

**Mount Marion Park Dam**  
**EO 11988 Floodplain Management and**  
**EO 11990 Wetlands Protection Determination**  
***Community Reconstruction within NY State***  
***Community Development Block Grant Disaster Recovery Program***  
*June 18, 2018*

**Introduction & Overview**

The purpose of Executive Order (EO) 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The purpose of EO 11990, Protection of Wetlands, is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” The proposed action is located in floodway, floodplain and wetlands, and this determination contains the analysis prescribed by 24 CFR Part 55.

**Description of Proposed Action & Land Use**

This proposed action involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for the replacement of the Mount Marion Park Dam damaged by Hurricane Irene. Following Hurricane Irene in 2011, the Town discovered that the storm had caused breaches in the dam’s structure including its protective concrete cap and its main rock and brick structure. The Mount Marion Park Dam is an unclassified dam located on the Plattekill Creek at 19 Park Circle in Mount Marion, Town of Saugerties, Ulster County, New York. The southern half of the Mount Marion Park Dam is situated on Ulster County Tax Parcel Section/Lot/Block Number (SBL#) 28.4-11-1 which is a Town of Saugerties-owned recreational park and the northern half of the dam is located on SBL# 28.4-11-2 which is privately owned. The dam is in an area zoned as moderate density residential and residential hamlet.

HUD CDBG-DR funding totaling \$225,000 is proposed for the in-kind replacement of the Mount Marion Park Dam built in early 1900s. According to NYSDEC Inventory of Dams, this is a concrete gravity dam with Federal ID# NY17029, 150 feet in length, 8 feet high with a 150-foot wide spillway. The purpose of the dam is listed as fire protection, stock, or small farm pond, recreation. The dam has a maximum storage capacity of 8 acre-feet, normal storage capacity of 8 acre-feet, reservoir surface area of 5.4 acres and a drainage area of 37 square miles within the Lower Hudson basin. The dam is not rated.

The design for the Mount Marion Park Dam is to remove the existing breached portion of the brick and masonry dam structure and reconstruct a replacement cast-in-place reinforced concrete dam structure at the same location and same configuration as the prior dam. The replacement dam will be constructed at the same location as the existing dam. The main part of the dam is oriented in a north south direction and there is a wing on the south side that is oriented in an east-west direction. The existing rock/brick/concrete structure will be removed down to the top of bedrock. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. During the proposed construction, approximately 18 cubic yards of sediment will be removed (12 feet wide x 40 feet long x approximately 1 foot deep) to install the proposed stream bypass pipes.

**Applicable Regulatory Procedure Per EO 11988 and EO 11990**

The proposed action is a non-critical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the proposed action if an analysis is processed under §55.20 and the findings of this

determination are affirmative to allow the project to proceed. The proposed action involves the rehabilitation of an existing dam located in the floodway, floodplain, and wetlands and is analyzed below in accordance with 24 CFR §55.

***Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.***

The proposed action is associated with the replacement of an existing dam structure located 100-Year floodplain (SFHA – Zone A) and United States Fish and Wildlife Service (USFWS) National Wildlife Inventory (NWI) wetlands (Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded wetland), which is allowed only if the proposed non-critical action is processed under §55.20 (see attached maps). This action requires NYSDEC Article 15, Stream Disturbance Permit; Clean Water Act Section 401 Water Quality Certification; and floodplain development permit. The Plattekill Creek is a Class B(TS) stream. According to 24 CFR §55, the proposed action occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. The proposed action involves replacement of the Mount Marion Park Dam located in the Mount Marion Park, Town of Saugerties Creek, Plattekill Creek. The project activities will be conducted primarily on an existing dam structure located in the wetlands and floodplain. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. During the proposed construction, approximately 18 cubic yards of sediment will be removed (12 feet wide x 40 feet long x approximately 1 foot deep) to install the proposed stream bypass pipes. Thus, compliance is required with the 8-step decision-making process under §55.20, including public notices and an examination of practicable alternatives.

***Step 2. Initiate Public Notice for Early Review of Proposal***

Because compliance is required with the 8-step decision-making process under §55.20, the Governor's Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding for reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice and corresponding 15-day public comment period started on May 24, 2018 with the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" being published in Saugerties Times, with the 15-day period expiring on June 8, 2018. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on May 24, 2018, Federal Emergency Management Agency (FEMA); U.S. Army Corps of Engineers (USACE); NYSDEC; U.S. Environmental Protection Agency; NYS Office of Parks, Recreation and Historic Preservation and New York State Office of Emergency Management. The notice was also sent to the Town of Saugerties. (See **Appendixes 1 and 2** of this EO 11988 Floodplain Management and EO 11990 Wetlands Protection Determination for the notice distributed to these agencies and the associated newspaper notice affidavit).

***Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain (or 500-year Floodplain if a Critical Action) or Wetland.***

The NYRCR Program empowers the State's most impacted communities with the technical expertise needed to develop thorough and implementable reconstruction plans to build physically, socially, and economically resilient and sustainable communities. According to the Ulster County NYRCR Plan, a central focus of the NYRCR planning process was to identify resiliency measures that could help protect civic assets from future flood damages.

The Proposed Activity entails replacing the Mount Marion Park Dam which was damaged by Hurricane Irene and mitigating damages from future storm events. Hurricane Irene caused excessive amounts of stormwater from Plattekill Creek to overwhelm and damage the dam's structure. Breaches in the dam caused the water level in the dam reservoir to lower. The low water level in the dam reservoir does not provide the volume of water required by the Mount Marion Fire Department for water during fire emergencies. Therefore, the breaches must be repaired. The water from the dam provides water to the elementary school for fire response. An alternative water source has not been identified.

One potential alternative would be for no action to occur. This action is not feasible because if the repairs are not completed the fire department would not have access to adequate water supplies for fire protection.

Due to the nature of the dam structure and its functionally dependent use, prohibition of the proposed action within floodway, floodplain and wetlands is not practicable. The above identified alternative will be re-evaluated in response to public comments received.

***Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.***

**100-year Floodplain Evaluation**

The focus of evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

As the dam is situated within the 100-year floodplain, the continued occupancy may potentially result in future direct impacts to properties during certain severe floods and related natural disasters. The reconstruction of the dam will result in a stronger dam structure. Thus, the proposed action would rehabilitate this deteriorating dam making it less susceptible to a potentially catastrophic failure and mitigating damage from future flood events. No new impermeable surfaces will result from the Project. The Project would not have adverse impacts on the natural and beneficial values of the floodplain or lives and property because no additional impermeable surfaces would be created. The direct and indirect impacts associated with the development within the floodplain would be minimal.

This proposed action will rehabilitate an existing dam structure that has been in place since the early 1900s. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. The removal and replacement work will be scheduled to be done during the low flow time period of the Plattekill Creek which is typically late Summer to early Fall (August through October). A "Portadam" system or equivalent is proposed for the project. Stream bypass pipes are proposed to be located on the southern side of the dam. If a rain event results in increased stream flows which exceed the capacity of the bypass pipes, the Plattekill Creek can flow around the northern side of the temporary cofferdam and over the portion of the Mount Marion Park Dam that is not being replaced. Thus, the proposed action would maintain the current ecological balance by maintaining the existing flows and releases, while protecting the lives and properties of those downstream.

Funding this project does constitute continued support of floodplain occupancy and development. The proposed action involving dam rehabilitation would mitigate dam failure through maintenance and repair, and thus mitigate a "significant potential for disaster."

If this project were not funded, adequate water supplies for fire-fighting would not be available resulting in undesirable indirect and direct impacts to lives. No adverse impacts to the floodplain are anticipated because the dam currently exists and the project includes in-kind repairs.

## **Wetland Evaluation**

The purpose of wetland evaluation is to consider factors relevant to a proposal's effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

*Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.*

The proposed action involves rehabilitation of the Mount Marion Dam located in New York State and federal wetlands associated Plattekill Creek. This rehabilitation project is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards. If no action is taken, then the continued deterioration of the existing dam could potentially result in dam failure causing the impounded water to be suddenly released into the downstream waterways and wetlands. This could result in potential danger to lives and properties downstream from the dam. Since the dam was constructed in the early 1900s, a failure at this dam due to lack of repairs would upset the ecological balance that has been established over the past century. Thus, the proposed action would maintain the existing ecological balance by maintaining the existing flows and releases, while protecting the lives and properties of those downstream.

*Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.*

The proposed action will not further affect the natural systems or wetlands at this existing dam. The project is not anticipated to significantly increase the footprint of the existing dam or paved areas, but the project activities might include additional activities required by regulating agencies and current conditions. The Applicant must comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits. Thus, it is presumed that there will not be new adverse impacts on the existing flora/ fauna, habitat, natural hydrologic function, or natural resources at the location.

*Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.*

The proposed action involves rehabilitation of the Mount Marion Park Dam located in the Plattekill Creek. The project activities will be conducted primarily to an existing dam structure. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. The Applicant must comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits. Consequently, there might be cost increases attributed to necessary mitigation measures to minimize harm to wetlands during construction activities, but not resulting from this pre-existing use.

*Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.*

This functionally dependent dam was constructed in the early 1900s. The dam provides area for fishing. This proposed action also will allow continued use of the area for recreational purposes.

No adverse impacts to the wetlands are anticipated because the dam currently exists and the project includes in-kind repairs.

**Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.**

Given that proposed action funded by this Program is primarily for the rehabilitation of the existing dam, it is not financially feasible to specify mitigation measures.

**Step 6. Reevaluate the Alternatives and Proposed Action.**

The action to fund dam rehabilitation is still practicable in light of exposure to flood hazards in the floodway and floodplain, and the potential adverse impacts on the floodway, floodplain, and wetlands. The proposed actions were also reviewed in association with the extent to which it may aggravate current hazards to other floodplains, and the potential to disrupt the natural and beneficial functions and values of floodplains and wetlands. Normally, nonstructural alternatives to floodplain development and the destruction of wetlands are both favored and encouraged to reduce the loss of life and property caused by floods, and to restore the natural resources and functions of floodplains and wetlands. Therefore, nonstructural alternatives should be discussed in the decision-making process where practicable (§55.1(a)(5)). However, the proposed action involves rehabilitation at an existing dam, which necessitates construction and temporary bypass system in floodplain and wetlands. Based on results from the analysis prescribed by 24 CFR Part 55, it is concluded that there is a reasonable basis to proceed with funding for this proposed non-critical action and functionally dependent use within the floodway, floodplain and wetlands.

There are no practical alternatives to the Proposed Project.

**Step 7. Issue Findings and Public Explanation.**

It is the finding of this determination that there is no better, practicable alternative than to provide funding for the repairs to the dam. The project location within floodway, floodplain, and wetland cannot be avoided due to the functionally dependent use of a dam. No action would not address the deterioration of the dam and the need for adequate water supplies for fire protection. Not funding the proposed action would not mitigate any future damages and the condition of the dam would continue to deteriorate. A final notice, formally known as “Notice of Policy Determination” was published in accordance with 24 CFR 55, for a 7-day comment period. (See **Appendix 3** of this EO 11988 Floodplain Management and EO 11990 Wetlands Protection Determination for the notice distributed to the associated agencies and the associated final floodplain notice). The 7-day comment period started with the Final Notice publishing in Saugerties Times newspaper on June 21, 2018 and the 7-day period expires June 28, 2018. The notice describes the reasons why the project must be located in the floodway, floodplain, and wetland, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain and wetland values.

**Step 8. Implement the Proposed Project/Continuing Responsibility of Responsible Entity & Recipient.**

GOSR, operating under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation, is the responsible entity. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the steps herein.

Step eight is implementation of the proposed action. GOSR determined that the Proposed Project will have no direct or indirect adverse impacts to the floodplain or wetland. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Furthermore, GOSR has conducted a NEPA review in accordance with 24 CFR Part 58 and a NY State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

All comments received by June 21, 2018 will be considered.

**Appendix 1 –Early Floodplain Notice and Distribution lit**  
**Appendix 2 - Newspaper Notice Affidavit**  
**Appendix 3 – Final Floodplain Notice**  
**Appendix 4 – Figures**

## **Appendix 1 – Early Floodplain Notice**



## Governor's Office of Storm Recovery

ANDREW M. CUOMO  
Governor

### **EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

#### **MOUNT MARION PARK DAM 19 PARK CIRCLE IN MOUNT MARION, TOWN OF SAUGERTIES, ULSTER COUNTY, NEW YORK MAY 24, 2018**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), has received a request to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Community Reconstruction Program to replace the Mount Marion Park Dam ("Project Activity") and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the floodplain and wetland. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplain and wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in New York State.

The Proposed Activity entails replacing the Mount Marion Park Dam which was damaged by Hurricane Irene and mitigating damages from future storm events. Hurricane Irene caused excessive amounts of stormwater from Plattekill Creek to overwhelm and damage the dam's structure. Breaches in the dam caused the water level in the dam reservoir to lower. The low water level in the dam reservoir does not provide the volume of water required by the Mount Marion Fire Department for water during fire emergencies. Therefore, the breaches must be repaired.

The Mount Marion Park Dam is an unclassified dam located on the at 19 Park Circle in Mount Marion, Town of Saugerties, Ulster County, New York. The southern half of the Mount Marion Park Dam is situated on Ulster County Tax Parcel Section/Lot/Block Number (SBL#) 28.4-11-1 which is a Town of Saugerties-owned recreational park and the northern half of the dam is located on SBL# 28.4-11-2 which is privately owned. The dam is located in an area zoned as moderate density residential and residential hamlet. The objective of the project is to replace the dam structure to its original condition so that water is available to the firefighters in the Mount Marion community. The design for the Mount Marion Park Dam is to remove the existing breached portion of the brick and masonry dam structure and reconstruct a replacement cast-in-place reinforced concrete dam structure at the same location and same configuration as the prior dam. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. During the proposed construction, approximately 18 cubic yards of sediment will be removed (12 feet wide x 40 feet long x approximately 1 foot deep) to install the proposed stream bypass pipes.

The Proposed Activity will result in temporary and permanent impacts in the 100-Year floodplain and United States Fish and Wildlife Service (USFWS) National Wildlife Inventory (NWI) wetlands (Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded wetland). These impacts will be associated with the reconstruction and rehabilitation of the dam. The foot print of the dam will remain the same and the dam will be replaced in kind. The construction activities



will have only temporary impacts to the floodplain and wetland estimated to be approximately 420 square feet and the removal of 18 cubic yards of sediment from the Plattekill Creek. The construction staging area will be outside the floodplain and wetland.

Floodplain maps based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and wetlands maps based on the USFWS NWI are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Lori A. Shirley, Certifying Officer, GOSR, 38-40 State Street, Hampton Plaza, Albany, NY 12207; email: [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org). Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information, call (518) 474-0755. All comments received by 5pm on June 8, 2018 will be considered.



**Governor's Office of  
Storm Recovery**

**ANDREW M. CUOMO**  
Governor

**MOUNT MARION PARK DAM PROJECT**

**Distribution List for Floodplain Notice**

**FEDERAL AGENCIES**

Mr. Jerome Hatfield, Regional Administrator  
U.S. Dep. of Homeland Security  
Federal Emergency Management Agency, R II  
26 Federal Plaza  
New York, NY 10278-0002

Ms. Therese J. Fretwell, Enviro. Officer, R 1 & 2  
U.S. Dep. of Housing and Urban Development  
26 Federal Plaza, Room 3541  
New York, NY 10278-0068

**Overnight Express by FedEx:**

Mrs. Tennille Smith Parker, Director  
U.S. Dep. of Housing and Urban Development  
Disaster Recovery and Special Issues Division  
451 7th Street SW, Room 7272  
Washington, DC 20410

**By E-mail only:**

Ms. Grace Musumeci  
U.S. Environmental Protection Agency  
NEPA Section Chief  
Region 2 (NJ, NY, PR, VI)  
[musumeci.grace@epa.gov](mailto:musumeci.grace@epa.gov)

**By email only:**

[disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov)

Brian Orzel, Regulatory Project Manager  
US Army Corps of Engineers  
Rm 1937, 26 Federal Plaza  
New York, NY 10278-0090

**NYS & LOCAL AGENCIES**

John Petronella, Regional Permit Administrator, Region 3  
New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561-1696

Mr. Ron Rausch, Director  
Environmental Management Bureau  
Office of Parks, Recreation and Historic Preservation  
625 Broadway, 2nd Floor  
Albany, New York 12238

Randy Andre  
Chief of Mitigation Programs & Agency Preservation Officer  
NYS Division of Homeland Security & Emergency Services  
1220 Washington Avenue  
Bldg. 7A, Floor 4  
Albany, NY 12242

**Town of Saugerties**

Fred Costello, Town Supervisor  
Town of Saugerties  
4 High Street  
Saugerties, NY 12477

Lisa Stanley, Town Clerk  
Town of Saugerties  
4 High Street  
Saugerties, NY 12477

Grey Chorvas, Parks and Recreation  
Town of Saugerties  
4 High Street  
Saugerties, NY 12477

Alvah Weeks, Jr., Building Inspector/Zoning Administrator  
Town of Saugerties  
4 High Street  
Saugerties, NY 12477

Water/Sewer Department  
Town of Saugerties  
4 High Street  
Saugerties, NY 12477

Susan K. Plonski, Commissioner  
Ulster County Department of Public Works  
313-317 Shamrock Lane  
Kingston, NY 12401

Amanda LaValle, Coordinator  
Ulster County Department of the Environment  
17 Pearl Street  
Kingston, NY 12401

**Appendix 2 - Newspaper Notice Affidavit**

## SAUGERTIES TIMES

PO Box 3329

Kingston, NY 12402

## Affidavit of Publication

State of New York

County of Ulster

Susan Rogers

being duly sworn, deposes and says that she is an Advertising Representative of a newspaper printed in Wappingers Falls and published in Kingston, New York and County of Ulster aforesaid entitled

## Saugerties Times

and that an ad, of which the annexed is a printed copy, has been duly and regularly published 1 time commencing with issue #21 on May 24<sup>th</sup>, 2018.

Susan Rogers

Subscribed and sworn to before  
me, this 13th  
day of June  
2018.

Notary Public

**JONATHAN C. HOYT**  
Notary Public, State of New York  
Reg. No. 4849072  
Qualified in Ulster County  
Commission Expires January 6, 2022

**working times**



**How town planning board secretary backs**  
NewTown.

board chairman Howard Peak said the board would keep the public hallways open until he spoke with the building inspector about the name of the state-of-the-art order. The hearing will continue at the next meeting on June 19.

**Metal recycler**  
Arthur Green, owner of Green Recycling, plans to collect metal debris it and reuse it, Irvine.

Sinking of Castaldi Construction Co.'s concrete pad. The industrial metal would be picked up approximately three times per week from the plant, according to Irvine's Kings Highway. The entire operation would be inside the building's "factory mode."

Bill Anderson, a neighbor, says for some time he has to have the equipment used for work. He says that he has to have the equipment used for work. He says that he has to have the equipment used for work. He says that he has to have the equipment used for work.

The planning board voted unanimously to approve the application.

**Plans for solar farm**  
Blue Stone Energy introduced its plan for a solar farm on Churchland Lane, but initially postponed for details of the project. More info: [www.bseenergy.com](http://www.bseenergy.com) arranged from the board's questioning.

**EVIDENCE IN A MARIJUANA MATTER  
IN A FARM ROAD WOODCHURCH AND WESTING**

**MOUNTAIN ROAD CAMP**  
**IS FARM ROAD IN BLACK BUCKLE TOWN OF ALBERTA,**  
**(MOUNTAIN ROAD, EAST TOWN)**  
**MAY 16, 1970**

[illegible][illegible][illegible][illegible]

Planning board member Ken Goldfarb, who lives on Churchland Lane, had not come to the site, offered to remove himself from the discussion, but noted that "I will be adding questions as a board member, or if I leave myself as a member of the public."

Goldberg points out that there is increased noise during the construction phase. The application does not include how long the construction will take. He also noted that the applicant is providing information about the possible use of pesticides. With many threatened birds, he said, drawing water from an aquifer on the property will be the company maintain the groundwater and nearby wells for pesticides, pesticides, and other chemicals.

Goldberg noted that the company website says the firm offers contributions to local schools, food pantries, fire departments and other community organizations in locations where its solar farms are located. What plans did the company have for 2012?

Planning board member Don Kilworth asked whether the company would be marketing to local people or whether it had commercial customers in mind. Mayor Monroe Miller, assistant legislative director, said the developer was seeking customers but did not intend to market locally. The blueberry company representative, Monroe Miller, Mark Haskins and Caroline Davis, agreed to provide more information at the next board meeting on June 10. A public hearing may be held in July.

— David Gordon

Younis | *COV's Role in R&D*

## You're hired

#### Town board takes on rec program workers

[illegible]

- Charging Center

**No 1**  
WHY PRINT

Illustration shows a child's father more at home than usual in prison. He's usually at 1000s, while Terrell's grandmother says she was. This makes a job for the local children for a day or two, she says.

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845-679-5762

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### **Appendix 3 – Final Floodplain Notice**

Saugerties Times  
3 col x 8”  
6/21/18

**COMBINED NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND  
FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN  
MOUNT MARION PARK DAM  
19 Park Circle, Mount Marion, Town of Saugerties, Ulster County, New York  
June 21, 2018**

**Name of Responsible Entity and Recipient:** New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755. The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State.

On or about June 29, 2018, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds appropriated under Public Law 113-2, as amended and as authorized by related laws and policies for the purpose of implementing the New York CDBG-DR Action Plan.

**Project Description:** GOSR proposes to provide \$225,000 in CDBG-DR funding to the Town of Saugerties, Ulster County, New York for replacement of the Mount Marion Park Dam at 19 Park Circle in Mount Marion, Town of Saugerties, Ulster County, New York. The Mount Marion Park Dam Project ("Proposed Project") involves the removal of the existing breached portion of the brick and masonry dam structure and reconstruction of a replacement cast-in-place reinforced concrete dam structure at the same location and same configuration as the prior dam. A temporary cofferdam with bypass pipes will be used to isolate the stream from the proposed construction activity. During the proposed construction, approximately 18 cubic yards of sediment would have to be removed (12 feet wide x 40 feet long x approximately 1 foot deep) to install the proposed stream bypass pipes. Hurricane Irene caused excessive amounts of stormwater from Plattekill Creek to overwhelm and damage the dam's structure and greatly reduced water levels in the reservoir created by the dam, resulting in a lack of water due low water levels needed for fire emergencies by the Mount Marion Fire Department.

The Proposed Project is categorically excluded from the National Environmental Policy Act of 1969 (NEPA) by HUD regulations at 24 C.F.R. Part 58. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file and available for review and copying in person.

Pursuant to 24 CFR Section 58.43, this combined Notice of Intent to Request Release of Funds (NOI-RROF) and Final Notice and Public Explanation of a Proposed Activity in a Floodplain satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

**Public Review:** Public viewing of project related documents is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor's Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information may be requested by writing to the above address, emailing [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org) or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

**Public Comments on NOI-RROF:** Any individual, group or agency may submit written comments on the Project. Comments should be submitted via email, in the proper format, on or before June 28, 2018 at [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org). Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before June 28, 2018: Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5 pm on June 28, 2018 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

**FINAL NOTIFICATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

This is to give notice that the Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human and natural environment. The Proposed Activity will result in temporary and permanent impacts in the 100-Year floodplain and United States Fish and Wildlife Service (USFWS) National Wildlife Inventory (NWI) wetlands (Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded wetland). These impacts will be associated with the reconstruction and rehabilitation of the dam. The foot print of the dam will remain the same and the dam will be replaced in kind. The construction activities will have only temporary impacts to the floodplain and wetland estimated to be approximately 420 square feet and the removal of 18 cubic yards of sediment from the Plattekill Creek. The construction staging area will be outside the floodplain and wetland.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/ wetlands and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains/ wetlands can facilitate and enhance federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains/ wetlands, it must inform those who may be put at greater or continued risk.

A draft Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 as well as a floodplains map based on the FEMA Base Flood Elevation Maps have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

**Public Comments on Floodplain Management Plan:** Prior to finalization on June 28, 2018, any individual, group, or agency may submit written comments on the Draft Floodplain Management & Wetland Protection Plan to Lori A. Shirley, Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260, 9:00 AM- 5:00 PM; email: [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org); phone: (518) 474-0755. All comments must be received no later than June 28, 2018.

**Environmental Certification:** HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

**Objection to Release of Funds:** HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649.

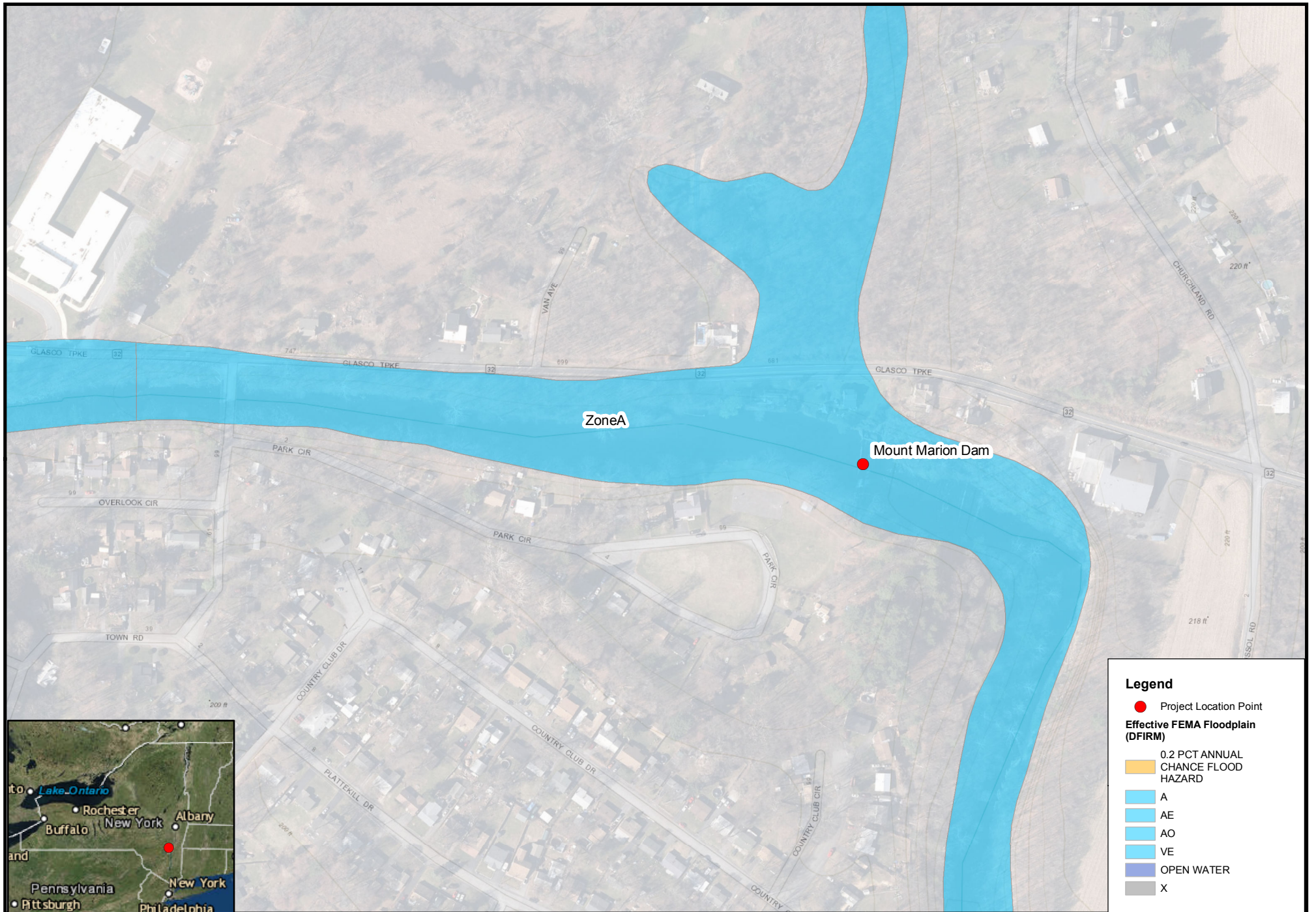
Lori A. Shirley  
Certifying Officer  
June 21, 2018



Governor's Office of  
Storm Recovery



## **Appendix 4 – Figures**



### Legend

- Project Location Point
- Effective FEMA Floodplain (DFIRM)**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- VE
- OPEN WATER
- X

## Mount Marion Dam Project Hamlet of Mount Marion, Ulster County, New York

Data Sources: Esri Topographic and World Imagery Basemap, NYOPDIG, NYDEC, USGS, USFWS, FEMA, NYC MapPluto, EPA OAR-OAQPS, NYS GIS Clearinghouse



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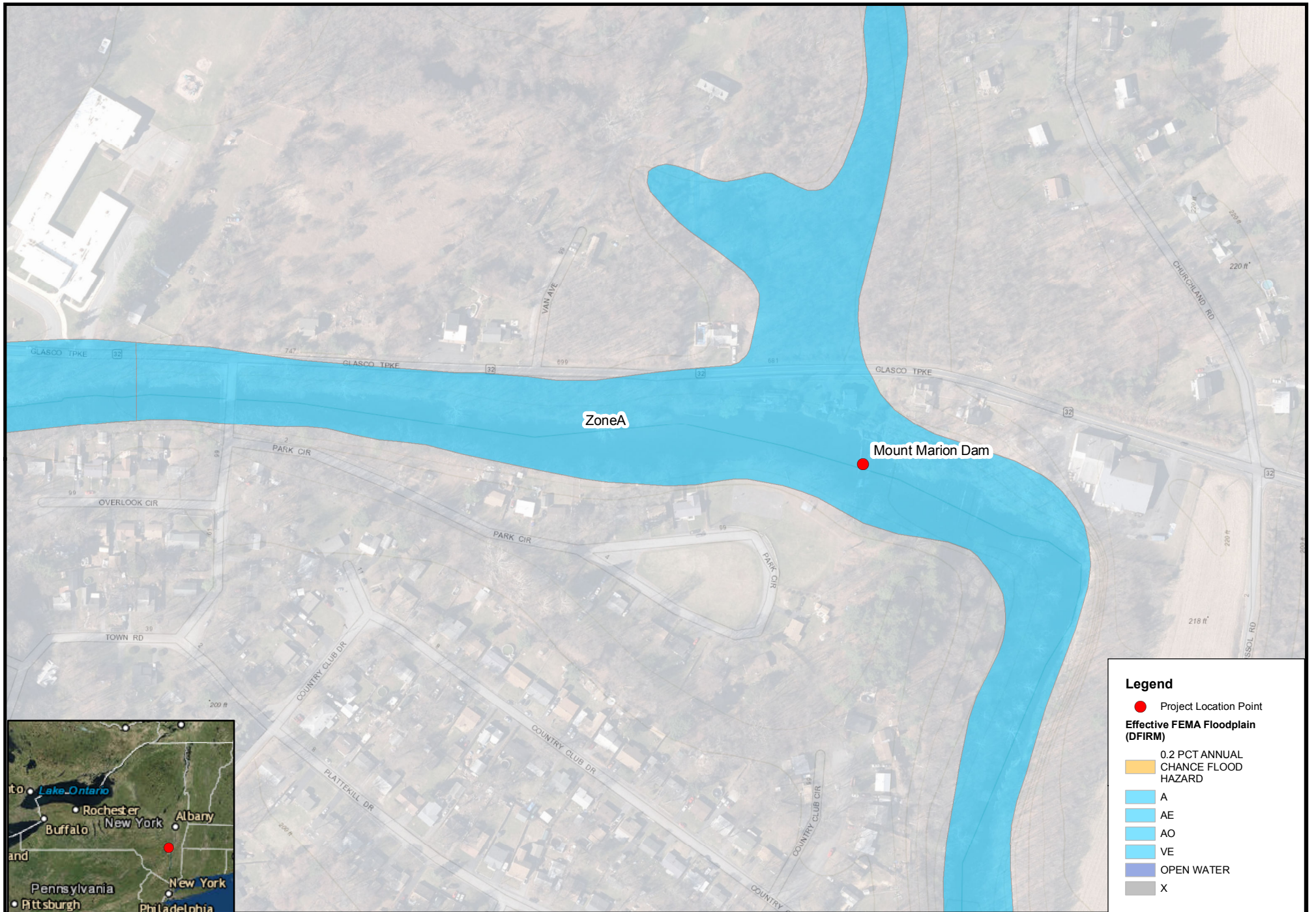
Drawn By: ASL | Version: 1.0 | Date: 5/9/2018



FEMA data uses NAVD88\*

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# Mount Marion Dam Project Hamlet of Mount Marion, Ulster County, New York

Data Sources: Esri Topographic and World Imagery Basemap, NYOPDIG, NYDEC, USGS, USFWS, FEMA, NYC MapPluto, EPA OAR-OAQPS, NYS GIS Clearinghouse



Governor's Office of  
Storm Recovery

Drawn By: ASL | Version: 1.0 | Date: 5/9/2018



FEMA data uses NAVD88\*

0 0.035 0.07 Miles

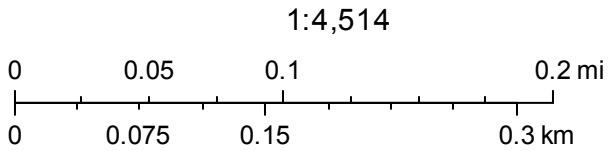
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# Mount Marion Park Dam



May 15, 2018



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