



M E M O R A N D U M

TO: Terry Martino

FROM: Daniel M. Spada

DATE: August 3, 2012

RE: RASS Division Report for July 2012

Significant News

Aaron Ziemann has joined the Resource Analysis and Scientific Services Division as the new Associate Project Analyst, Forest Resources. We welcome Aaron in his new role with the Agency! RASS staff (Snizek, Bendell, LaLonde) have started to provide soils and site evaluation orientation.

Steven Langdon began his service as an independent contractor with the title Project Coordinator working on the latest EPA project.

An aquatic invasive, spiny waterflea (*Bythotrephes longicaudus*), has been identified from the Champlain Canal and the Glens Falls Feeder Canal as well as Lake George. The species can have significant effects on phytoplankton and zooplankton populations. It has previously been reported from the Great Sacandaga Lake, Peck's Lake and Sacandaga Lake.

Projects

Field visits were conducted for those projects preceded by an asterisk (*).

P1990-202B-0039, Gibson, Tupper Lake: Engineering staff provided a recommendation to modify the proposed dock/shoreline structure complex to comply with existing Agency regulations. Other involved Agency Staff: C.Parker. (LaLonde)

P2006-0209, Adirondack Phoenix Properties: Engineering staff reviewed a proposed amendment (JIF Application) to allow for additional square footage, relocation of an existing bunkhouse and increase in the number of bedrooms on a previously approved lot. Comments pertain to calculation of square footage, on-site wastewater treatment, erosion and sediment control, shoreline cutting, compliance with the existing permit and DOH coordination. Other involved Agency Staff: S. Parker. (LaLonde)

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P2010-0269, Highland Farmers, Town of Keene: Subdivision in Resource Management. RASS issues include wetlands, wildlife habitat and connectivity, exurban development. Other involved Agency Staff: Parker, Van Cott, Reynolds. (Rooks, Spada)

P2011-0103, White, Town of Putman: Subdivision in Resource Management. RASS issues include wildlife habitat. Staff reviewed rattlesnake survey report. Other involved Agency Staff: McSherry. (Rooks)

P2011-0177, Nicholes, Town of Chester: The project is for the creation of three lots each to be developed with a single family dwelling and an additional lot which contains an existing multiple family dwelling. The multiple family dwelling was previously a single family dwelling and the conversion which took place circa 2005 required an Agency permit. As such, the Agency is currently requiring the upgrade of the undersized on-site wastewater treatment system currently serving the multiple family dwelling through the permitting process. (Bendell)

P2012-0009, McKiege, Town of Keene: A visual impact assessment was performed for the proposed single family dwelling location located within Resource Management. RASS staff attended the site visit to assess the amount of necessary clearing required for the construction of the driveway and dwelling. The dwelling is being proposed on a 25% slope. RASS issues include whether a viable alternative development location exists on the property. Other involved Agency Staff: S.Parker. (Bendell)

P2012-0027, Fox Run Sand & Gravel, Towns of Lewis & Chester: Agency staff reviewed the NIPA response. RASS issues regarding noise, traffic, waste disposal and DEC coordination have been satisfactorily addressed for the purposes of completion. Other involved Agency Staff: Lynch. (LaLonde)

*P2012-0036, Acres, Town of Hopkinton: Agency staff re-visited this project site to try again to find 2 appropriate OSWWTS locations. Wetlands were flagged near the deep hole test pits and plans have been re-submitted showing the new proposal. Other involved Agency Staff: Darrah. (O'Dell, Bendell)

P2012-0061, Bacon, Town of Ohio: RASS staff reviewed a NIPA response. RASS issues which remain include erosion and sediment control visibility associated with proposed clearing limits. Other involved Agency Staff: C.Parker. (LaLonde)

P2012-0072, Bedford, Town of Wilmington: Agency staff reviewed a NIPA response and determined prior comments have been

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satisfactorily addressed. Other involved Agency Staff: Lynch.
(LaLonde)

P2012-0091, Town of Ticonderoga Airport, Town of Ticonderoga: Project was identified in the North Country Regional Economic Development Council plan and includes a new fueling station and access road realignment. RASS staff reviewed a NIPA response and determined prior comments regarding petroleum bulk storage, impacts to wetlands, waste disposal/reuse, invasive species control and stormwater management have been satisfactorily addressed. Other involved Agency Staff: McSherry. (LaLonde)

P2012-0101, Northwood School, Town of North Elba: Agency staff reviewed a proposal for a new public/semi-public building. RASS issues include adequacy of municipal wastewater infrastructure, parking and waste disposal. Other involved Agency Staff: C. Parker. (LaLonde)

*P2012-0105, Town of Bellmont,: Engineering staff conducted a second field visit with Town officials to discuss alternatives for a proposed road rehabilitation project that includes culvert replacement and installations and ditch work. RASS issues include minimizing roadway clearing while maintaining safety, improving drainage to eliminate wetland impacts, and proper culvert replacement to maintain fish and wildlife passage. Other involved Agency Staff: Yamrick. (LaLonde)

P2012-0106, NYSDOT, Town of Chesterfield: This project involves an old beaver dam modification involving wetlands. RASS staff reviewed the project application and provided NIPA questions. The application is lacking a site plan and project narrative. Other involved Agency staff: Saehrig. (Rooks)

P2012-107, 111, 112, NYS DOT, Various Towns: General permits for culvert replacement/repair involving wetlands. RASS staff evaluated and processed 3 GP applications for 7 culvert projects. Other involved Agency staff: Saehrig. (Rooks)

*P2012-0110, Bendel, Chester: The applicant (who spells his name with one L) seeks a variance to construct a garage within the setback of the Schroon River. The proposed garage will replace two possibly temporary storage structures which may or may not be violations. The subject parcel and adjacent similar parcels all are bound by wetlands, a Town road, and the river setbacks which prohibit them from many development activities. The Agency variance procedure and criteria was explained to the applicant so that his proposal could be given further consideration on whether to proceed or not. (Bendell)

Pre-Application

Field visits were conducted for those pre-application meetings preceded by an asterisk (*).

*A2010-0163, Town of Clifton, Town of Clifton: Canoe launch site on Oswegatchie River involving wetlands. RASS staff flagged the wetlands. Other involved Agency staff: Saehrig. Other involved agencies/municipalities: NYS DOS. (Rooks)

*A2012-0007, Washburn, Stony Creek: This pre-application project is for a three lot subdivision adjacent to a previously permitted lot along the shoreline of Lens Lake in Resource Management. Agency staff visited the site to evaluate the presence and location of wetlands, indian burial plots, and a proposed on-site wastewater treatment system. Due to the abundance of wetlands a return site visit was necessary along with scheduled deep hole test pits in the near future. Other involved Agency Staff: Saehrig (Bendell, Rooks)

*A2012-0008, Old Forge Arts Guild, Town of Webb: This pre-application is for an interpretive board walk/nature trail through wetland. RASS staff delineated the wetland and discussed project with applicants. Other involved Agency staff: Walrath. (Rooks)

*A2012-0088, Jung, Town of Caroga: This pre-application is for a two lot subdivision in a Hamlet Land Use Area involving wetlands. RASS staff attended a site visit to evaluate wetland setbacks and the suitability of the soil for the installation of an on-site wastewater treatment system. Due to the presence of a shallow seasonal high groundwater table the proposed area is not suitable for an on-site wastewater treatment system. The applicant was advised that Agency staff would not be able to recommend approval for the project as proposed. Other involved Agency Staff: Darrah. (Ziemann, Bendell)

*A2012-0120, King, Town of Dannemora: A farmer's well has been contaminated by a DOT salt storage facility nearby and he needs to develop another water source for his livestock. He proposes to use a stream on his property and pump the water to his barn. The proposed pipe will need to go through a wetland. RASS staff discussed the project, located a water line route which will minimize wetland impacts, delineated wetlands in vicinity of project, and collected GPS data. RASS staff will assist in preparing a site plan, and review GP application. Other involved Agency staff: Saehrig. Other involved agencies/municipalities: DOT, DEC, ACOE, Clinton County Health Department. (Bendell, Rooks)

*A2012-0123, John Looes, Town of Black Brook: RASS staff met with 4 landowners who share ownership of Newberry Pond. During the site visit it was verified that the predominant nuisance plant is water

shield (*Brasenia schreberi*). The 4 landowners were seeking advice on what options are available to manage this native plant which has reached nuisance levels. Since they own the entire waterbody they are considering applying for a permit for a 4 to 6 foot winter drawdown. (Snizek)

Permit Compliance

Field visits were conducted for those files preceded by an asterisk (*).

*P2012-87, Schroon Lake, Town of Schroon Lake: RASS staff completed a joint site visit with Certified Lake Manager, Steve LaMere to evaluate Aquatic Invasive Management, Inc. (AIM) hand harvesting efforts Schroon Lake. AIM was able to clear the Meadow Cove site of all EWM plants in less than one day. (Snizek)

Jurisdiction

Field visits were conducted for those jurisdictional inquiries preceded by an asterisk (*).

J2012-0297, Essex County Bridge Rehabilitation, Tahawus Rd, Town of Newcomb: RASS staff reviewed plans and assessed shoreline cutting, bridge replacement variance jurisdiction and municipal road expansion permit jurisdiction associated with a River Area. As a result of the review, the project was determined to be non-jurisdictional. Other involved Agency Staff: Miller. (LaLonde)

J2012-0310, Atkinson, Town of Arietta: After receiving a jurisdictional letter stating there were no wetlands on the site with the usual disclaimer, the potential purchaser of the property requested a site visit. RASS staff visited the site and found there were extensive wetlands that would have been impacted by installing a new septic system for the larger dwelling that was proposed. Wetlands were flagged for placement of a new septic system that will meet the 100 foot setback, if possible or a permit for a system within 100 feet of wetlands. Other involved Agency staff: Miller. (O'Dell)

J2012-0348, Frontier Communications of New York, Town of Johnsbury: RASS staff conducted a site visit with a representative from Frontier to flag wetlands in relation to a fiber optic cable. The project will be redesigned slightly to avoid a large wetland and associated stream and it will then be non-jurisdictional. Other involved Agency staff: Miller. (O'Dell)

J2012-0367, Rieth, Town of Forestport: RASS staff reviewed a proposal for applicability of 575.7(c) of the Agency's regulations for a proposed replacement dwelling. It was determined that no

jurisdiction was associated with the on-site wastewater treatment system proposal. Other involved Agency Staff: Miller. (LaLonde)

J2012-0375, Lachute Hydro, Town of Ticonderoga: RASS staff reviewed a proposal for the proposed installation of a dam structure and associated rip-rap. The project is being conducted in accordance with DEC Dam Safety requirements and will not alter the normal pool elevation. As a result, no variance is required. Other involved Agency Staff: Miller. (LaLonde)

J2012-0376, Benchik, Cranberry Lake: RASS staff reviewed a proposed retaining wall project and determined that the two new proposed retaining walls are both structurally and functionally integrated to each other and/or other structures. The proposal constitutes both an expansion of an existing structure and a new structure in excess of 100 square feet thereby requiring a variance. Other involved Agency Staff: Miller. (LaLonde)

J2012-0385, O'Hanlon, Long Lake, Town of Forestport: RASS staff reviewed a proposal for applicability of 575.7(c) of the Agency's regulations for a proposed replacement on-site wastewater treatment system and determined that the proposed system will provide enhanced treatment over the lawfully existing system and no variance is required. (LaLonde)

J2012-0407, LeBlanc, Town of Lake Luzerne: RASS staff reviewed a proposal for applicability of 575.7(c) of the Agency's regulations for a proposed replacement on-site wastewater treatment system and determined that additional information is required to determine whether or the replacement system requires a variance. Other involved Agency Staff: McAleese, Miller, Burth. (LaLonde)

Enforcement

*E2009-0273, Equity Lifestyle Properties, Inc (Lake George Escape campground), Town of Warrensburg: This case involved an alleged wetland fill and other alleged violations. Staff discussed implementation of the signed settlement agreement with company representatives and consultant. RASS staff will continue to follow-up with consultants. Other involved Agency staff: Burth. Other involved agencies/municipalities: DEC. (Rooks, LaLonde)

E2010-0016, Sinai Retreats, Town of Warrensburg: RASS staff reviewed a certification prepared by a licensed professional engineer for improvements to on-site wastewater treatment systems serving the facility, and determined that associated term(s) in the executed settlement agreement have been satisfied. Other involved Agency Staff: Burth. (LaLonde)

E2012-0006, Dingman, Town of Bolton: Engineering staff reviewed a waste disposal area remedial plan which included plantings, new

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boulder retaining walls and bank stabilization, and discussed other necessary remediation measures. Other involved Agency Staff: Adams. (LaLonde)

*E2012-0106, Patriots Path Council, Town of Long Lake: This case is an alleged wetland fill. RASS staff documented an apparent wetland fill of about 160 square feet, and an unstable upland area adjacent to the wetland. Staff met with BSA official and discussed remediation. Other involved Agency staff: Fravor. (Rooks)

*E2012-0120, St. Bernard's Cemetary, Town of Harrietstown: This case involved an alleged wetland fill. Staff met with Harrietstown CEO; fill was not in wetland. RASS staff subsequently did a wetland air photo interpretation and provided it to the CEO for informational purposes. Other involved Agency staff: Wagner, Burth. Other involved agencies/municipalities: Town of Harrietstown. (Rooks)

*E2010-0186 Morris-Millington, Johnsburg: This enforcement file involves apparent permit non-compliance through the installation of an on-site wastewater treatment system without prior Agency approval. Other involved Agency Staff: Fravor. (Bendell)

E2012-0080, Spiegel, Hadley: This enforcement file involves the apparent expansion of a structure within the shoreline structure setback of the Hudson River. The structure consists of multiple sets of connected stairs and decks. Other involved Agency Staff: Miller. (Bendell, LaLonde)

*E2012-0091, Klass, Town of Bolton: This case involves an alleged wetland disturbance. RASS staff viewed the area from off-site, saw sand pile near shore/wetland, and will assist Enforcement staff with air photo interpretation and other actions. Other involved Agency staff: Burth. (Rooks)

*E2012-0101, Collins, Town of North Elba: This enforcement file involves the commencement of construction of a single family dwelling under a previously issued Agency permit without first submitting the required site plan. RASS staff assisted enforcement staff on a site visit to confirm the suitability of soils for the installation of an on-site wastewater treatment system and to generally assess the construction site. Other involved Agency Staff: Fravor. (Bendell)

State Land

Whiteface UMP Amendment: Engineering staff continues to provide technical assistance associated with the proposed actions included in the UMP amendment. Other involved Agency Staff: Linck. (LaLonde)

Wetlands

Field visits were conducted for those jurisdictional inquiries preceded by an asterisk (*).

*W2012-0106, Battin, Town of Black Brook: RASS staff lagged wetlands, recorded GPS data and discussed pond construction and Agency jurisdiction. Analysis of GPS data in GIS indicates wetlands are NJ. RASS staff will communicate with land owner and provide GIS map. (Rooks)

*W2012-0140 NYS DEC, Town of Caroga: Agency staff met with DEC for a proposed parking area expansion at the West Lake boat launch. RASS issues include protection of wildlife habitat. It appears that the project can be designed to avoid the sensitive area. Other involved Agency staff: Regan. Other involved agencies/municipalities: NYS DEC. (O'Dell)

*RASS staff conducted two all-day wetland recognition training sessions for 50 NYS DOT people, mostly from Operations. We looked at several wetlands in the Indian Lake and Cranberry areas. In addition to training DOT staff in wetland recognition, we discussed various operational issues as they relate to wetland protection. (Rooks, O'Dell)

*RASS staff conducted a wetland delineation field training session for the Agency Commissioner's during the July Agency meeting at the Paul Smith's College VIC.

RASS staff provided 31 air photo interpretations for wetland determinations or GIS projects for: JIFs, Landowners, Enforcement cases, Reg Program projects, and towns. (Mark Rooks, Mary O'Dell)

Meetings/Events Attended

The RASS Supervisor participated in several LCBP Aquatic Invasive Species Rapid Response task force meetings by teleconference and in person to evaluate the recent report of spiny waterflea in the Champlain Canal and Glens Falls Feeder canal.

The RASS Supervisor and the EPA Project Coordinator met with grant partners from NYNHP, Paul Smith's College Center for Adirondack Biodiversity, and SUNY ESF's Adirondack Ecological Center and Northern Forest Institute. This was the introductory meeting for the newly contracted Project Coordinator. The agenda included a review of the project goals and tasks, and discussion regarding wetland monitoring protocols, site selection protocols and selection of an expert review team.

The RASS Supervisor participated in two meetings for working groups that will provide information on which the North Country Homegrown Sustainability Plan will be based. The Supervisor participated in the Livable Communities and Land Use working group and the Working Landscapes working group. The working groups are at the beginning of their deliberations and worked on definitions, focus area strategies and practices and indicators.

The RASS Supervisor attended and participated in the 6th annual Common Ground Alliance meeting held in Long Lake on Wednesday in Long Lake.

Summary of RASS Activities for May, 2012			
Activity	Number of Interactions (Site Visits)	Year To Date (Site Visits)	Other State Agencies Involved¹
Projects	16 (3)	147 (48)	
Pre-Application	6 (6)	39 (26)	2
Permit Compliance	1 (1)	5 (3)	
Enforcement	9 (6)	42 (28)	2
Jurisdiction	8 (0)	52 (12)	
Legal	0	4	
Planning	0	2	
Map Amendment	1	2	1
Wetlands	27 (27)	253 (124)	
Soils	7 (7)	35 (38)	
Meetings/Events	5	182	∞
Literature Reviewed	0	44	na
Total	80 (50)	807 (229*)	5

*Does not add up due to overlap among activities

DMS:lhb

cc: RASS Staff

¹ May tally individual agencies more than once if they were involved with multiple activities. Does not include numbers of individual staff involved.

M E M O R A N D U M

TO: Daniel M. Spada
FROM: Mary O'Dell
DATE: July 30, 2012
SUBJECT: Updated 2012 wetland field visit statistics

Year 2012 Wetland Field Visits

Time Period	Number of requests received during month	Number completed	Interval for processing. (Date received to date scheduled for those received in that month)	Number pending
January	2	2	N/A	0
February	6	3	N/A	3
March	25	8	N/A	20
April	33	36	15	17
May	38	48	8	7
June	26	23	14	10
July	24	25	12	9
Cumulative for 2012	154	145	Avg = 12	9

c: M. Rooks

M E M O R A N D U M

TO: Dan Spada

FROM: Aaron Ziemann

DATE: August 2, 2012

RE: July Deep-hole Test Pit Statistics

In July of 2012, a total of 14 deep-hole test pit (DHTP) evaluations were conducted in review of 7 projects, pre-applications or enforcement cases. 13 of these evaluations were performed by Agency staff. 1 accepted DHTP evaluation was provided by a consultant. Of the 14 DHTP locations, 29 percent meet Agency guidelines for conventional wastewater treatment systems, 29 percent meet Agency guidelines for shallow wastewater treatment systems, and 43 percent did not meet Agency guidelines for installation of an onsite wastewater treatment system.

Deep Hole Test Pit Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul
Projects Involving DHTPs	7	5	1	11	11	5	7
DHTPs Described by APA	13	7	2	24	6	8	13
DHTPs Described by Consultants	5	4	0	1	5	0	1
Total DHTPs	18	11	2	25	11	8	14
Approved Conventional Systems	9	1	0	4	4	4	4
Approved Shallow Systems	3	5	0	14	6	4	4
Did not Meet Agency Guidelines	6	5	2	7	1	0	6
Approved Conventional Systems %	50%	9%	0%	16%	36%	50%	29%
Approved Shallow Systems %	17%	45%	0%	56%	55%	50%	29%
Did not Meet Agency Guidelines %	33%	45%	100%	28%	9%	0%	43%
Approved Shallow Systems	3	5	0	14	6	4	4
Shallow Systems due to SHGWT	3	5	0	14	5	4	3
Shallow Systems due to Bedrock	0	0	0	0	2	0	1
Shallow Systems due to SHGWT %	100%	100%	0%	100%	83%	100%	75%
Shallow Systems due to Bedrock %	0%	0%	0%	0%	33%	0%	25%