DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

MAY 30 2000

REPLY TO
ATTENTION OF:
Regulatory Branch

SUBJECT: Permit Application Number 1998-14181-YS
by Allerton House Defined Benefit & Pension Plan

Dan Hall
Land Use Ecological Services, Inc.
2576 Sound Avenue
Calverton, New York 11933-1221

Dear Mr. Hall:

On November 23, 1999, the New York District Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States for the construction of a new Village of Goshen fire station. The site is located on Sorrento Drive in the Village of Goshen, Orange County, New York.

By letter dated April 13, 1999, this office confirmed the extent of waters of the United States within Lots 1, 2 and 3 (approximately 11 acres) on the subject property. These waters of the United States consist of approximately 6.34 acres of jurisdictional wetlands, and are considered to be above the headwaters.

Subsequent submittals entitled "Proposed: Freshwater Wetland Mitigation Purpose: Environmental Enhancement At: Sorrento Drive-Inc. Village of Goshen Orange County-State of New York Applicant: Allerton House Defined Benefit Pension Plan", Sheets 1 of 2 and 2 of 2, prepared by Land Use Ecological Services Inc., dated November 12, 1999, and last revised January 28, 2000, indicate that the total impacts to waters of the United States would involve the discharge of fill material into a maximum of 1.33 acres of wetlands, with approximately 0.97 acres of creation of wetlands and approximately 0.87 acres of enhancement of wetlands as mitigation. **It should be noted that the above referenced drawings specify that the proposed "Drainage Interception Structure", designed to redirect surface and ground water flows, would only be constructed within Lot 3, in order to protect the proposed fire house. No drainage structures of any kind would be constructed within Lots 1 or 2.**

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be

accomplished under Department of the Army Nationwide General Permit Number (NWP) 26. The nationwide permits are prescribed in the December 13, 1996 Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (61 FR 65874). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 26, Section C, the following special conditions, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

(A) The permittee shall install pre-treatment measures such that sediments and oils will be filtered out before runoff from impervious surfaces enters the remaining wetlands on site.

(B) The permittee shall provide to this office annual reports on the status of the mitigation activities, prepared during the growing season, no later than August 15 in each of the following five (5) years after initiation of the activities authorized by this letter. These reports shall include the following at a minimum:

i. All plant species, along with their estimated relative frequency and percent cover, shall be identified by using plots measuring 10 feet by 10 feet with at least one representative plot located in each of the habitat types within the mitigation site. The location of each plot shall be identified on the plan view engineering drawing.

ii. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, shall be prepared for each growing season.

iii. Photographs showing all representative areas of the mitigation site/s shall be taken at least once each year during the period between 1 June and 15 August.

iv. Surface water and groundwater elevations in representative areas of the mitigation site/s shall be recorded twice a month during April through October of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing.

(C) All grading and planting in conjunction with the wetlands mitigation work shall be completed prior to the completion of the discharge of fill authorized herein.

(D) The permittee shall ensure that all plantings in conjunction with the mitigation effort shall have an eighty-five (85) percent survival and/or coverage rate which must be met or exceeded at the end of the second growing season following the

initial planting/seeding of each phase. If the eighty-five (85) percent survival rate is not met at the end of the second growing season following each phase, the permittee shall take all necessary measures to ensure the level of survival by the end of the next growing season, including re-planting and re-grading if necessary. In addition, in areas where no individual plantings are currently proposed, if appropriate and sufficient vegetation is not present by the end of the second growing season, the permittee shall take all necessary steps, including individual plantings in order to achieve a plant density comparable to the adjacent wetland.

(E) The permittee shall ensure that no mowing of the mitigation area shall occur.

(F) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

(G) The permittee shall secure a conservation easement or deed restriction on the wetland mitigation site to guarantee its preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such easement shall be submitted to the New York District Corps of Engineers for approval prior to execution, and the instrument(s) shall be executed and recorded with the Orange County Registrar of Deeds within one year following the initial plantings/seedings of the mitigation site.

(H) The permittee shall assume all liability for accomplishing the corrective work should the New York District determine that the compensatory mitigation has not been fully satisfactory. If the New York District does not find the mitigation satisfactory, an extension of monitoring time may be required to cover any necessary remedial work.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

This verification is valid until February 11, 2002. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

This authorization is conditional on the applicant's receipt of the required water quality certificate or waiver from the New York State Department of Environmental Conservation (NYSDEC). No work may be accomplished until the required approval from NYSDEC has been obtained.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at (212) 264-0183.

Sincerely,

FOR Joseph J. Seebode
Chief, Regulatory Branch

Enclosures

cf: NYSDEC - Region 3
Village of Goshen

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

APR 13 1999

REPLY TO
ATTENTION OF

Regulatory Branch

SUBJECT: Permit Application Number 1998-14180-YS
by Allerton House Defined Benefit and Pension Plan

William E. Eustance
Eustance & Horowitz, P.C.
P.O. Box 42
2142 Route 302
Circleville, New York 10919

Dear Mr. Eustance:

On October 30, 1998, the New York District Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by Eustance & Horowitz, P.C., as consultant for Allerton House Defined Benefit and Pension Plan. The site consists of approximately 11.00 acres, in the Hudson River basin, located on Sorrento Drive in the Village of Goshen, Orange County, New York. The proposed project would involve the construction of a fire house for the Village of Goshen Fire Department.

In the letter received on October 30, 1998, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by a representative of this office on November 25, 1998, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On March 27, 1999, this office received the modified delineation.

Based on the material submitted and the observations of the representative of this office during the site visit, it has been determined that the drawing entitled "Jurisdictional Determination Wetlands For Allerton House Defined Benefit & Pension Plan - Village of Goshen - Orange County, N.Y.", prepared by Eustance & Horowitz, P.C., dated November 30, 1998, and last revised March 23, 1999, appears to be an accurate depiction of the extent of the waters of the United States within the project boundary. The area within the project boundary consists of Lot 1 (3 acres), Lot 2 (3 acres) and Lot 3 (5 acres). **It should be noted that other waters of the United States exist outside of the project boundary, within the 22.61 acre area designated as Lot 4, and are not covered under this jurisdictional determination.**

The above referenced drawing indicates that there is one (1) principal wetland area within the project boundary. The wetland is located throughout the entire property and is approximately 6.34 acres within the project boundary. These wetlands are considered to be above the headwaters. This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter.

It should be noted that approximately 660 square feet of wetland, in the southeastern corner of Lot 1, has been previously filled and is shown as "Previously Filled Wetlands As 660 Sq Ft of Fill" in the above referenced drawing. This previously filled area must be considered as an impact to waters of the United States cumulatively with any impacts proposed in the future.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at (212) 264-0183.

Sincerely,

FOR George Nieves
Chief, Western Permits Section

cf: NYSDEC - Region 3
Village of Goshen