

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

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www.dec.ny.gov

October 21, 2024

VIA EMAIL

Mohonk Preserve

Attn: Chuck Reid, Director of Land Stewardship

creid@mohonkpreserve.org

Re: Mohonk Preserve (Duck Pond Dam)

DEC ID: 3-5124-00199/00004 (FW), /00005 (DA), /00006 (SD)

Article 24 Freshwater Wetlands; Article 15 Protection of Waters

Town of New Paltz, Ulster County

EMERGENCY AUTHORIZATION **EFFECTIVE October 21, 2024 TO NOVEMBER 20, 2024**

Dear Chuck Reid,

The New York State Department of Environmental Conservation (Department) has reviewed your written request for an emergency authorization, dated October 17, 2024, submitted on behalf of Mohonk Preserve, for the installation of a dual siphon system at Duck Pond Dam (193-5962) for the purposes of drawing down water levels due to the failing dam structure.

This work includes installing two siphons. Siphon #1 to be used for the initial drawdown and will operate continuously to balance base flows from the upstream watershed and maintain a drawn down pool in the impoundment. Siphon #2 will be used for the initial drawdown of the pond, and any subsequent drawdowns, or to supplement the capacity of siphon #1 as necessary. Once the initial drawdown has been completed, siphon #2 is proposed to be deactivated, while siphon #1 will be operated continuously to balance the incoming base flows from the upstream watershed. This action will create disturbances to NYS Freshwater Wetland M-15, Class 2, Kleine Kill Lake [WIN H-139-13-11-P 457a, Class AA], and Duck Pond Dam [DEC Dam ID 193-5962].

According to the information submitted, this work is needed for health and safety reasons as the dam structure is currently unsafe and could collapse if the water pressure behind the dam is not lowered. This work is proposed to begin immediately. Long term plans for the dam include complete removal and restoration of the area, however, please note, dam removal and restoration work is not covered under this Emergency Authorization and will require additional permits.

Based on our review of the submission and other relevant information, DEC has determined that an emergency exists in accordance with the requirements of the NYS Uniform Procedures



Department of
Environmental
Conservation

Act (6 NYCRR Part 621.12), and that the project is necessary to maintain and protect life, health, property, or natural resources. Therefore, for a period of 30 days commencing October 21, 2024, you are authorized under Article 15 and Article 24 to do the following:

1. Install two siphons.
2. Clear debris or blockages from the inlet to the existing low-level outlet.
3. Install staff gauges near the deepest point of the pond by the siphon inlets.

All work must be conducted in accordance with the following conditions:

1. All work shall be performed in accordance with the Emergency Authorization application documents received on October 17, 2024.
2. Any deviations from the above authorized work must be authorized by the Department in writing prior to implementation.
3. Before work may begin, the permittee must provide a target elevation for the pond. This can be sent to Warren Shaw, NYSDEC Dam Safety Section, at Warren.Shaw@dec.ny.gov.
4. The permittee must notify Warren Shaw, NYSDEC Dam Safety Section, at Warren.Shaw@dec.ny.gov, when the installation of the siphons are complete and operational.
5. The permittee must provide a sketch to Warren Shaw, NYSDEC Dam Safety Section, at Warren.Shaw@dec.ny.gov, detailing exact specifications regarding what was installed and where.
6. A copy of the attached authorization sign must be kept at the work site. The Emergency Authorization sign enclosed shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
7. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or other environmentally deleterious materials associated with the project.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of way that may be required to carry out the activities that are authorized by this permit.
9. This permit does not convey to the permittee any right to trespass upon the lands 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.

In accordance with the Department's state-wide Section 401 Water Quality Certification decisions, the proposed project appears to meet the conditions specified under the blanket Section 401 Water Quality Certifications issued for Nationwide Permit #3. No further authorization under Section 401 of the Clean Water Act is required from the DEC, provided that the US Army Corps of Engineers concurs with your request for Section 404 Nationwide Permit coverage. If the U.S. Army Corps of Engineers subsequently determines that a different Nationwide Permit or an individual Section 404 permit is required for this project, the Department's Section 401 Water Quality Certification determination for this project will not apply and a new determination must be requested.

This emergency authorization will expire on November 20, 2024. A copy of this authorization and a copy of the enclosed authorization sign must be maintained at the work site. Pursuant to ECL Section 70-0116.2, DEC may issue an emergency authorization for a term not to exceed 30 days. At the written request of the applicant, DEC may renew the emergency authorization for one additional term not to exceed 30 days (total of 60 days). If circumstances warrant an extension of this emergency authorization, please submit a written request to the Region 3 office prior to the above expiration date. The emergency action must be concluded within this [total] 60-day time period. Therefore, on or before 60 calendar days after this approval, the active disturbance must be concluded, and target elevation established. Continued maintenance of the lower elevation is not a regulated activity.

Pursuant to 6 NYCRR Part 617.5(33), the State Environmental Quality Review Act, this project has been determined to be an emergency action that is immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that the action is directly related to the emergency and is performed to cause the least change or disturbance, practicable under the circumstances, to the environment and is therefore, a Type II Action and not subject to further procedures under this law.

If you have any questions on the extent of work authorized under this Emergency Authorization, please contact Alysse Devine at alysse.devine@dec.ny.gov.

Sincerely,

Rebecca S. Crist

Rebecca Crist
Deputy Regional Permit Administrator

Ecc: Warren Shaw, NYSDEC Dam Safety Section
Paige Lewandowski, NYSDEC Bureau of Ecosystem Health
Brian Drumm, NYSDEC Bureau of Ecosystem Health
Brian Orzel, USACE
Town of New Paltz Clerk

Enc: Emergency Authorization Notice Sign

New York State
Department of Environmental Conservation



NOTICE EMERGENCY AUTHORIZATION



The Department of Environmental Conservation (DEC) has authorized, pursuant to the Environmental Conservation Law, work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC Division of Environmental Permits at (845) 256-3054.

Authorization ID: 3-5199-00061/00004, /00005, /00006

Authorized Person: Mohonk Preserve, Inc.

Effective Date: 10/21/2024

Expiration Date: 11/20/2024

Applicable if checked. No instream work allowed between October 1 and April 30.