The project includes the reconstruction of the spillway and the repair of the crest wall. The existing brick finish will be removed and cast in place concrete will be placed on the crest wall and precast concrete units will be installed in the spillway section.
  - The existing slope of the spillway and embankment areas is greater than 15%. Both areas will remain at approximately the same slope and geometric shape when complete.
  - Work will be conducted in areas where the water table is less than three feet from the surface. Reconstruction on the spillway crest (which is at normal water level) will impact the lake level for the duration of the construction. The proposed spillway crest will be reconstructed at approximately the same elevation as the existing crest elevation is now.
  
- 4) This project will affect a non-protected body of water. (Beaver Dam Lake is not “protected” under the definition of Article 15, 24 and 25 of the ECL.)
  - This project will affect the level of the lake for the duration of construction (estimated at six to 12 months). The water level will be lowered or completely drained for the work to be completed. It is possible to mitigate by installing cofferdams to keep the water level at current or only slightly lower level. This would, however, incur several hundreds of thousands of dollars in extra costs for installation/maintenance of the cofferdams and is therefore not practical for this project.
  
- 9) This action will affect non-threatened or non-endangered species.
  - See #4 above. This work will cause only a temporary impact to the fish population in the lake. Mitigation to this impact would require the installation of a substantial cofferdam system which would be at a great cost and therefore not practical for this project.
  
- 13) This action will have a temporary effect on recreational opportunities.
  - See #4 above. Until the water level in the lake is restored, the recreational use of the lake will be limited or unavailable. The impact to the temporary restriction of recreational use can be mitigated by the use of substantial cofferdams. As stated above, this could be done only at a great cost to the residents and therefore is not practical for this project.

## **APPENDIX A**



**New York State Office of Parks,  
Recreation and Historic Preservation**

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643

www.nysparks.com

**Andrew M. Cuomo**  
Governor

**Andy Beers**  
Acting Commissioner

OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION  
2011 FEB 14 AM 11:29

February 07, 2011

Ronald Meyer  
Orange County DPW  
P.O. Box 509  
2455-59 Route 17M  
Goshen, New York 10924-0509

Re: DEC  
Rehabilitation of Beaver Lake Dam  
Beaver Lake  
BLOOMING GROVE, Orange County  
11PR00862

Dear Mr. Meyer:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

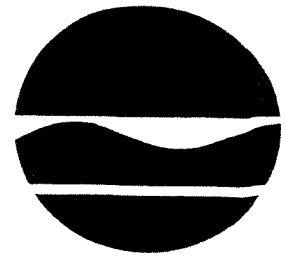
Sincerely,

Ruth L. Pierpont  
Acting Deputy Commissioner for Historic Preservation

## **APPENDIX B**



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5<sup>th</sup> Floor, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **Fax:** (518) 402-8925  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Acting Commissioner

February 22, 2011

Ronald J. Meyer  
Orange County – Dept. Public Works  
PO Bx 509, 2455-2459 Route 17 M  
Goshen, NY 10924-0509

Dear Mr. Meyer:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Rehabilitation of the Beaver Dam Lake Dam, site as indicated on the map you provided, located in the Town of Blooming Grove, Orange County.

Enclosed is a report of rare or state-listed animals and plants, significant natural Communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or natural communities. This information should not be substituted for on-site surveys that may be required.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,  
  
Tara Salerno, Information Services,  
New York Natural Heritage Program

Enc.  
cc: Region 3

# 154

2011 FEB 25 AM 11:29  
ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS

## Natural Heritage Report on Rare Species

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,  
Albany, NY 12233-4757  
(518) 402-8935



~The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.  
~Refer to the User's Guide for explanations of codes, ranks and fields.  
~We do not provide maps for species most vulnerable to disturbance.

## Natural Heritage Report on Rare Species and Ecological Communities



### MAMMALS

#### *Myotis sodalis*

#### Indiana Bat

Maternity colony

NY Legal Status: Endangered

Federal Listing: Endangered

County: Orange

Town: Blooming Grove, Cornwall, Crawford, Deerpark, Hamptonburgh, Minisink, Montgomery, N

Location: Documented within 2 miles of project site. Animals can move 2 miles or more from documented locations. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.

NYS Rank: S1 - Critically imperiled

Global Rank: G2 - Imperiled

Office Use

11288

ESU

USFWS

1 Records Processed

More detailed information about many of the rare and listed animals in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.acris.nynhp.org](http://www.acris.nynhp.org), from NatureServe Explorer at <http://www.natureserve.org/explorer>, and from NYSDEC at <http://www.dec.ny.gov/animals/7494.html>.

## APPENDIX C

**ROBERT G. TORGERSEN, LA, CPESC**  
**LANDSCAPE ARCHITECTURE AND ENVIRONMENTAL SCIENCES**

THREE MAIN DRIVE, NANUET, NY 10954  
Tel 845 623 4835 Fax 845 627 6622 E mail – [rtorger@verizon.net](mailto:rtorger@verizon.net)

NYS LA LIC. # 451  
NJS LA LIC. # 148  
CPESC CERT # 899

**HABITAT SITE INVESTIGATION AND REPORT**  
**REHABILITATION OF BEVERDAM LAKE DAM**  
**SALISBURY MILLS, ORANGE COUNTY, NY**  
**ORANGE COUNTY DEPT OF PUBLIC WORKS**

March 18, 2011

The Orange County Department of Public Work is proposing to rehabilitate the Beaver Dam Lake Dam, by restoring portions of the concrete spillway and surrounds. Access will be via an existing unpaved access drive off Lake Road.

The woodland immediately adjacent to the dam itself, the spillway and the project access route is a deciduous forest. There are no suitable trees in this area that would provide roosting habitat for the Indiana Bat, nor is there any habitat that would provide foraging opportunities for them in the vicinity. In the immediate area the majority of the trees are six inches in caliper or less, mainly Red Maple and Red Oak. There is one 36 inch caliper White Oak in the vicinity which will not be disturbed.

A letter from Tara Salerno, New York Natural Heritage Program, New York State Dept of Environmental Conservation, Division of Fish, Wildlife and marine Resources, New York Natural Heritage Program, dated February 22, 2011, stated that the Indiana Bat has been documented within 2 miles from the project site in the Towns of Blooming Grove, Cornwall, Crawford, Deerpark, Hamptonburgh, Minisink, Montgomery, and Newburgh. A site investigation was required to ascertain the possible presence of this species and of any possible impact on the species from the proposed site development. A site investigation was conducted on March 16, 2011 for the purpose of investigating the possible presence of Indiana Bat habitat, (*Myotis sodalist*) habitat within or near the subject site. The NYSDEC has identified this species as endangered in New York State.

**Indiana Bat**

The Indiana bat is one of nine bat species found in New York. With the coming of spring, Indiana bats disperse from their winter homes, known as hibernacula, some going hundreds of miles. Indiana bat hibernacula and hibernacula characteristics have been well documented by numerous observational studies reported in the literature. Indiana bats spend the winter months in secluded caves or mines. There are hibernacula currently known in Albany, Essex, Warren, Jefferson, Onondaga and Ulster Counties. To date there are three known hibernacula located in the immediate vicinity of Kingston, New York. The hibernacula are critical to the survival of this species because so few are known to exist.

The Indiana bat typically hibernates in caves/mines in the winter, during which the hibernation period can extend from September to June, and roosts under bark or in tree crevices

in the spring, summer and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags, greater than or equal to 5 inches diameter breast height (d.b.h.) with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. However, maternity colonies generally use trees greater than or equal to 9 inches d.b.h. Overall, structure appears to be more important than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and the rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. As larger trees afford a Greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams, associated floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (*e.g.*, old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (U.S. Fish and Wildlife Service 1999). While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Outside the hibernation period, Indiana bats are very mobile and use both live trees greater than 5 inches dbh especially containing dead wood and snags and dead trees in a variety of habitats for roosts during the summer months. They feed solely on flying insects during the summer months, and presumably males spend the summer preparing for the breeding season and winter that follows. Females congregate in nursery colonies, only a handful of which have ever been discovered. These nursery colonies found in the lower Hudson Valley vicinity were located near sources of open water, along the banks of streams or lakes in forested habitat, or adjacent to freshwater wetland areas, under the loose bark of mature shagbark hickory trees, and in some cases, in dead trees, mainly black locusts, that have open or hanging bark to provide shelter for the bats, and which can contain from 50-100 females. Although roosts have been documented in a wide array of hardwood and pine species, trees and snags that have exfoliating bark or crevices, such as Shagbark Hickory and Black Locust, appear to be most important to this species because females and their young rest under the bark. Trees, equal to or greater than 6 inches dbh with exfoliating bark and/or crevices, southern or western exposure, and solar exposure (tree structure above canopy) appear to be the most important habitat for maternal colonies during the summer months. In summer, most reproductive females occupy roost sites under the exfoliating bark of dead trees that retain large, thick slabs of peeling bark. Primary roosts usually receive direct sunlight for more than half the day. Roost trees are typically within canopy gaps in a forest, in a fenceline, or along a wooded edge. Habitats in which maternity roosts occur include riparian zones, bottomland and floodplain habitats, wooded wetlands, and upland communities. Indiana bats typically forage in semi-open to closed (open understory) forested habitats, forest edges, and riparian areas.

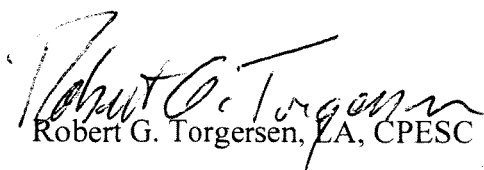
## HABITAT ASSESSMENT/CONCLUSION

### Indiana Bat

The property was surveyed for the presence of Indiana Bat summer roost and maternal colony habitat. This assessment included field observation of the existing habitat covers types on the property. The following criteria were evaluated to make the determination of possible habitat on this site:

1. Is the project within a County identified by the Service as known or likely to contain Indiana bats?
2. Is the project at an elevation of  $\leq 900$  feet above sea level (the maximum elevation we have observed Indiana bat maternity colonies-use in New York State)?
3. Are there forested (upland or wetland) habitats present within the proposed action area?
4. Does the proposed project involve any disturbance of forested (upland or wetland) habitat or any mine(s)/cave(s) that could serve as a hibernaculum?
5. Evaluate the property in areas that will be impacted by the proposed development that could provide the necessary environmental conditions for summer habitat, to cover all of the identified vegetation cover types.
6. Establish sampling routes throughout the site as appropriate to the extent of the site to be disturbed to be walked and trees greater than 6 inches dbh investigated. Trees meeting the above criteria were examined to determine their suitability to support Indiana Bats such as exfoliating bark, holes, cavities, and crevices.
7. General conditions of surrounding habitat are also reviewed to determine tree location, size, and position in habitat.

The various habitats in and in the vicinity of the dam were evaluated for suitable Indiana Bat habitat and foraging uses. The existing woodland along the project access route and the existing conditions in the vicinity of the proposed work on the dam does not provide any of the required habitat or foraging opportunities for the Indiana Bat. The property is therefore considered not to contain potential habitat for the Indiana Bat.

  
Robert G. Torgersen, LA, CPESC

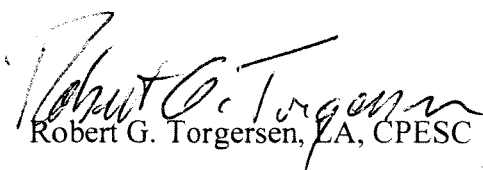
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Robert G. Torgersen, P.A., CPESC

# HABITAT SITE INVESTIGATION AND REPORT REHABILITATION OF BEAVERDAM LAKE DAM



Photo # 1 – White oak along edge of access route – access route to left of stone wall in photo above. No significant trees in or along access route.



Photo # 2 – Existing woodland near stream at bottom of spillway – area not to be disturbed.



# ORANGE COUNTY LEGISLATURE

**Committee:** Physical Services

**Sponsor:**

**Co-Sponsor:**

**Agenda No.**

## RESOLUTION NO.            OF 2011

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE REHABILITATION OF BEAVER DAM LAKE DAM, TOWN OF BLOOMING GROVE AND CLASSIFYING THE ACTION AS UNLISTED AND ISSUING A POSITIVE DECLARATION.**

**WHEREAS**, Orange County intends to rehabilitate the existing Beaver Dam Lake Dam and spillway that serves the Beaver Dam Lake Protection District in Salisbury Mills, Town of Blooming Grove on the tributary to Moodna Creek; and

**WHEREAS**, an environmental assessment has been completed pursuant to the State Environmental Quality Review Act (SEQRA), and the assessment indicates that the project may have potential significant adverse environmental impacts. The DEIS that is prepared will be limited in scope to those significant impacts identified on the environmental assessment form.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature hereby establishes itself as lead agency for the environmental review of the action to rehabilitate the existing Beaver Dam Lake Dam and spillway that serves the Beaver Dam Lake Protection District in Salisbury Mills, Town of Blooming Grove on the tributary to Moodna Creek;
2. Classifies the action as unlisted, and issues a positive declaration based on potential significant adverse environmental impacts;
3. The DEIS that is prepared will be limited in scope to those significant impacts identified on the EAF.

**APPROVED: JULY 7, 2011**

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**EDWARD A. DIANA, COUNTY EXECUTIVE**

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