

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
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**Department of
Environmental
Conservation**

February 28, 2017

Richard Robbins, Chairman
Town of Forestburg Planning Board
332 King Rd
Forestburg, NY 12777

**Re: Republic Lake Joseph, LLC
Lead Agency Circulation Response
Town of Forestburg, Sullivan County
CH# 6885**

Dear Chairman Robbins:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the submitted SEQR Notice of Intent to Serve as Lead Agency from the Town of Forestburg Planning Board for the above referenced project. Republic Lake Joseph, LLC is proposing to subdivide a 442 acre parcel into two parcels. The site is located on St. Joseph Road, Town of Forestburg, Sullivan County.

The Department has no objection to the Town of Forestburg Planning Board assuming lead agency status for this project. Based upon our review of your inquiry dated January 25, 2017, we offer the following comments:

PROTECTION OF WATERS

The following waterbody is located within or near the site you indicated:

<u>Name</u>	<u>Class</u>	<u>DEC Water Index Number</u>	<u>Status</u>
St Joseph Lake	B	D-10-11-P96	Protected, navigable

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected."

A Protection of Waters permit is required for any excavation or filling below the mean high water line of any waterbodies and contiguous wetlands identified above as "navigable."

FRESHWATER WETLANDS

Your site is near or in Freshwater Wetland HA-19, Class 2. A Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. Additionally, your site is near or in an eligible wetland. Please contact Mike Fraatz of the DEC Bureau of Habitat at (845) 256-3057 regarding the validation of eligible wetlands and/or to have the boundary of Freshwater Wetland HA-19 delineated.



-OVER PLEASE -

WATER QUALITY CERTIFICATION

The project site appears to contain federally regulated wetland area. Please be aware that the United States Army Corps of Engineers (ACOE) may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from the Department. Please contact the ACOE for a determination, telephone (917) 790-8411.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near known occurrences of the following state-listed species:

<u>Name</u>	<u>Status</u>
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Threatened

If your inquiry is related to a specific development project, additional evaluation of the potential impacts of this project related to the sensitive resource(s) identified by this review may be required. An Article 11, Title 5 Section 535 of Environmental Conservation Law Threatened and Endangered Species Incidental "Take" Permit is required for the incidental taking of any species identified as "endangered" or "threatened", which can include the removal of habitat. For technical questions regarding these species and their associated avoidance and mitigation measures, please contact Lisa Masi of Wildlife at (845) 256-2257.

Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

SPDES STORMWATER (CONSTRUCTION)

Compliance with the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) is required for projects that disturb one or more acres of land. If more than one acre is proposed to be disturbed, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SPDES General Permit noted above. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that **the project is not located** within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

February 28, 2017

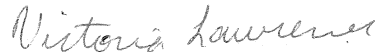
OTHER

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, Freshwater Wetlands and SPDES Stormwater. Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

By copy of this letter we are advising the applicant, of the above referenced resources, concerns and potential DEC permits. It is possible that the DEC permit requirements may change based upon additional information received or as project modifications occur.

Please contact me at (845) 633-5454 if you have questions regarding the above information. Thank you.

Sincerely,



Victoria Lawrence
Division of Environmental Permits
Region 3

Cc: Lisa Masi, NYSDEC

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