

Ticonderoga Chilson Water Transmission Main
Facility Hazard Mitigation Relocation Project

Appendix D

Environmental Consultations and Studies



Natural Resources
Conservation Service

March 6, 2014

441 South Salina St.
Suite 354
Syracuse, NY 13212
315-477-6506
kathryn.duncan@ny.usda.gov

Shauna Hass
Department of Homeland Security FEMA
Leo O'Brien Federal Building
11A Clinton Ave. Suite 742
Albany, NY 12207

Re: Chilson Water Transmission Line Relocation Project; Ticonderoga, Essex Co., NY
NRCS FPPA review

Ms. Haas,

I have received the materials with the information needed to complete a Farmland Conversion Impact Rating (NRCS-CPA-106) for the project cited above which is required by FEMA. After reviewing the documentation it is clear that the project is exempt from the Farmland Protection Policy Act (FPPA) provision.

Although the project does contain soils designated as statewide important, the project is exempt because "Assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures are not subject to the Act." Also the small size of the disturbance (< 2ac.) and the fact that the site will be restored to its previous condition are considerations in this exemption.

In this case, a NRCS-CPA-106 is not required for this project.

If you have any questions about this determination please feel free to contact me.


Kathryn Duncan
Cartographer



STATE OF NEW YORK

DEPARTMENT OF AGRICULTURE AND MARKETS

Division of Land and Water Resources
10B Airline Drive, Albany, New York 12235
Tel: 518-457-2713 Fax: 518-457-3412
www.agriculture.ny.gov

September 18, 2013

Anna Reynolds
Associate Planner
Essex County Community Resources/Planning
PO Box 217
Elizabethtown, NY 12932

**RE: Lead Agency, Relocation of Chilson Water Transmission Main, Town
of Ticonderoga – Essex County**

Dear Ms. Reynolds:

The Department does not object to the Town of Ticonderoga's request to be designated lead agency pursuant to Sections 617.6(b)(2) and (3) of 6 N.Y.C.R.R. of the Environmental Conservation Law. The "Project Notification" document acknowledges the Town's obligation, under the Agriculture and Markets Law, to file a Preliminary and Final Notice of Intent with the Department.

If you have any questions, please contact me at (518) 457-2713.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Somers".

Robert Somers
Manager, Agricultural Protection Unit

RS:lad



PLANNING - YOUTH BUREAU - STOP DWI - TRAFFIC SAFETY

MICHAEL MASCARENAS, DIRECTOR
TEL. 518-873-3426

GARRETT DAGUE, DEPUTY COUNTY PLANNER
TEL. 518-873-3452

NYS Dept of Agriculture and Markets
Attn: Bob Somers
10B Airline Drive
Albany, NY 12235

September 25, 2013

Re: Town of Ticonderoga – Water System Improvements – 305(4) Compliance

Dear Mr. Somers,

The Town of Ticonderoga is conducting the required Environmental Assessment for the FEMA Funded Chilson Main Waterline Replacement Project. Please see the enclosed Preliminary Notice of Intent to Undertake an Action within an Agricultural District.

Please let me know if you need any additional information by calling me at 518-873-3895 or emailing areynolds@co.essex.ny.us.

Thank you for your time,

Anna Reynolds
Associate Planner

Enclosure

cc: Debra A. Malaney, Town of Ticonderoga Supervisor

PRELIMINARY NOTICE OF INTENT
TO
UNDERTAKE AN ACTION
WITHIN AN AGRICULTURAL DISTRICT

Water Main Mitigation Project
FEMA 4020-DR-NY
Town of Ticonderoga, Essex County, New York

Prepared by:

Essex County Community Resources/Planning
7533 Court Street, PO Box 217
Elizabethtown, NY 12932

- A. This is a preliminary Notice of Intent to undertake an action within an agricultural district developed in accordance with Section 3.05(4), part 371.6 and 371.7 of the Agricultural and Markets Law.
- B. The water improvements to be undertaken by the Town of Ticonderoga, Property Tax Map # 150.1-1-11.000, Ticonderoga, Essex County, NY 12883 and NYS Route 74 Right Of Way (ROW).
- C. The water main will be located alongside NYS Route 74 (R-O-W) for approximately 7,812 feet.
- D. The proposed action will occur within Agricultural District 1550 in Essex County as identified by the Essex County Agricultural District Map.
- E. The proposed Action will occur within Rural and Moderate Intensity Use as zoned by the Adirondack Park Agency.
- F. The proposed action which includes mitigation of a 10" Water Main is being implemented due to the destruction of the main during Hurricane Irene on August 28th 2011 .
- G. The proposed action will involve the directional drilling under Chilson Brook from the Chilson Reservoir where the Water Main will be installed from the edge of Middle Chilson Road heading east on Route 74 before tying into the existing main north west of the Racetrack Road intersection.
- H. The purpose of the action is to provide reliable potable water to 1993 homes that are served by the Chilson Reservoir. The funds needed for this action have been committed by the Federal Emergency Management Agency.
- I. Anticipated adverse impacts associated with the project development include the conversion of the abandoned farmland in the NYS Route 74 R-O-W into a community facility use for a safe and reliable water supply. The installation of the waterline may cause temporary noises for nearby animals.
- J. Construction related impacts are temporary and are of short duration and include mitigation practices including silt fencing, re-vegetation, mufflers on construction equipment and traffic control as necessary.
- K. The proposed project begins on the Town Water Reservoir property with a 10" Water Main and will begin new construction on NYS Route 74 where the line will head east alongside the road and connect with existing Water service near Racetrack Road. The proposed project will occur on the NYS Route 74 DOT R-O-W which is within the Agricultural District. Approximately 1000' of line will cross into the Agricultural District alongside NYS Route 74.
- L. Construction of the proposed action is scheduled to commence around 6/1/14.
- M. All inquiries concerning this Preliminary Notice of Intent should be directed to Anna Reynolds, Associate Planner of Essex County Community Resources/Planning, POB 217, Elizabethtown, NY 12932
- N. All information contained in this document is truthful and accurate to the best of our knowledge.

Signature

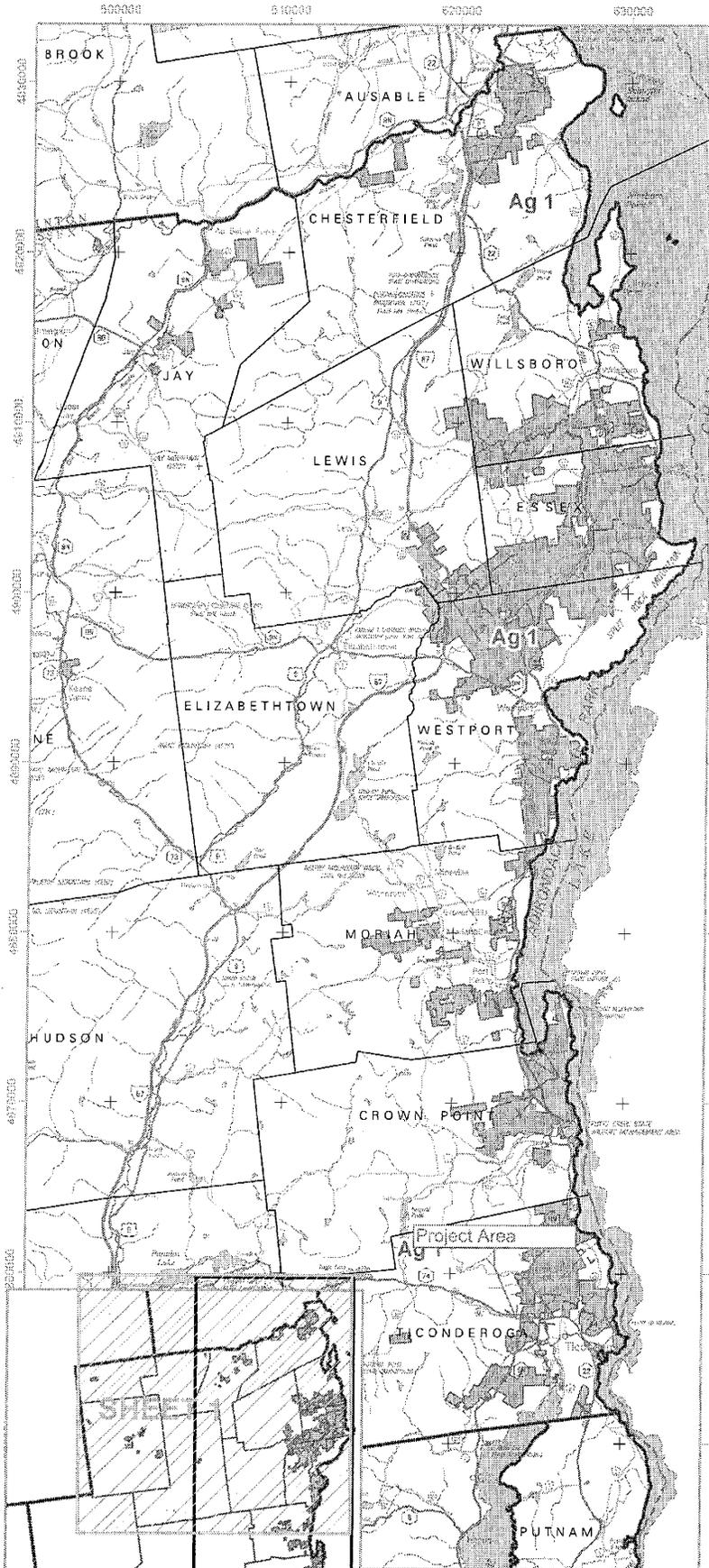
Anna Reynolds

Date

9/25/13

Shaded area = Ag. District





KEY

Ag. District 1 

**DISTRICT CERTIFICATION
and TOWNS**

DISTRICT 1 CERTIFIED 8/6/2010

Chesterfield	Keene	Ticonderoga
Crown Point	Lewis	Westport
Elizabethtown	Moriah	Willsboro
Essex	North Elba	Wilmington
Jay	Saint Armand	

MAP SOURCE INFORMATION

Map created at Cornell IRIS (Institute for Resource Information Sciences) <<http://iris.css.cornell.edu>> for the NYS Department of Agriculture and Markets

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <<http://cugir.mannlib.cornell.edu>>

Base Map: state250_bw.tif 1998
Scale: 1:250,000; County boundaries imported from the file nyshore.e00 from the NYSGIS Clearinghouse website: <<http://www.nysgis.state.ny.us>>

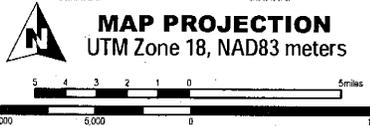
Contains data copyrighted by the NYS Office of Cyber Security

DISCLAIMER
This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified prior to January 2011

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.

MAP PROJECTION
UTM Zone 18, NAD83 meters



SHEET 2



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
Division of Land and Water Resources
10B Airline Drive, Albany, New York 12235
Tel: 518-457-2713 Fax: 518-457-3412
www.agriculture.ny.gov

October 1, 2013

Ms. Anna Reynolds
Associate Planner
PO Box 217
7533 Court Street
Elizabethtown, NY 12932

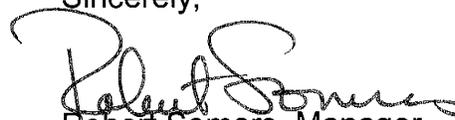
**Re: Preliminary Notice of Intent – Essex County – Agricultural District
No. 1 – Town of Ticonderoga – FEMA Funded Chilson Main Waterline
Replacement Project**

Dear Ms. Reynolds:

This is to advise you that the Department is in receipt of the above-mentioned Preliminary Notice of Intent for the FEMA funded Chilson Main Waterline Replacement Project within the Town of Ticonderoga, Essex County, New York. The notice was received in our office on September 27, 2013. I have assigned the project to staff for review. We will notify you if significant agricultural concerns are identified beyond those already indicated in the Preliminary Notice.

Any lack of direct response by the Department during this exploratory period does not obviate the obligation of the Town to minimize or avoid any adverse agricultural impacts within the district nor to file a Final Notice of Intent pursuant to Section 305(4) of the Agriculture and Markets Law at least 65 days prior to commencement of the proposed action.

Sincerely,


Robert Somers, Manager
Farmland Protection Unit

cc: Debra A. Malaney, Supervisor, Town of Ticonderoga
Bernard Leerkes, Chair, Essex County AFPB

FILE No: AP 13/037 NOI



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE & MARKETS
10B Airline Drive, Albany, NY 12235
518-457-4188
www.agriculture.ny.gov

Andrew M. Cuomo
Governor

Richard A. Ball
Commissioner

May 30, 2014

Hon. William Grinnell, Supervisor
Town of Ticonderoga
132 Montcalm Street
PO Box 471
Ticonderoga, NY 12883

Dear Supervisor Grinnell:

Pursuant to Agriculture and Markets Law (AML) §305(4), the Department of Agriculture and Markets has completed its review of the Final Notice of Intent submitted by Essex County Community Resources/Planning, on behalf of the Town of Ticonderoga, in connection with the advance of public funds for the replacement of a water transmission main, Town of Ticonderoga's Water Main Mitigation Project, within Essex County Agricultural District No. 1.

The Final Notice of Intent was sent to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture (ACA), and the Essex County Agricultural and Farmland Protection Board (AFPB) for their review of the proposed action. The Commissioner of Environmental Conservation and the Essex County AFPB did not submit any comments. The ACA reviewer stated that the proposed action would not have an unreasonably adverse effect on the continuing viability of agriculture within the agricultural district since the project consists of the replacement of existing water main.

Based on all relevant information before me, I have determined that the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the district; or State environmental plans, policies and objectives. This determination is due, in part, to the minimal amount of farmland affected and the project does not expand the existing service area.

Please be advised that in order to complete its filing obligations under §305(4), the Town must certify to me at least ten days prior to advancing the funds to construct, or constructing, the waterlines, that it has made an explicit finding that the requirements of §305(4) have been met, and that to the maximum extent practicable, adverse agricultural

Hon. William Grinnell, Supervisor
Town of Ticonderoga
Page 2

impacts revealed in the Notice of Intent process will be minimized or avoided. The certification shall set forth the reasons in support of the finding and is more fully set forth in AML §305(4)(g).

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Ball".

Richard A. Ball
Commissioner

cc: McCrea Burnham, NYS Department of Environmental Conservation
Jim Vincent, ACA NOI Reviewer
Bernard Leerkes, Chair, Essex County AFPB
Anna Reynolds, Essex County Community Resources
File: 13/037 NOI



September 30, 2013

Anna Reynolds
Town of Ticonderoga
132 Montcalm Street
Ticonderoga, NY 12883

Dear Ms. Reynolds:

RE: Jurisdictional Determination J2013-0571

The water main relocation project as described in the materials submitted on September 5, 2013 does not require a permit or variance from this Agency, provided the facts submitted are accurate and complete, and provided there is compliance with the restrictions below.

Description

It is our understanding that the project consists of the following:

1. Tax parcel 150.1-1-11 was owned by the Village of Ticonderoga as described in a deed recorded on September 9, 1899 in Liber 117 of Deeds, page 246 in the Essex County Clerk's Office.
2. The project includes the relocation of the Chilson Water Transmission Main which was washed out by Tropical Storm Irene on August 28, 2011. The water main will be rerouted away from the stream channel of Chilson Brook from the western terminus at Chilson Reservoir with 5,668± feet of new trench and pipe (including 326± feet of directional drilling under Chilson Brook) from the reservoir north to Chilson Middle Road then east along the south side of NYS Route 74 to the eastern terminus at the existing main where it crosses the highway near Racetrack Road.

No subdivision, or new land use or development is proposed at this time.

If any of the above is incorrect, please contact the Agency as a different determination could result.

FOR YOUR INFORMATION:

This determination is based upon the existing laws, regulations and Park Plan Map administered by the Agency. If they change before substantial commencement of the proposed project, this determination may also change.

The property is located in both a Moderate Intensity Use and Rural Use land use area on the Adirondack Park Land Use and Development Plan Map.

Agency staff has determined that there are wetlands subject to Agency jurisdiction on the property, based on interpretation of wetland maps available to the Agency. No wetlands will be involved or affected by the project as proposed. However, field inspection by Agency staff is the only way to confirm the presence, location and size of wetlands. The enclosed map shows the approximate location and boundary of wetlands in relation to the property - if you have reason to believe that any wetlands would be affected by the proposal, you are encouraged to contact the Agency to arrange a site visit prior to undertaking the project.

The portion of the project within the Rural Use land use area and within 150 feet of the right-of-way of New York State 74 property is located in a statutory critical environmental area. Since no new land use or development will occur, no Agency permit will be required for the proposed water line relocation.

The property is not located in a designated river area pursuant to the New York State Wild, Scenic and Recreational Rivers System Act.

Restrictions

Although the proposed project described above does not require an Agency permit, the following restrictions are imposed by law.

1. Vegetative cutting restrictions apply to the shoreline of any navigable water body. The removal of any vegetation is limited within 6 feet of the high water mark. The cutting of trees is limited within 35 feet of the high water mark. Enclosed is a flyer which further describes the shoreline restrictions.

Anna Reynolds
September 30, 2013
Page 3

2. Projects must be undertaken in accord with Agency regulations implementing the State Freshwater Wetlands Act. Enclosed is a flyer describing some of the activities which require a wetlands permit.

The proposal may require approvals from other government entities. We recommend that you check with Town authorities and the New York State Department of Environmental Conservation to obtain all necessary approvals prior to beginning your project.

If you have any questions, please do not hesitate to contact the Agency.

Sincerely,

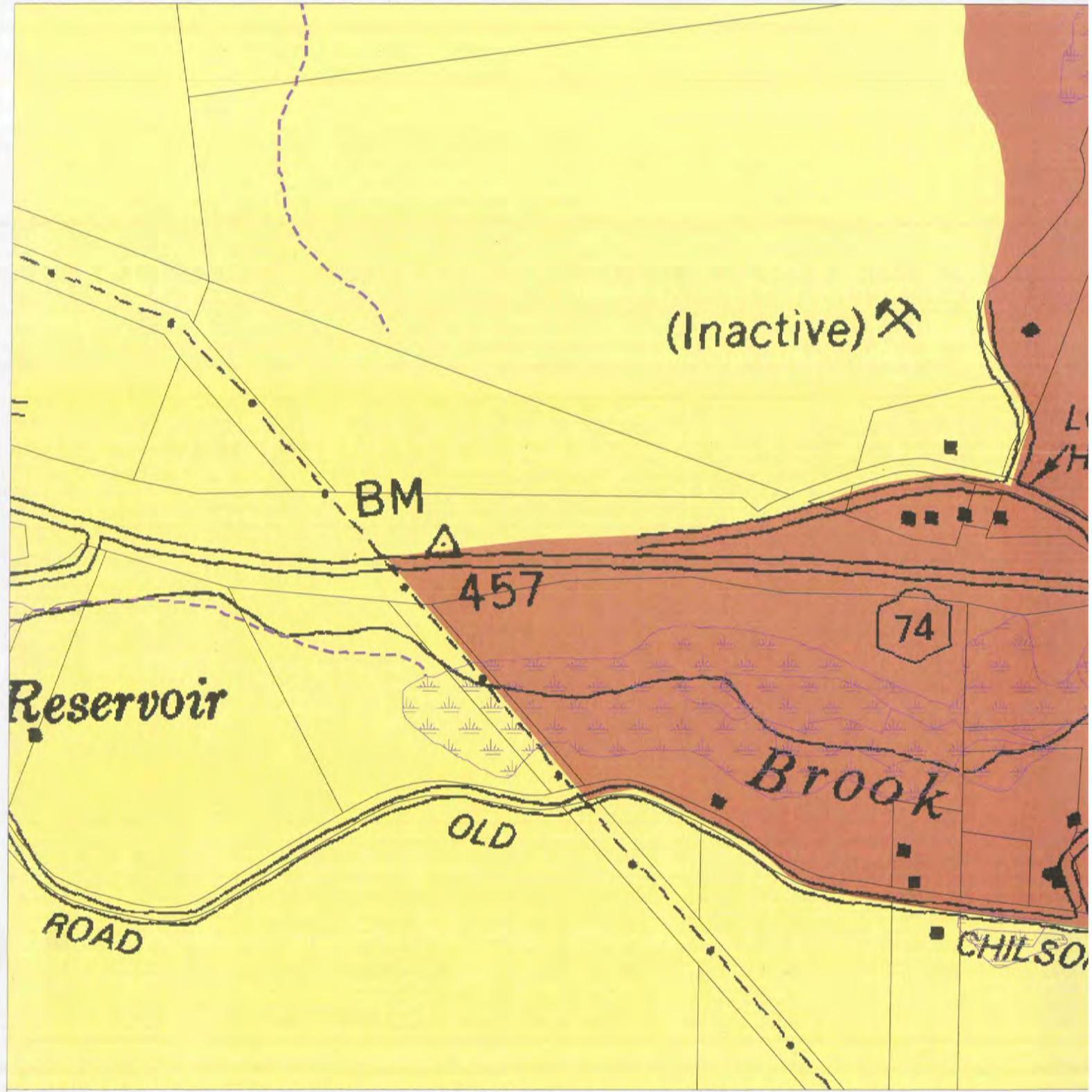


Nancy M. Heath
Project Administrator

NMH:DWM:mp

Enclosures: Land Use Map/Wetlands Map, Wetlands Flyer

cc: Debra Malaney, Town of Ticonderoga Supervisor (via e-mail)
Erin Burns, NYSDEC, Ray Brook (via e-mail)
William Ball, Town of Ticonderoga Code Officer (via e-mail)



APA Land Classification	Industrial Use	Historic	NWI Wetland Covertypes	Designated River
Hamlet	Wilderness	State Administrative	Wetland	Corridor Boundary
Moderate	Canoe Area	Pending Class.	Linear Wetland	
Low Intensity	Primitive	Open Water	Tax Map	
Rural Use	Wild Forest	Regulatory Wetlands	Parcel Boundary	
Resource Mgmt.	Intensive Use	EPA Wetland Covertypes		

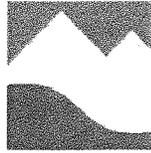
This map is advisory only and should not be used to confirm the exact presence or location of wetlands, nor any exact boundary for determining Agency jurisdiction.

New York State
Adirondack
Park
Agency
Geographic
Information
System

■ Parcel Search Results:
County: ESSEX
Town/Village: Ticonderoga
Tax Parcel #: 150.1-1-1.000
2009 Owner: TICONDEROGA WATER WORKS

xxl.USHealth\0152812.eps 09/25/13 Scale 1:6000





NEW YORK STATE
Adirondack
parkagency

P.O. Box 99 • Ray Brook, New York 12977
(518) 891-4050
www.apa.ny.gov

**This is a supplement to the Citizen's Guide,
which provides basic information about
Adirondack Park Agency regulations.**

FRESHWATER WETLANDS

Regulated Wetlands

Defined in §802 of the Adirondack Park Agency Act, wetlands are “any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation¹.” Section 578.3 of the Agency’s regulations provides additional wetland information, and the criteria for identifying wetland areas are provided in the New York State Wetland Delineation Manual (<http://apa.state.ny.us/Documents/Guidelines/WetlandDelineationNYS.pdf>).

Wetland Permitting

Under the Adirondack Park Agency Act and the Freshwater Wetlands Act, an Agency permit must be obtained for the following activities involving wetlands in the Adirondack Park:

1. Draining, dredging, or excavating² a wetland;
2. Placing fill, including soil, stone, sand, gravel, mud, trash, structures, pilings, roads, or any other obstruction or substance³, into a wetland;
3. Clearcutting⁴ more than three acres;

¹ Areas that are less than one acre in size and meet the New York State Wetland Delineation Manual criteria are considered wetlands for Agency purposes if: 1) the adjacent waterbody is at least 6.6 feet deep; 2) the adjacent waterbody is at least one acre in surface area; 3) the adjacent waterbody and the wetland together are at least one acre in surface area; or 4) the adjacent waterbody has a permanent surface water inlet or outlet.

² With certain exceptions; see section 578.3(n)(4) of Agency regulations and the Agency’s flyer titled “Hand Harvesting of Aquatic Plants” for additional information.

³ With certain exceptions; see section 578.3(n)(4) of Agency regulations for additional information.

⁴ For Agency purposes, a clearcut is generally defined as any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle, where the average residual basal area remaining is less than 30 square feet per acre within the area harvested. See sections 570.3(f) and 573.7 of Agency regulations for additional information.

4. Releasing any form of pollution into a wetland, including pesticides and sewage effluent or other liquid waste;
5. Installing any sewage drainage field or seepage pit or any sewer outfall in or within 100 feet of a wetland;
6. Undertaking any other activity within or outside of a wetland that substantially impairs the functions served by or the benefits derived from the wetland, including the diversion of surface or subsurface drainage or natural water flow that adversely affects the natural hydrological regime of or substantially increases erosion of or siltation or sedimentation into the wetland; or
7. Creating by subdivision any lot that contains wetlands and any lot adjoining a lot that contains wetlands, as well as all land use and development related to these subdivision lots, *unless* the Agency issues a letter finding that:
 - All lot boundaries will be located at least 200 feet from all wetlands;
 - All new roads providing access to more than one lot will be located at least 50 feet from all wetlands;
 - All non-wetland areas of the wetland subdivision lots will be accessible by road without crossing or causing adverse impacts to wetlands⁵; and
 - Any lot containing a lawfully existing principal building will also contain its associated water supply, wastewater treatment system, and an adequate replacement site for the on-site wastewater treatment system that is located at least 100 feet from all wetlands⁶.

Additional Information

For specific locations, the Agency will determine whether wetlands are present and will delineate wetlands upon the request of any person having a legal interest in the property. These determinations involve examination of maps at Agency headquarters, interpretation of aerial photographs, and/or field visits by Agency wetland biologists. Please contact the Agency for additional information.

Certain activities involving wetlands may be authorized by expedited process under a General Permit.

This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

⁵ This requirement is generally applied to mean that access roads could be constructed at least 50 feet from wetlands to reach all non-wetland areas of the subdivision lots.

⁶ This requirement is generally applied to mean that the lot contains a potential replacement wastewater treatment system site that: 1) is at least 1,500 square feet in size; 2) is no more than 60 feet in length; 3) has slopes of 15% or less; and 4) and is located greater than 100 feet from all waterbodies.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF). The JIF form is available on the Agency website at www.apa.ny.gov/Forms/jiform.pdf.

WETLAND IDENTIFICATION AND IMPORTANCE

Deep Water Marsh

Areas of open water filled with plants that float freely or are rooted are called deep water marshes. The leaves of the rooted plants are either submerged or floating. Such plants as pondweeds, duckweeds, and wild celery are important food for waterfowl. The shallow waters of a deep water marsh and the protecting vegetation make them important areas for fish spawning and nurseries.

Deciduous Swamp

These are wetlands where the covertype contains mostly live deciduous trees, twenty feet or more in height. The trees grow on hummocks or in seasonally or permanently flooded areas. Swamp maples and willows are evident in lowland deciduous swamps. These swamps are spotted with dead trees which are used by flying squirrels and chickadees. The swamps provide a habitat for nesting waterfowl and a great variety of birds and wildlife. Their soils are usually very fertile, promoting rapid plant growth and a wide diversity of plants and animals. Because these swamps filter great quantities of water, they play a very important role in purifying water and maintaining high water quality.

Wet Meadows

Wet meadows are wetlands where most of the cover is composed of sedges, rushes, and coarse grasses, most of which tend to grow in clumps. Groundwater is at or near the surface for much of the year, including significant parts of the growing season, creating saturated soils. These meadows are often found in the flood plains of lakes and rivers and in the areas once flooded by beaver dams or other impoundments. Their soils are mostly mineral in structure.

Bog

A bog is a closed wetland from which drainage is either extremely slow or absent and where the vegetation grows on a saturated mat of peat. The mat sometimes covers all of the surface of a shallow pond, sometimes it covers only a portion leaving open water. The peat is formed by species of sphagnum moss which die, but do not decay because of the acidity and low oxygen levels of the bog. All processes in a bog including nutrient recycling are slowed down by the stagnant acid water. This is why bogs are so sensitive. It takes centuries to recover from disturbance.

Emergent Marsh

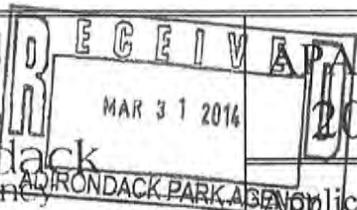
Emergent marshes are shallow wetlands that are flooded with standing or running water much of the year. Their cover consists of such plants as cattails, bulrushes, pickerel weed, loosestrifes, and arrowheads. Emergent marshes have the most valuable covertype and one of the highest levels of productivity and habitat diversity. Not only does the vegetation in these wetlands provide nesting habitat, food, and cover for many waterfowl and other wildlife, but it adds large quantities of nutrients to food chains. These marshes are attractive to muskrat, ducks and geese, herons, and egrets, mink and deer.

Shrub Swamp

A shrub swamp is a wetland where woody shrubs, less than twenty feet in height, make up most of the covertype. Shrub swamps are often found in floodplains, in frost pockets and other depressions, on the edges of ponds, lakes and bogs, along meandering streams, and in hillside drainages. These areas have two things in common: fresh water flowing through them and a high level of productivity. Alders, hollies and viburnums typify these swamps and have berries which are eaten by a wide variety of birds. The shrubs are the nesting habitat of such diverse species as the rose-breasted grosbeak and kingbirds, and game birds, including woodcock, pheasant and grouse. It is also the habitat of beaver and otter, and waters adjacent to shrub swamps are essential to spawning northern pike.

Coniferous Swamp

A coniferous swamp is a wetland where most of the plant cover consists of live coniferous trees over twenty feet in height. The trees often grow on hummocks in deep organic deposits with pockets of water or sphagnum moss between them. Coniferous swamps are most important because they give off large quantities of water over much of the year. In summer, this process helps keep surrounding soil temperatures low. This, combined with the cooling effects of the swamps= dense shade, helps maintain low water temperatures critical to the survival of cold water fish in streams running through these swamps. The shelter offered by coniferous swamps creates clear wintering fields so important to the survival of deer and other animals and birds.



General Permit
2002G-3AAR

Permit Number:
P2014-50

P.O. Box 99 • Ray Brook, New York 12977
(518) 891-4050 www.apa.ny.gov

Application and Certification for Certain Minor
Regulated Activities in APA-jurisdictional
Freshwater Wetlands

Instructions: Please answer all of the questions in each section and complete the required attachments. Submit this form with the required attachments in person or by mail to the Deputy Director, Regulatory Programs, Adirondack Park Agency at the above address. A site visit by Agency staff is required. You may not begin regulated activities at the project site until you have received this certification signed by Agency staff.

Section A

Name of Project Sponsor: Anna Reynolds Authorized Representative: William Grinnell

Mailing Address: Essex County Planning Department-POB 217, Elizabethtown, NY 12932

Telephone Number (daytime): 518-873-3895 FAX: 518-873-3751

Prior Agency Contact:

Have you had any previous discussions with Agency staff regarding the proposed activities involving wetlands or has any Agency staff visited the project site with you or your representative?
 No
 Yes, staff person's name: Nancy Heath & Mark Rooks
Date of Contact: 3-21-14

Has the project site been the subject of a past Agency action (i.e., project permit, order, variance, jurisdictional inquiry, enforcement case or wetland flagging)?

No
 Do not know
 Yes, If known, provide the following number and date:

Past Project Permit, Order or Variance Number: _____
Jurisdictional Inquiry Number: J2013-0571
Enforcement Case Number: _____
Wetland Boundary Flagging : Yes, unsure of date _____

Contractor (if any, doing the proposed work in wetlands):

Name of Company: _____ Authorized Representative: _____

Mailing Address: _____

Telephone No: _____ FAX: _____

Project Site Location:

Town(s): Ticonderoga Village: _____ County (ies): Essex

Nearby Road(s): _____): NYS Route 74-Old Chilson Rd Nearby

Waterbody: Chilson Brook

Tax Map Number (s): (list all involved parcels): 150.1-1-11

Section _____ Block _____ Parcel _____ Section _____ Block _____ Parcel _____

Brief Project Description:

The purpose of the proposed Water Improvement project is replace 5,866 feet of 12" cast iron transmission main that was located within and along Chilson Brook with a new transmission main along NYS Route 74 within the NYS DOT right of way. The replacement pipe is proposed to consist of 5,533 ft of 12" ductile iron pipe and would begin at the existing Chilson Reservoir, crossing the Chilson Brook Valley on the Town owned property along an existing corridor proceeding in a northerly direction and incorporating approximately 196' of open cut temporary wetland and brook disturbance. An access road/fill area will be installed to allow access for construction and provide proper cover on the pipe. From that point it will continue eastward with traditional trenching, following the south side of NYS Route 74 shoulder and ROW until reaching the eastern terminus at the existing main where it crosses the highway (5,533 feet) near the intersection of Racetrack Road.

Wetland disturbance: The length of the disturbance is 196'. The actual trench is 6' wide which works out to be equals .027 acres.

The work area is 12' wide so 261.3 square yards or .054 acres (access for equipment)

By signing this permit application, the project sponsors agree to strictly comply with the terms and conditions of this application and certification.

X [Signature]
Signature of Project sponsor

X [Signature]
Signature of Project Site Landowner(s)

X [Signature]
Signature of Authorized Representative(s) (if designated above)

Section B

Certain Regulated Activities in Wetlands

Applicability:

1. This general permit only applies where the sole basis of Agency permit jurisdiction over the project activity in question is due to involvement of wetlands pursuant to Section 810(1) of the APA Act or where the activity constitutes a regulated activity pursuant to 9 NYCRR 578.3 in or significantly impairing wetlands.
2. This general permit may not be used if the wetland activity in question also requires Agency approval due to involvement of a larger project, such as a subdivision or new land use or development under Sections 810 or 814 of the Adirondack Park Agency Act or for rivers projects under the New York State Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577 or requires a variance under Section 806 shoreline restrictions.

Field Visit Requirements: (to be completed by the project project sponsor prior to the field visit by Agency staff unless otherwise agreed to in advance by Agency staff) ✓

1. Field delineate with stakes the centerline of any driveways, roads, underground or overhead utilities, utility poles, culverts or other structures to be located within wetlands.
2. Field delineate with stakes or colored flagging (except blue) the approximate location of all property lines that are located within 100 feet of the edge of any proposed work area.
3. Identify with colored flagging (except blue) or stakes the limits of the proposed temporary and/or permanent fill in wetlands.
4. Field delineate with stakes any new power poles to be located in wetlands.

Required Attachments: (your application will not be processed without all required attachments)

1. Attach a copy of current deed of record for the project site. ✓
2. Attach a Property Boundary Map which may be either a labeled and scaled copy of a survey map, deed plot or current real property tax map clearly showing the property boundaries and labeled with the tax map number(s). ✓
3. ✓ Attach a site plan map scaled at 1" = 40' (one inch equals forty feet) for each work site involving or affecting wetlands. Showing existing site conditions and the proposed development activities, including all existing and proposed roads, driveways, buildings, utility poles, lines and anchors, and drainage structures, temporary and permanent easements, areas of existing vegetation labeled as to covertime, limits of proposed vegetative clearing, existing wetland boundaries, limits of wetland disturbance or filling, and proposed mitigation, including wetland replacement areas, if any. The map should clearly show the date and name

and title of the person who prepared the map.

4. Provide scaled sketches of the proposed work areas and activities, including plan view and cross sections through the area of wetland fill, plans and details of any temporary or permanent structures to be placed in or affecting wetlands, and temporary and permanent erosion and sediment control practices to be employed. ✓
5. Attach a written explanation describing all of the following: ✓
 - a) The purpose and need for the proposed activity involving or affecting existing wetlands,
 - b) why there is no practicable alternative to avoid working in the wetlands,
 - c) how impacts to the wetlands have been avoided and minimized to the greatest extent practicable,
 - d) the quantity in square feet of temporary excavation or fill and permanent excavation or fill,
 - e) all temporary and permanent erosion and sediment control practices to be used to protect the wetlands during and after construction,
 - f) final site stabilization and restoration methods (e.g., topsoiling and seeding, planting of trees and shrubs), including plant names and sizes,
 - g) all other proposed compensatory mitigation measures, including constructing replacement wetlands, if any, and construction activities sequence of work and proposed start date and estimated completion date.

Section C

CONDITIONS

1. The activities in or affecting existing APA-jurisdictional wetlands described in this application and in the required attachments may not be undertaken unless or until this application and certification is signed by authorized Agency staff.
2. Failure to comply with this general permit and approved attached site plan is a violation and may subject the project sponsor, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
3. By signing the application and certification, the permittee(s) and their contractor(s), if any, accept full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project.
4. The Agency may conduct on-site investigations, examinations and evaluations as it deems necessary to ensure compliance with the terms and conditions of this permit. Such activities shall take place at reasonable times and upon advance notice where possible.
5. At the written request of the Agency, the permittee shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

6. The permittee shall notify the Agency in writing of the project completion within five working days after the work authorized by the approved permit has been successfully completed.
7. All mobilization of equipment and materials shall occur prior to undertaking the work involving or affecting wetlands and shall be completed in the shortest necessary time span.
8. This permit does not grant the permittee any right to trespass upon the lands of, or interfere with the riparian rights of others in order to perform the permitted work, nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.
9. The permittee shall require that any agent, contractor, project engineer, or other person responsible for the overall supervision of this project read and understand this permit and approved plans and all terms and conditions prior to undertaking the project. Copies of the signed permit and approved plans shall be kept at the project site during all construction activities.
10. Any deviation from the type of project authorized by this permit or failure to comply precisely with all the terms and conditions of this permit and approved plans must be expressly approved in writing and in advance by authorized staff of the Agency.
11. The work shall be scheduled and conducted during drier periods (not during major storm events, spring runoff, and thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface waterbodies.
12. Prior to construction, including clearing and grubbing, silt fence, as shown on the approved plans, shall be properly installed with the bottom buried at least four inches. Silt fence and all other erosion control measures shall be installed and maintained as specified in and shown on the approved plans.
13. No mechanized equipment shall be driven in wetlands unless expressly authorized herein. Every effort shall be made to work from upland areas and to minimize disturbances to areas adjacent to wetlands. Only tracked equipment shall be used in wetlands.
14. Any cutting of vegetation along the shorelines of navigable waterbodies shall be in conformance with the Shoreline Restrictions of Section 806 of the Adirondack Park Agency Act. (A copy of the Shoreline Restrictions or the Citizen's Guide is available upon request).
15. No waste disposal, material or excavation stockpiling, or dewatering discharge shall occur in or within 50 feet of wetlands unless specifically authorized in the project plans.
16. All equipment, including but not limited to trucks, excavators, earth drills and tractors, shovels, picks and rakes, to be used on the site shall be washed with high pressure hoses and hot water prior to being brought on the site. The intent of this condition is to insure invasive plant species are not spread to the construction site.
17. The regulated wetland activities authorized herein, including site restoration activities, shall be completed by 12/31/2015 MR.
(Date to be filled in by APA Representative)

SPECIAL CONDITIONS BY ACTIVITY

Underground utility line installation, repair or replacement

18. The installation or repair of underground utility lines shall not result in significant change in the preconstruction contours, flow or watertable characteristics of the wetland.
19. The area of wetland disturbance shall be limited to the minimum necessary to construct the utility line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities. Grading and grubbing of the wetland shall be minimized to the greatest extent practicable.
20. Where trenching for the installation or repair of underground utilities in wetlands, the top 12 inches of wetland soil shall be first removed and temporarily placed onto a geo-textile blanket running parallel to the trench. Sub-grade soils dug from the trench shall be sidecast on the opposite side of the trench onto another geo-textile blanket running parallel to the trench. All sidecast material shall be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows.
21. The length of trench to be opened should be only that which can be opened and completed in one day. After installation or repair of the underground utilities, including placement of bedding materials, the sub-grade soils shall be backfilled into the trench, followed by the surface wetland soils. The wetland soil should be left 3 to 6 inches above the surrounding undisturbed wetland surface to allow for settling. All excess material must be removed to upland areas and stabilized immediately upon completion of construction. The geo-textile blanket can be utilized for the next trench section or rolled up and taken offsite after the work is completed.

Culvert repairs, replacements, and extensions or new installations in wetlands

22. Existing pipe and box culverts shall be replaced at their existing location. Replacement culverts shall be installed so as to preserve the pre-construction water levels and flows and shall not inhibit the natural movement of fish. If the activity involves a DEC classified stream, also obtain and comply with an ECL Article 15 permit.
23. New culverts shall be installed so as to preserve the preconstruction water levels and flows and shall not inhibit the natural movement of fish.

Temporary access or detour drives, work pads or water control structures in wetlands

24. Any fills required for temporary construction access, detour and work pad facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.
25. Temporary construction access, detour and work pad facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate temporary drainage measures must be taken to maintain preconstruction water flows and watertable characteristics.

26. Temporary water control structures (i.e. cofferdams) shall be of the type and size, and shall be placed in such a manner, so as to not impair surface water flow into or out of the wetland.
27. Temporary water control structures (i.e. cofferdams) shall be constructed of non-erodible materials, and located in such a manner, so as to prevent its dispersion or movement by normal or high water flows.
28. Temporary construction access, detour and work pad facilities (including necessary fills) shall be entirely removed following completion of construction activities, and the affected and adjacent area successfully restored to its preconstruction condition, including replacement planting of native trees and shrubs.

Widening or improvements to existing roads, driveways, or trails

29. Any permanent fill associated with widening or improvements to a pre-August 1, 1973 road, driveway or trail shall not exceed 300 square feet of permanent wetland excavation or fill per wetland complex. Compensatory mitigation shall be addressed as approved by Agency staff.
30. The placement of earthen fill for widening of pre-August 1, 1973 highways, bridges, driveways or trails shall be limited to the minimum necessary to bring the facility into compliance with current State design, safety and capacity standards and shall only be allowed as long as the proposed activity or improvement does not change the historic use of the facility and the property or the character of the setting.
31. Stabilize road fill with native seed and straw or wood fiber mulch or rip rap, as approved, within 3 days of completion of fill activities.

Temporary access in wetlands for survey and exploratory activities

32. Any fills required for temporary access facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.
33. All test wells, test pits and bore holes located in wetlands shall be backfilled to the fullest extent possible with soil excavated from the well, pit or hole, with the upper 12 inches of wetland soil returned to the top of the hole. All excess material shall be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity.
34. The area of wetland disturbance shall be limited to the minimum necessary to perform the survey and/or exploratory activity. Cutting of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to the necessary activity. All cut vegetation shall be immediately removed from the wetland and adjacent area upon completion of the activity. Grubbing of stumps and roots shall be avoided.
35. Temporary access facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate measures shall be taken to maintain preconstruction water

flows and watertable characteristics.

- 36. Temporary access facilities (including necessary fills) shall be entirely removed following completion of the necessary activity, and the affected wetland and adjacent area shall be graded, seeded and restored to replicate preconstruction conditions (except that the planting of replacement trees and shrubs is not required).
- 37. All slurries, dusts, and liquids and other materials brought to the surface during drilling activities will be carried or pumped into an upland location and treated in such manner so that they or any effluent derived from them are not deposited into the wetland.

Overhead Utility Pole and Line Repair or Replacement

- 38. The area of wetland disturbance shall be limited to the minimum necessary to repair, replace or construct the utility pole and line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities. Grading and grubbing of the wetland shall be minimized to the greatest extent practicable.
- 39. When pole replacements occur in wetlands, the existing poles to be replaced shall be removed completely from the wetland, including that portion of the pole that was buried.
- 40. Whenever practicable, access through wetlands shall be done on frozen ground or with the use of wide-tracked vehicles. If temporary access or work pads are required, they shall be governed by the Conditions 22 thru 26 listed above.

(Additional conditions, if any, as determined by Agency staff)

41.

X Mark Rodas Date: 4/2/14
Signature of APA Environmental Program Specialist or Wetlands Biologist
(Required before regulated activity can be started)

X 

Date: 4/2/14

Signature of Deputy Director, Regulatory Programs (or designee)
(Required before regulated activity can be started)

Attach as a part of the approved certification an 8-1/2" x 11" reduced copy of the overall site plan(s) referenced in Item 3. of the ■Required Attachments■ state above.

April 17, 2009



Together with the appurtenances; and all the estate and rights of the part *is* of the first part in and to said premises.

To Have and to Hold the above granted premises unto the said part of the second part, *is* ^{forever} ~~to~~ and assigns forever.

And the said _____

do covenant with the said part *y* of the second part as follows:

That the part *y* of the second part shall quietly enjoy the said premises.

That the said Silas Odeell

will forever warrant the title to said premises.

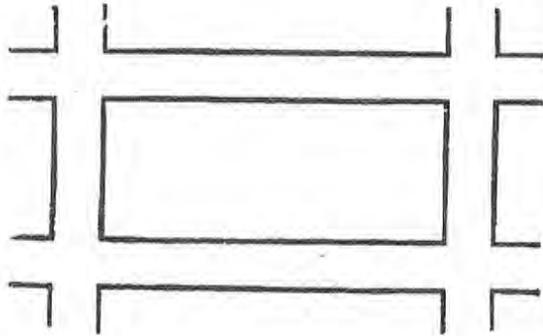
In Witness Whereof, the said part *is* of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of
Fran B. Archibair _____ Silas Odeell

On this eleventh day of September, in the year One thousand eight hundred ninety nine before me, the subscriber, personally appeared Silas Odell and Adelaide Odell

to me personally known to be the same persons described in and who executed the foregoing instrument, and they jointly acknowledged to me that they executed the same.

Francis B. Wickes
Notary Public



Deed.

Witness.

Silas Odell
and wife

TO
The Village of
Hickory

Dated Sept 9 1899

State of New York.

Orange County, ss.

Recorded on the 15

day of Sept 1899, at

2 o'clock, P. M., in Book

No. 117 of Deeds, at page 246

and examined.

W. C. ...
Clerk.

Williamson Law Book Co., Publishers, Rochester, N. Y.

Our Indenture,

Made the 9th day of September in the year
one thousand eight hundred ninety nine

Between Silas Odell and Adelaide Odell
his wife

of the Town of Ticonderoga, County of Essex and
State of New York

The Village of Ticonderoga, an incorporated
village in said County and State

of the second part,

Witnesseth, That the said parties of the first part, in consideration of
Five Hundred Seventy Five Dollars

(\$ 475⁰⁰), lawful money of the United States, paid by the
part y of the second part, do hereby grant and release unto the said
part y of the second part, its ^{successors} heirs and assigns forever,

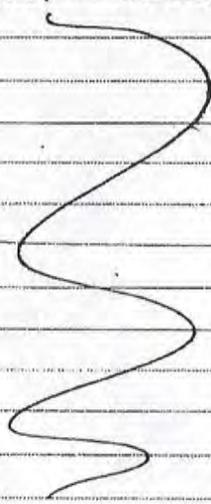
All that Tract or Parcel of Land, situate in the Town of
Ticonderoga County of Essex and
State of New York, and bounded and described as
follows: Beginning in the center of the old
highway leading from Ticonderoga to
Schuon at the south-west corner of
Lot No 6, Deal Patent; thence along
the center of said highway South 56° east
two (2) chains, six (6) links; thence along
the center of said highway South 60° east
eleven (11) chains seventy (70) links; thence north
16° east two (2) chains sixty-nine (69) links;
thence north 73° 30' east one (1) chain eighty-
seven (87) links; thence north 26° 15' east three (3)
chains; thence north 23° 30' west to a point - thirty

~~comes as well as more use, various papers~~
(50) binds to the place of being in being.
The premises hereby conveyed include
as a part thereof the premises heretofore sold
and conveyed to the party of the second
part by the parties of the first part
and out which is located the reservoir of
the Ticonderoga Water Works.

It is understood however that the parties
of the second part have the privilege of occupying
the house where they now reside on the
premises hereby conveyed until November
15, 1899.

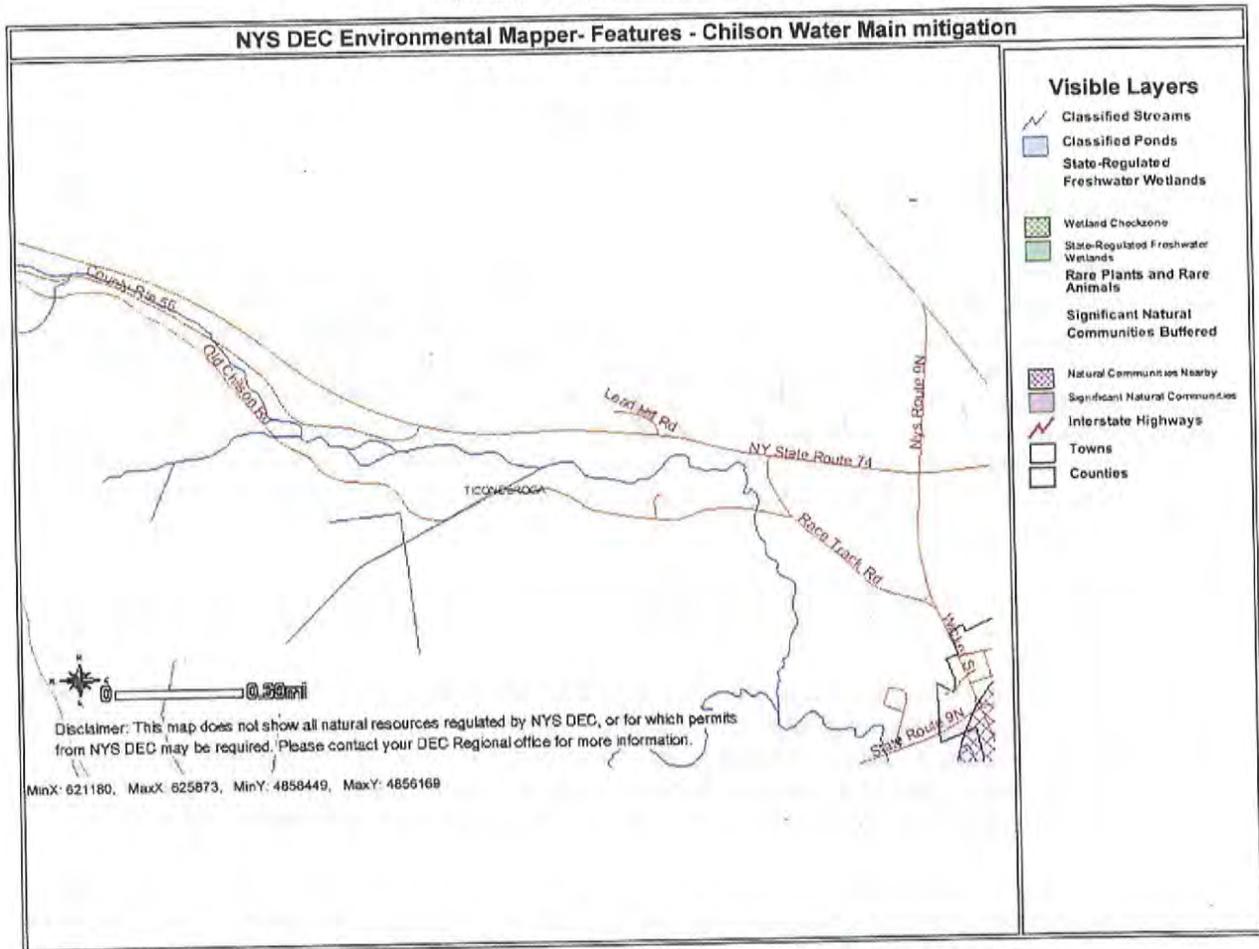
The premises hereby conveyed are the same
indicated on a map of the same made by
Edward Lee according to a survey made
by him

1899.
And possession of the premises hereby
conveyed is to be delivered to the party
of the second part November 15, 1899.



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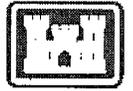
Please set your printer orientation to "Landscape".



Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



JOINT APPLICATION FORM



For Permits/Determinations to undertake activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water withdrawal.

New York State

You must separately apply for and obtain separate Permits/Determinations from each involved agency prior to proceeding with work. Please read all instructions.

US Army Corps of Engineers (USACE)

APPLICATIONS TO

1. NYS Department of Environmental Conservation

Check all permits that apply:

- Stream Disturbance
- Excavation and Fill in Navigable Waters
- Docks, Moorings or Platforms
- Dams and Impoundment Structures
- 401 Water Quality Certification
- Freshwater Wetlands
- Tidal Wetlands
- Coastal Erosion Management
- Wild, Scenic and Recreational Rivers
- Water Withdrawal
- Long Island Well
- Aquatic Vegetation Control
- Aquatic Insect Control
- Fish Control
- Incidental Take of Endangered/Threatened Species

I am sending this application to this agency.

2. US Army Corps of Engineers

Check all permits that apply:

- Section 404 Clean Water Act
- Section 10 Rivers and Harbors Act
- Nationwide Permit(s) - Identify Number(s):
#12 permit

Preconstruction Notification -

Y / N

I am sending this application to this agency.

3. NYS Office of General Services

Check all permits that apply:

- State Owned Lands Under Water
 - Utility Easement (pipelines, conduits, cables, etc.)
- Docks, Moorings or Platforms

I am sending this application to this agency.

4. NYS Department of State

Check if this applies:

- Coastal Consistency Concurrence

I am sending this application to this agency.

5. Name of Applicant (use full name)

Town of Ticonderoga
POB 471

Mailing Address

Ticonderoga

Post Office City

NY 12883

State Zip Code

Telephone (daytime)

518 585 6265

Email
superintendent@townofticonderoga.ny.gov
superintendent@townofticonderoga.ny.gov

Applicant must be:

- Owner
 - Operator
 - Lessee
- (check all that apply)

Taxpayer ID (If applicant is NOT an individual):

14-600-2469

6. Name of Facility or Property Owner (if different than Applicant)

Mailing Address

Post Office City

State Zip Code

Telephone (daytime)

Email

7. Contact/Agent Name

AES Northeast LLC

Company Name

Gregory Swart

10-12 City Hall Place

Mailing Address

Plattsburgh

Post Office City

NY 12901

State Zip Code

518-561-1598

Telephone (daytime)

Email
gregory.swart@aesnortheast.com

8. Project / Facility Name

Chilson Water Main

Property Tax Map Section / Block / Lot Number

150.1-1-11.000

Project Location - Provide directions and distances to roads, bridges and bodies of waters:

The property lies between Old Chilson Rd + NY Rt 74. Site is located 1.5 miles west of the RT 9/74 intersection.

Street Address, if applicable

377 Old Chilson Rd

Post Office City

Ticonderoga

State

NY

Zip Code

12883

Town / Village / City

Ticonderoga

County

Essex

Name of USGS Quadrangle Map

Ticonderoga J51, 043073g4

Stream/Water Body Name

Chilson Brook

Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude

NYTM-E

NYTM-N

Latitude

43.859039

Longitude

-73.470318

For Agency Use Only

DEC Application Number:

USACE Number:

9. **Project Description and Purpose:** Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., square ft of coverage and cubic yds of fill material and/or structures below ordinary/mean high water) area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities. **ATTACH PLANS ON SEPARATE PAGES.**

Please see attached narrative.

Proposed Use: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Commercial	Proposed Start Date: 5/31/14	Estimated Completion Date: 10/1/14
Has Work Begun on Project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain. Tree removal in upland areas.		
Will Project Occupy Federal, State or Municipal Land? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please specify. occupy town owned land + DOT ROW.		

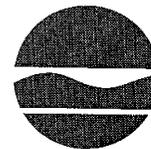
10. List Previous Permit / Application Numbers (if any) and Dates:
APA 52013-0571

11. Will this project require additional Federal, State, or Local Permits including zoning changes? Yes NO If yes, please list:
ACOE/DEC
DOT-ROW

12. **Signatures.** If applicant is not the owner, both must sign the application.
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant	Printed Name	Title	Date
	William Grinnell	Town Supervisor	
Signature of Owner	Printed Name	Title	Date
Signature of Agent	Printed Name	Title	Date

For Agency Use Only	DETERMINATION OF NO PERMIT REQUIRED
(Agency Name)	Agency Project Number _____ has determined that No Permit is required from this Agency for the project described in this application.
Agency Representative: Name (printed) _____	Title _____
Signature _____	Date _____



PERMISSION TO INSPECT PROPERTY

By signing this permission form for submission with an application for a permit(s) to the Department of Environmental Conservation ("DEC"), the signer consents to inspection by DEC staff of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. This consent allows DEC staff to enter upon and pass through such property in order to inspect the project site or facility, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DEC staff should wish to conduct an inspection at any other times, DEC staff will so notify the applicant and will obtain a separate consent for such an inspection.

Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes DEC staff to disregard such notices or unlocked gates at the time of inspection.

The signer further agrees that during an inspection, DEC staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es):

377 Old Chilson Rd, Ticonderoga, NY 12883
Tax map # 150.1-1-11.000

*By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DEC staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.**

William Grinnell

Print Name and Title

[Signature]

Signature

3/5/14

Date

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.

ACOE/DEC Joint Application Project Description

Chilson Water Main

The current site is a 10 acre parcel owned by the Town of Ticonderoga

The project involves the replacement of a 5,866 ft. of 12" cast iron transmission main that was located within and along Chilson Brook with a new transmission main along NYS Route 74 within the NYS DOT R.O.W. The replacement pipe is proposed to consist of 5,533 ft of 12" ductile iron pipe and would begin at the existing Chilson Reservoir, crossing the Chilson Brook Valley on Town owned property along an existing corridor proceeding in a northerly direction and incorporating a 194' +/- open cut temporary wetland and brook disturbance. An access road/fill area will be installed to allow access for construction and provide proper cover on the pipe. From that point it will continue eastward with traditional trenching, following the south side of the NYS Route 74 shoulder and R.O.W. until reaching the eastern terminus at the existing main where it crosses the highway (5,533 feet) near the intersection of Racetrack Road.

The wetland crossing is considered the only viable option for the water main for 2 reasons:

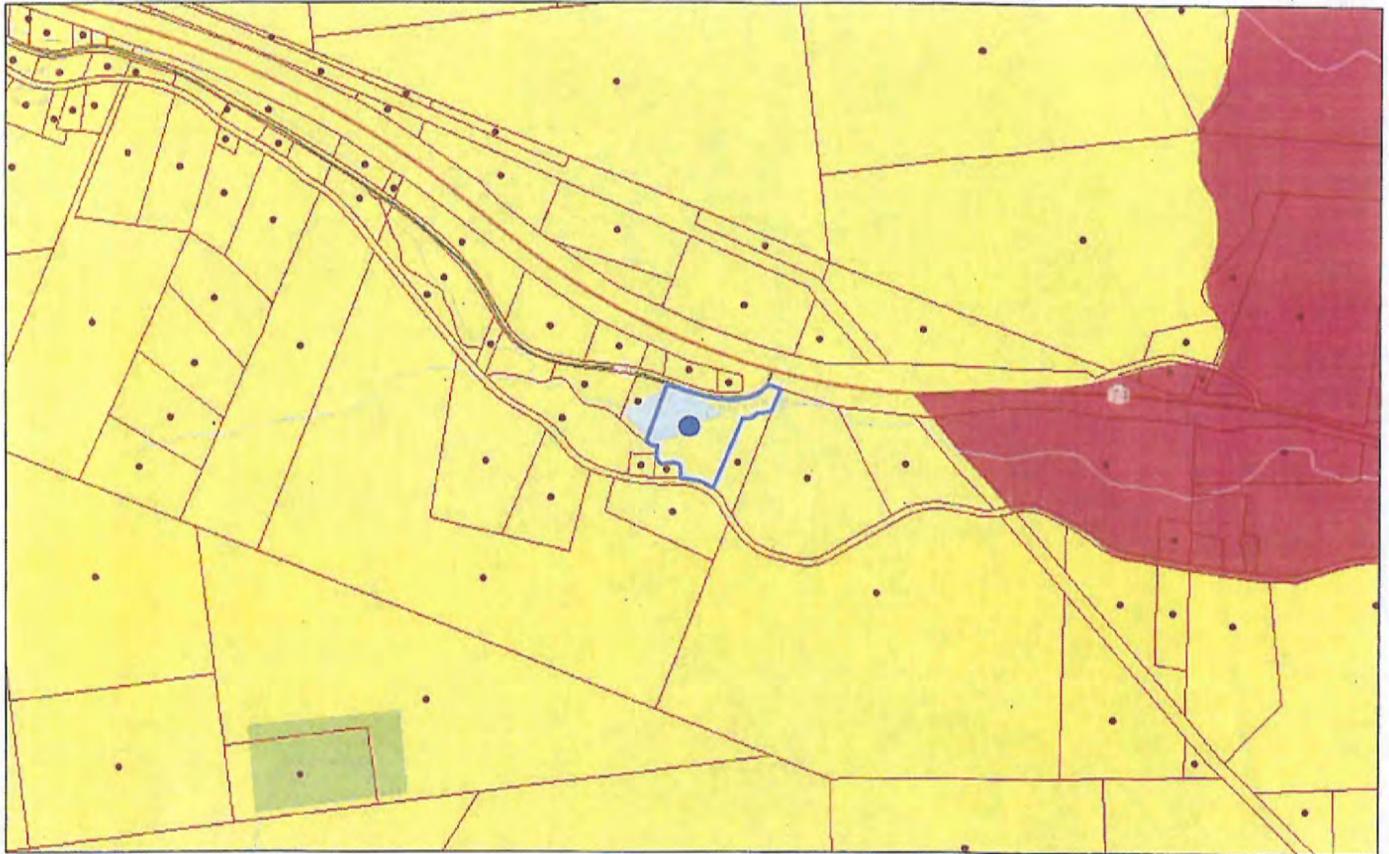
- The location of the pipe maintains the critical elevations needed to allow the water system to function hydraulically.
- The option of a directional drill of the water main under the wetland was considered but was ultimately rejected because of the historically known subsurface conditions are believed to be such that the success of the directional drill is unlikely. A failure of the directional drill will result in reverting to an open cut of the wetland. This process would likely add significant costs to the project, with actually adding environmental risk (from drilling mud failures) without likely avoiding the need for an open cut of the wetland and brook.

The wetland impacts will be as follows:

- The temporary removal and storage of approximately 246 yd² of wetland hydric soils. These soils will be carefully removed, stored on tarps, and replaced upon installation of the water main.
- The temporary crossing and impact to a 12' wide section of the Chilson Brook, including temporary channeling of the brook, flow through a culvert pipe with appropriate sediment protection, removal of approximately 35 yd³ of brook bed material (with 7 yd³ disposed of at an upland APA permitted disposal site), installation of a 12" D.I. pipe encased in 2 yd³ of concrete (buried 6' to top of the pipe). Approximately 28 cy of existing brook bed material will be used for trench refill to a depth of 12" below the existing elevations of the brook bed. Geogrid fabric and 5 yd³ of 12" of clean rip rap will be placed to match existing brook bed grades. Refer to the drawings and details.

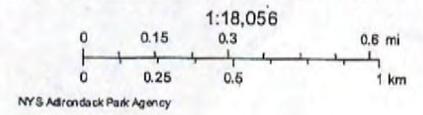
The mitigation to impact will be as follows:

- Installation of silt fence and construction fence to protect the wetland areas not to be impacted (with strict clearing limits).
- Installation of silt fence downstream and alongside of the brook bed.
- Installation of sand bags to divert flow into culvert and around trench.



March 31, 2014

- RPS 2010
- APA Parcels



NYS Adirondack Park Agency, 2014



**TOWN OF TICONDEROGA
HURRICANE IRENE DAMAGE - CHILSON WATER MAIN REPLACEMENT
AES PROJECT #3997
3.24.14**



Address: 200 Engineers and Land Surveyors Road, P.O.

WATERLINE

Parcels 1548



DEPARTMENT OF THE ARMY
US Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

Upstate New York Section

April 17, 2014

SUBJECT: Permit Application Number NAN-2014-00361
By Town of Ticonderoga
Essex County, New York

Gregory Swart
AES Northeast, PLLC
10-12 City Hall Place
Plattsburgh, New York 12901

Dear Mr. Swart:

On March 31, 2014, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States, including wetlands, to facilitate the replacement of approximately 5,866 linear feet of 12 inch cast-iron water transmission main. The site is located in the vicinity of New York State Route 74, in the Town of Ticonderoga, Essex County, New York.

I have reviewed this information and determined that additional information and clarification is necessary so we may continue processing your application. Please provide the following information:

1. Clear, color photographs of all wetland and stream crossings.
2. Indicate whether the proposed access road/fill area would impact wetlands or streams.
3. Indicate whether the old transmission main would remain in place or be removed.
4. Clearly depict on drawings with shading or cross-hatching the extent of all temporary or permanent wetland and/or stream impacts. Please provide the total linear footage of stream impact.
5. Provide a copy of your response to the NYSDEC notice dated April 15, 2014 regarding alternative stream crossing methods.

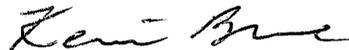
In addition, a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website shows that the project site is located within or immediately next to areas identified by the SHPO as "Archeo Sensitive Areas".

Please indicate whether any sites eligible for listing in the National Register of Historic Places exist in the vicinity of the proposed project site, and provide evidence of any coordination with the SHPO on the potential presence of historic sites. In accordance with 33 CFR Part 325, Appendix C, this office will only be able to make a determination as to the eligibility of the project to proceed in accordance with the Nationwide Permit Program once the issues are resolved, and the required coordination regarding Historic Properties is complete.

Please send this office the requested information, or indicate that you are in the process of preparing the items listed above, in writing within thirty days of the date of this letter. If the requested information is not received within this period, in accordance with Title 33 of the Code of Federal Regulations Part 325.2(d)(5), it will be understood that you no longer wish to undertake the proposed work and the application will be withdrawn.

As soon as you provide the above requested information, we will initiate the processing of your application. If questions arise concerning this matter, please contact the undersigned at (518) 266-6358.

Sincerely,



Kevin Bruce
Project Manager
Upstate New York Section

cc: R. Smith, NYSDEC Region 5, Ray Brook5-1548-00238/00001
D. Korn, APA
Town of Ticonderoga

May 1, 2014

Mr. Kevin Bruce, Project Manager
Department of the Army
US Army Corps of Engineers
ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, NY 12189-4000

**RE: Permit Application Number NAN-2014-00361
Town of Ticonderoga – Essex County, NY
AES Project No. 3997**

Dear Kevin:

Thank you for your expeditious review of the Town of Ticonderoga Chilson Brook Water Main project. The following is our response to your letter dated April 17, 2014 regarding the above referenced project. The responses are numbered in the same order as your letter.

1. Photographs: Refer to attached photo pages.
2. Proposed Access Road/Fill Area: The proposed fill does not impact the wetlands. The fill ends near, but not into the wetlands. The wetlands will be protected by silt fence and construction fence. Refer to Figure 1 for clarification on the wetland boundary.
3. Transmission Main: The existing transmission main will be left in place. The location of the existing transmission main is very remote and difficult to access with equipment. We believe that it would cause more environmental harm to remove the existing transmission main than to leave it in place. In order to access and remove the main, construction roads would have to be built through forested areas (possibly more than one).
4. Wetlands: All wetland impacts are temporary. Please refer to Figure 1 for a drawing with the wetland area hatched. The construction documents depict the wetland area with clearing limits, as hatching would obscure portions of the proposed work. The proposed trench is 6' wide for a disturbed wetland area of .027 acres. The proposed work area is 12' wide (for equipment access) resulting in a total disturbed area of .054 acres. The disturbed stream length is approximately 18'.
5. Alternative Stream Crossing Methods: Please refer to the attached response letter to NYS DEC. NYS DEC is also be copied on this letter.

6. A Phase 1 Cultural Resources Survey has been completed by Andy Black of Black Drake Consulting. Based on his findings, no archaeological deposits were identified; the project will create no physical nor visual impacts to any historic structure property; therefore his recommended that no further cultural resources work be required for this project. AES is in the process of submitting the report to SHPO for their review and determination. Once SHPO's determination letter is received, we will forward a copy to all involved agencies.

After your review of these documents if you have further questions, please feel free to contact me at your convenience.

Sincerely,

Gregory Swart
EIT

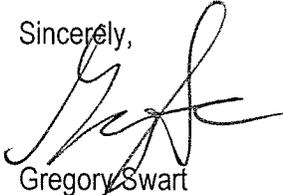
Attachments (3)

c/w/encs.: Rebecca Smith, NYS DEC
Rob Florentino, NYS DEC
Tamara Venne, NYS DEC
Devan Korn, APA
Kevin Scheuer, NYS DOH, Saranac Lake
William Grinnell, Supervisor
Tracy Smith, Water/Wastewater Superintendent
Derrick Fleury, Water/Wastewater Deputy Superintendent

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After your review of these documents if you have further questions, please feel free to contact me at your convenience.

Sincerely,



Gregory Swart
EIT

Attachments (3)

c/w/encs.: Rebecca Smith, NYS DEC
Rob Florentino, NYS DEC
Tamara Venne, NYS DEC
Devan Korn, APA
Kevin Scheuer, NYS DOH, Saranac Lake
William Grinnell, Supervisor
Tracy Smith, Water/Wastewater Superintendent
Derrick Fleury, Water/Wastewater Deputy Superintendent



Note: It is a violation of law for any person, unless they are acting under the direction of a licensed Professional Engineer, Architect, Landscape Architect, or Land Surveyor, to alter an item in any way. If an item bearing the stamp of a licensed professional is altered, the altering Engineer, Architect, Landscape Architect, or Land Surveyor shall stamp the document and include the notation "altered by" followed by their signature, the date of such alteration, and a specific description of the alteration.

ARCHITECT - ENGINEER - LAND SURVEYOR

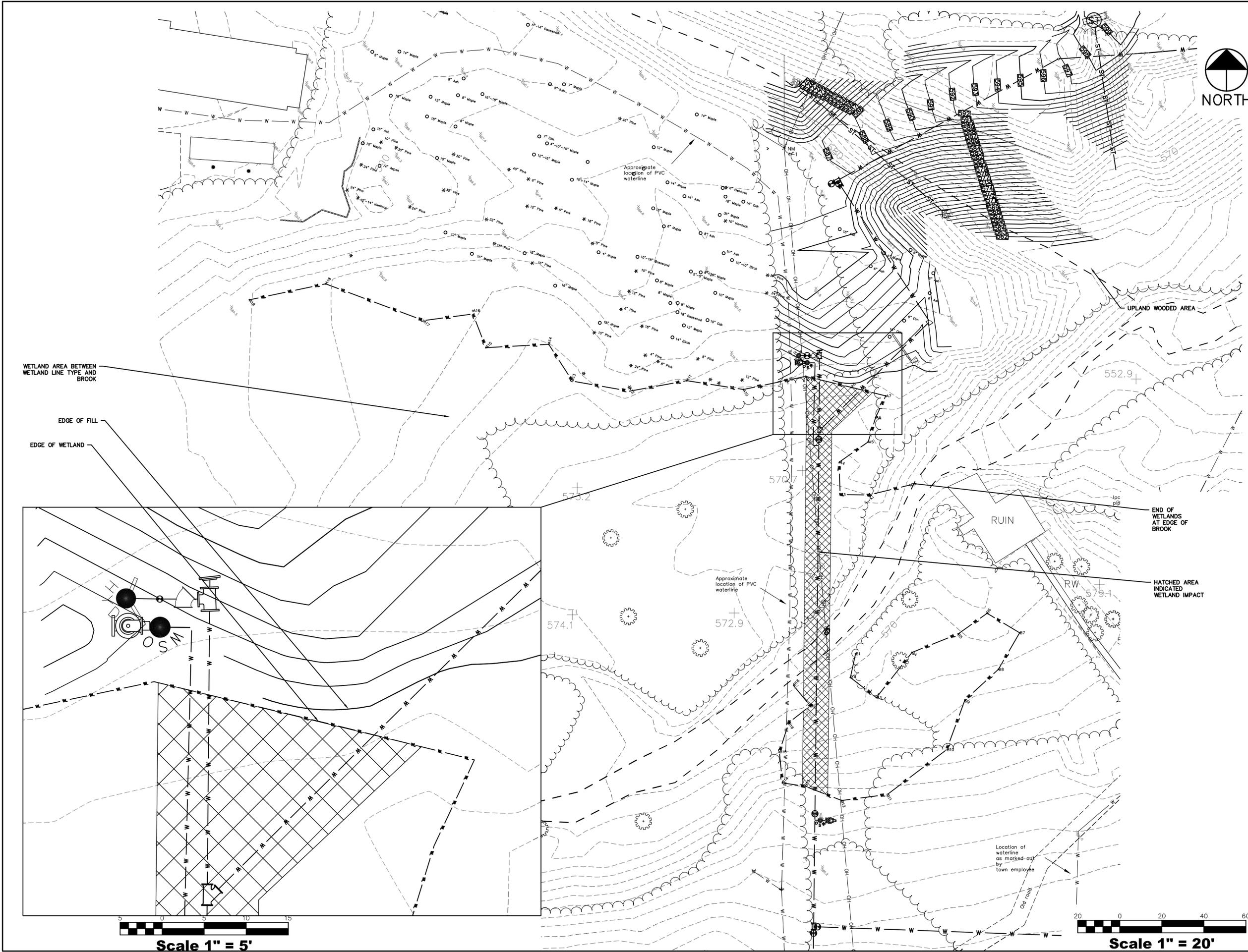
PROJECT TITLE:
TOWN OF TICONDEROGA
HURRICANE IRENE
DAMAGE
CHILSON WATER MAIN
REPLACEMENT
ESSEX COUNTY, NEW YORK

DRAWING TITLE:
ACOE & DEC
PERMITTING PLAN

REVISIONS		
NO.	DESCRIPTION	DATE (MM/DD/YYYY)

DRAWN BY: G. SWART	CHECKED BY:	DATE: 03/21/2014	PROJECT NO.: 3997
-----------------------	-------------	---------------------	----------------------

DRAWING NO.
FIGURE 1



WETLAND AREA BETWEEN
WETLAND LINE TYPE AND
BROOK

EDGE OF FILL

EDGE OF WETLAND

UPLAND WOODED AREA

END OF
WETLANDS
AT EDGE OF
BROOK

HATCHED AREA
INDICATED
WETLAND IMPACT

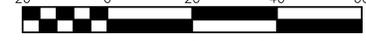
RUIN

Approximate
location of PVC
waterline

Location of
waterline
as marked-out
by
town employee



Scale 1" = 5'



Scale 1" = 20'

Plot Date: 05/02/2014 Plot Time: 10:44 AM
File Path: P:\313997 Ticonderoga (T) - Chilson Water Main - FEMAF - Drawings2 - Eng&Arch\10 Dwg. To Others\ACOE DEC\3997 DEC-ACOE Response.dwg



Architecture, Engineering, and Land Surveying Northeast, PLLC
10 -12 City Hall Place, Plattsburgh, NY 12901
Phone: (518) 561-1598 Fax: (518) 561-1990
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Town of Ticonderoga Chilson Water Main Chilson Brook Crossing

PHOTO 1

Brook Crossing — View Southwest-Upstream

This view is looking upstream at the approximate location of the brook crossing.

Location Approximated by Red Arrow





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10 -12 City Hall Place, Plattsburgh, NY 12901
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Town of Ticonderoga Chilson Water Main Chilson Brook Crossing

PHOTO 2

Water Line — View Looking South (From Old Chilson Road)

Location Approximated by Red Arrow





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10-12 City Hall Place, Plattsburgh, NY 12901
Phone: (518) 561-1598 Fax: (518) 561-1990
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Town of Ticonderoga Chilson Water Main Chilson Brook Crossing

PHOTO 3

Water Line — View Looking Northwest (Toward Middle Chilson Road)

Water Line Approximated by Red Arrow



New York State Department of Environmental Conservation
Notice of Incomplete Application - This is NOT a Permit



Application ID: 5-1548-00238/00001

Batch Number: 759681

Facility: CHILSON BROOK WATER MAIN
377 OLD CHILSON RD
TICONDEROGA, NY 12883

Applicant: TOWN OF TICONDEROGA
132 MONTCALM ST
PO BOX 471
TICONDEROGA, NY 12883-0471

Owner ID: 4950

Permit(s) Applied for: 1 - Section 401 - Clean Water Act Water Quality Certification
1 - Article 15 Title 5 Stream Disturbance

Project Location: in TICONDEROGA in ESSEX COUNTY

Your application for Permit is incomplete. The following items are required:

1. **Alternative Methods:** Fisheries staff request that clarification be provided on why a directional drill will not be considered for the stream portion of the water main replacement. Directional drilling is a preferred method, since the chosen alternative will prevent fish passage during that portion of the project.
2. **Photographs:** Please provide at least 3 color photographs of the stream, taken from multiple directions, which clearly depict the site of the proposed activity.
3. **Adirondack Park Agency (APA):** Your project is located within the Adirondack Park, and as such may require a permit or approval from the APA. In accordance with our Uniform Procedures Act Regulations (6NYCRR Part 621.3(a)(10), if your project is jurisdictional by the APA, then your DEC permit will remain incomplete until such time as the APA has a complete application. For further information regarding the APA's jurisdiction, please contact Devan Korn at (518) 891-4050 ext. 213.

In addition, it appears this project will may involve more than one acre of ground disturbance. Be advised that the ground disturbance of one acre or more requires the submission of a Notice of Intent form for coverage under the *SPDES General Permit for Stormwater Discharges Associated from Construction Activity (GP-0-10-001)*. The Stormwater Notice of Intent form can be accessed from the following weblink:
<http://www.dec.ny.gov/chemical/43133.html>.

Note: Other departments may have jurisdiction over this project, including the Department of Health, Adirondack Park Agency, and Army Corps of Engineers. If you have any questions about your application or the items required, please feel free to contact me at (518) 897-1234.

cc: Rob Fiorentino, Fisheries

Tamera Venne, Water

Devan Korn, APA

Kevin Bruce, ACOE

Susan Kennedy, DOH

Gregory Swort, AES Northeast

***Please submit requested information by May 06, 2014
No further action can be taken until all of these materials are received.***

Contact Person:

REBECCA A SMITH

NYSDEC

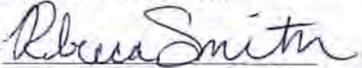
1115 NYS ROUTE 86

PO BOX 296

RAY BROOK, NY 12977

Telephone Number: (518) 897-1234

Signature:



Date: April 15, 2014

May 1, 2014

Rebecca A. Smith
NYS Department of Environmental Conservation
1115 NYS Route 86
PO Box 296
Ray Brook, NY 12977

RE: Town of Ticonderoga
Application ID: 5-1548-00238/00001; Batch #759681
Chilson Brook Water Main
AES Project No. 3997

Dear Ms. Smith:

Thank you for your expeditious review of the Town of Ticonderoga Chilson Brook Water Main project. The following is our response to your letter dated April 15, 2014 regarding the above referenced project. The responses are numbered in the same order as your letter.

1. **Alternative Methods**: The option of a directional drill was initially considered to help minimize stream impacts. However, this option was ultimately rejected due to site conditions. For this project, it was determined that the directional drill method was less likely to be successful and would potentially result in additional environmental harm. If the directional drill method were selected and proved to be unsuccessful, the open-cut method would be needed to install the pipe. The open-cut method was chosen based on the following:
 - a. The underlying bedrock is a type that is severely fractured. When the drilling bit is lubricated with a drilling "mud" and when fractured bedrock is encountered, the drilling mud can be lost into these cracks. This results in the loss of the ability to drill, the potential loss of the drilling bit, and the potential release of the drilling mud into the environment. There is a very real possibility that drilling mud could be released into the brook/wetlands.
 - b. In addition, in the soil horizon above the bedrock layers, the ground is a mixture of cobbles, boulders, and sand. It is possible to directional drill in all sandy materials or in rock, but not in a mixture of both. Therefore, it is not possible to directional drill in the upper soil horizons.
 - c. Last year, the Town attempted to drill a water well in the upland areas near the construction site. The drilling method is very similar to that used by a pipe directional drill. This well had to be abandoned because the fractured rock resulted in the loss of drilling mud and the inability to complete the drilling.

2. **Photographs:** Please refer to the attached photo pages.
3. **Adirondack Park Agency:** Please refer to the attached APA General Permit 2002G-3AAR, Permit #P2014-50.
4. **Notice of Intent:** If it is determined that more than one acre of ground disturbance is involved, a Notice of Intent for coverage under the *SPDES General permit for Stormwater Discharges Associated from Construction Activity (GP-0-10-001)* will be submitted to the DEC.

Once you review these documents and if you have further questions, please feel free to contact me at your convenience.

Sincerely,

Gregory Swart
EIT

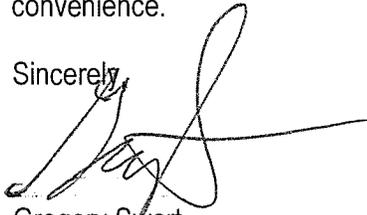
Attachments

c/w/encs.: Rob Florentino, NYS DEC
Tamara Venne, NYS DEC
Devan Korn, APA
Kevin Bruce, ACOE
Kevin Scheuer, NYS DOH, Saranac Lake
William Grinnell, Supervisor
Tracy Smith, Water/Wastewater Superintendent
Derrick Fleury, Water/Wastewater Deputy Superintendent

2. **Photographs:** Please refer to the attached photo pages.
3. **Adirondack Park Agency:** Please refer to the attached APA General Permit 2002G-3AAR, Permit #P2014-50.
4. **Notice of Intent:** If it is determined that more than one acre of ground disturbance is involved, a Notice of Intent for coverage under the *SPDES General permit for Stormwater Discharges Associated from Construction Activity (GP-0-10-001)* will be submitted to the DEC.

Once you review these documents and if you have further questions, please feel free to contact me at your convenience.

Sincerely,



Gregory Swart
EIT

Attachments

c/w/encs.: Rob Florentino, NYS DEC
Tamara Venne, NYS DEC
Devan Korn, APA
Kevin Bruce, ACOE
Kevin Scheuer, NYS DOH, Saranac Lake
William Grinnell, Supervisor
Tracy Smith, Water/Wastewater Superintendent
Derrick Fleury, Water/Wastewater Deputy Superintendent

New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources, Region 5
Bureau of Wildlife

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1291 · FAX: (518) 897-1370

Website: www.dec.ny.gov



Joe Martens
Commissioner

October 4, 2013

Anna Reynolds, Associate Planner (via e-mail)
Office of Community Services
P.O. Box 217
7533 Court Street
Elizabethtown, NY 12932

Dear Anna Reynolds:

Per your request, I have reviewed the materials you submitted regarding the proposed Chilson water transmission main mitigation project in the Town of Ticonderoga in relation to potential impacts on listed wildlife species and significant wildlife habitats.

I anticipate no impacts to the nearby bat hibernaculum identified in the Natural Heritage Program response. However, Eastern small-footed bats (*Myotis leibii*) have been documented in that and other nearby hibernacula, and these bats often do not migrate very far from their hibernaculum when they seek summer habitat. So the likelihood that good summer habitat in the general project area might be occupied is relatively high.

Eastern small-footed bats are not listed as Endangered or Threatened by either New York State or the Federal government, however Federal listing is anticipated in the near future. Currently this bat is a Species of Special Concern in NY, indicating the Department has determined them to be at risk of becoming threatened in the state. Its listing as a Species of Special Concern means it is a protected species, but the designation does not carry the same legal restrictions that a Threatened or Endangered designation would.

The proposed waterline project could potentially have impacts to Eastern small-footed bats in two ways. First, while not common, small-footed bats sometimes choose maternal roost sites within hollow trees or beneath loose bark on trees. So to minimize potential impacts from tree cutting, especially trees over 14" dbh, I recommend conducting tree cutting during the period from late October through mid-March if possible. During this period the bats are likely to be in their hibernacula for the winter, and thus not present in the project area.

Because these bats also often roost in rock crevices and talus areas, another potential impact could be if the project will disrupt these habitats during the trenching operation for the waterline. Disturbance of rocky outcrops and talus piles with solar exposure, if necessary, should be conducted during that same period of late October through mid-March if possible, when the bats will be located in their hibernacula.

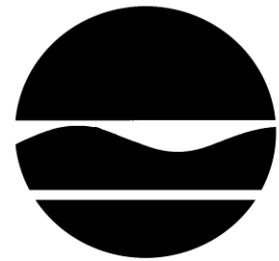
Thank you for checking with the Region 5 wildlife office prior to your project's construction activities.

Please feel free to contact me with any additional questions.

Sincerely,

Lance Durfey

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



Joe Martens
Commissioner

September 06, 2013

Anna Reynolds
Essex County Office of Community Resources
PO Box 217
Elizabethtown, NY 12932

Re: Chilson Water Transmission Main Mitigation Project
Town/City: Ticonderoga. County: Essex.

Dear Anna Reynolds :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, 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 significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

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.

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.

Sincerely,

A handwritten signature in black ink that reads "Nick Conrad". The signature is written in a cursive, slightly slanted style.

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



The following state-listed animals have been documented at your project site, or in its vicinity.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species and habitats have been documented at or near the project site, generally within 0.5 mile. Potential onsite and offsite impacts from the project may need to be addressed.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Mammals			
Eastern Small-footed Myotis <i>Hibernaculum</i>	<i>Myotis leibii</i>	Special Concern	5248
Animal Assemblages			
Bat Colony <i>Hibernaculum</i>			696

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, and from NYSDEC at <http://www.dec.ny.gov/animals/7494.html>.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, and from NatureServe Explorer at <http://www.natureserve.org/explorer>.



To: U.S. Fish and Wildlife Service, New York Field Office

FAX: (607) 753-9699 Email: Sandra_doran@fws.gov MaryEllen_VanDonsel@fws.gov and Megan_Patch@fws.gov

Request for review pursuant to Section 7(a)(2) of the Endangered Species Act of 1973

Declaration #: FEMA 4020 DR NY FEMA 4031 DR NY

Date: November 4, 2013 EMMIE PW# PA-02-NY-4020-PW-06009(0)

Project name: Chilson Water Transmission Main – Environmental Assessment

Applicant: Town of Ticonderoga

Location: 253 Old Chilson Road, Ticonderoga, New York 12883

County: Essex Latitude: 43.8559433 Longitude: -73.470137

FEMA EHP Representative: Alex Cole-Corde, Environmental Protection Specialist

Project description: Relocate existing water main line from Chilson Brook, tree removal likely in some areas

See attachment for additional information Reference previous consultation dated 10/17/13

Threatened (T), Endangered (E), or Candidate (C) species under USFWS jurisdiction with potential to occur in proposed project area:

- | | |
|---|--|
| <input type="checkbox"/> Bog turtle - T | <input type="checkbox"/> Northern wild monkshood – T |
| <input type="checkbox"/> Dwarf wedgemussel - E | <input type="checkbox"/> Piping plover – T |
| <input checked="" type="checkbox"/> Indiana bat – E | <input type="checkbox"/> Sandplain gerardia - E |
| <input type="checkbox"/> Karner blue butterfly - E | <input type="checkbox"/> Seabeach amaranth - T |
| <input type="checkbox"/> New England cottontail - C | <input checked="" type="checkbox"/> Northern long-eared bat – (FEMA considered species in determination) |
| <input type="checkbox"/> Small whorled pogonia - E | |

FEMA has determined the proposed project:

- may affect _____
- may affect, but is not likely to adversely affect Both Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*)
- is likely to adversely affect _____
- See attachment for the rationale for the above-listed determination(s) and project description. FEMA recommended conditions: The Applicant proposes to remove 100 trees, area 1 acre or less. Tree removal shall only be permitted between October 1st and March 31st; avoid removal of standing trees (live or dead) greater than or equal to 4 inches DBH with loose bark (e.g., shagbark and shellbark hickory) if possible; and use bright orange flagging or fencing prior to construction activities to designate trees for removal from protected trees

FEMA requests:

- USFWS review and/or concurrence with our Section 7 consultation determination and conditions
- Additional assistance to make our Section 7 consultation determination

The U.S. Fish and Wildlife Service:

- concurs with your NLTAAs determination(s), no further ESA consultation/coordination required*
- requests additional information

USFWS Contact: Sandra L. Doran

Date: 11-19-2013

Supervisor Approval: Patricia Cole

Date: 11/20/13