

Dean Creek Watershed Contact Information
Tioga County, New York

For Agency Consultations

Federal Agencies

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Local Agencies and Organizations

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For Tribal Consultations

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Tom Jonathan, Chief
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151 Poospatuck Lane
Mastic, New York 11950



Example Letter to Federal Agency

February 17, 2022

Dale McShine, Administrator
FEMA, Region II
One World Trade Center, 285 Fulton Street
New York, NY 10006

Re: Initiation of Consultation on the Proposed Improvements to the Dean Creek Watershed, Pelto and Pylkas Dams Supplemental Watershed Plan / Environmental Assessment, Tioga County, New York

Dear Dale McShine,

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) hereby solicits concerns and/or comments regarding the proposed rehabilitation of the Pelto and Pylkas Dams (Proposed Action), located in Tioga County, Town of Spencer, New York (Figure 1). The local Sponsors of the project are the Tioga County Soil and Water Conservation District, Tioga County Legislature, and the Town of Spencer, New York.

This action is being funded by the NRCS through the Watershed Rehabilitation Program, which is authorized by Public Law 83-566 Section 14, the Watershed Protection and Flood Prevention Act. Per the National Environmental Policy Act (NEPA) of 1969, a Supplemental Watershed Plan / Environmental Assessment is being prepared to evaluate environmental, cultural, economic, and public interest concerns associated with this proposed project.

The Supplemental Watershed Plan / Environmental Assessment will evaluate the three alternatives being considered for each dam:

Pelto Dam

- No Action Alternative – Rehabilitate the Dam to State Dam Safety Standards Without Federal Assistance
- Alternative 1 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 41 ft, Level Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains
- Alternative 2 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 20 ft, Raise Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains.

Alternative 2 is the National Economic Efficiency (NEE) Alternative for Pelto Dam and thus, the Preferred Alternative by NRCS and the Sponsors.

Pylkas Dam

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Level Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains

- Alternative 2 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 26 ft, Level Embankment Crest, Stabilize Downstream Slope, and Install Chimney and Toe Filter Drains.

Alternative 2 is the National Economic Efficiency (NEE) Alternative for Pylkas Dam and thus, the Preferred Alternative by NRCS and the Sponsors.

The project is proposed because the Pelto and Pylkas Dams are out of compliance with NRCS and New York performance and safety criteria. This project proposes rehabilitation improvements to these dams to bring them into compliance and meet current NRCS and State safety and performance standards. Figures 2 and 3 depict the approximate location and the Limits of Disturbance (LOD) for Alternative 2, the Preferred Alternative for Pelto Dam. Figures 4 and 5 depict the approximate location and the LOD for Alternative 2, the preferred Alternative for Pylkas Dam. The attached engineering plan sheets depict activities associated with the Preferred Alternatives for Pelto Dam and Pylkas Dam.

PROPOSED ACTION

The Proposed Action includes the rehabilitation of the Pelto and Pylkas Dams. Pelto Dam is located on Burheight Creek and Pylkas Dam is located on Dean Creek, both in the City of Spencer, Tioga County. The physical locations of the dams are shown below.

Pelto Dam is located at latitude 42.135 North, longitude -76.316 West.

Pylkas Dam is located at latitude 42.100 North, longitude -76.313 West.

The dams were originally constructed in 1955 as high hazard structures. The dams provide limited attenuation of floods and limited protection of downstream structures. In addition, critical structures or facilities are located within the 500-year floodplain downstream from the dam. NRCS and the New York Department of Environmental Conservation have classified Dean Creek Pelto and Pylkas Dam sites as high hazard potential dams. The evaluations are based on the potential for loss of life due to the prevalence of bridges, roads, and buildings existing in the downstream dam breach inundation zones.

The dam embankments, auxiliary spillways, and access roads were previously disturbed during the original construction of the dams. Most of the work is expected to occur in previously disturbed areas. In addition, based on a review of the National Register of Historical Properties and the NY SHPO website, there are no cultural resources or historical properties in or adjacent to either dam site. Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks.

Pelto Dam

The primary proposed access road, located off Burheight Glen Road, already exists and is actively maintained by the Tioga County Soil and Water Conservation District. There is a proposed staging area to the west side of the dam (see Figures 2 and 3). Within the identified staging area, approximately 0.5 acres will be cleared or grubbed to facilitate staging and stockpiling. It is estimated that an additional 1.9 acres of trees in the LOD will need to be cleared, specifically on the hillside east of the dam in order to widen the auxiliary spillway, and to the south of the dam to install a new principal spillway conduit and impact basin. Tree clearing within the LOD will be necessary but will only include the clearing of trees necessary to facilitate construction, site



access, and staging, and any trees within 15 feet of the dam abutment. It is not anticipated that all the trees within the LOD will need to be removed. Disturbed areas will be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction, where allowable based on the dam's Operation and Maintenance Plan. Best management practices such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction.

Pylkas Dam

The primary proposed access road, located off Dean Creek Road, already exists and is actively maintained by the Tioga County Soil and Water Conservation District. There is a proposed staging area to the east side of the dam as well as an additional staging area within the auxiliary spillway west of the dam (see Figures 4 and 5). Within the identified staging areas, approximately 1.0 acre will be cleared or grubbed to facilitate staging and stockpiling. It is estimated that an additional 2.1 acres of trees in the LOD will need to be cleared, specifically on the hillside west of the dam in order to widen the auxiliary spillway, and southeast of the dam impoundment. Tree clearing within the LOD will be necessary but will only include the clearing of trees necessary to facilitate construction, site access, and staging, and any trees within 15 feet of the dam abutment. It is not anticipated that all the trees within the LOD will need to be removed. Disturbed areas will be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction, where allowable based on the dam's Operation and Maintenance Plan. Best management practices such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction.

According to the U.S. Environmental Protection Agency (EPA), neither Dean Creek nor Burheight Creek are classified as impaired streams. Neither of the dams' impoundments are listed as impaired waterbodies.

Tioga County falls in the Chesapeake Bay total maximum daily load (TMDL), which covers a 640,000 square mile watershed in six states. Established by EPA in 2010, the goal of the TMDL is to restore clean waters in the Chesapeake Bay and its regional streams, creeks, and rivers (EPA 2021d). Project action is not anticipated to hinder Tioga County's ability to adhere to EPA's Chesapeake Bay TMDL Watershed Implementation Plan.

Wetlands present in the Pelto Dam area include 0.18 acres of freshwater pond wetlands, 0.06 acres of freshwater emergent, and 0.03 acres of freshwater forested/shrub wetlands (see Figure 6). Wetlands present in the Pylkas Dam area include 0.46 acres of freshwater pond wetlands, 0.06 acres of freshwater emergent wetlands, and 0.01 acres of freshwater forested/shrub wetlands (see Figure 7). These wetlands were delineated by EA Engineering, Science, and Technology, Inc., PBC in November 2021 using U.S. Army Corps of Engineers wetland delineation guidelines and classified using the Cowardin system. Wetland impacts will be addressed in compliance with Executive Order 11990, the Clean Water Act, U.S. Army Corps of Engineers regulatory guidance, and NYSDEC regulatory requirements. Project work is not anticipated to result in any permanent impacts to wetlands.

National Ambient Air Quality Standards pollutants include carbon monoxide, nitrogen dioxide, ozone, particulate matter, sulfur dioxide, and lead. As all concentrations in the area are below



the standards of these six criteria pollutants, the Pelto and Pylkas Dams are located in an attainment area.

Neither dam site is located in an officially designated natural area by the state of New York.

U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) reports were generated for each dam. The reports did not list any federally threatened or endangered plant or animal species in the assessment areas. The IPaC reports identified migratory birds that could potentially utilize the dam impoundments or the surrounding areas. The species identified for the Pelto Dam include bald eagle (*Haliaeetus leucocephalus*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), Canada warbler (*Cardellina canadensis*), golden eagle (*Aquila chrysaetos*), prairie warbler (*Dendroica discolor*), rusty blackbird (*Euphagus carolinus*), wood thrush (*Hylocichla mustelina*), and the yellow-bellied sapsucker (*Sphyrapicus varius*). The species identified for the Pylkas Dam include bald eagle (*Haliaeetus leucocephalus*), black-capped chickadee (*Poecile atricapillus*), Canada warbler (*Cardellina canadensis*), prairie warbler (*Dendroica discolor*), and the yellow-bellied sapsucker (*Sphyrapicus varius*). All of these bird species, except for the bald and golden eagles, are found on the USFWS Birds of Conservation Concern list. Potential impacts to these migratory bird species are considered negligible.

The New York Natural Heritage Program (NYNHP) maintains a list of state-listed plant species, which includes their rarity status as well as counties of occurrence. The “active inventory lists” contains plant taxa that are considered highly vulnerable to extirpation and the “watch list” contains additional taxa that require periodic monitoring. Of the approximately 720 plant species, 55 have occurrences in Tioga County. NYSDEC maintains an official list of state endangered, threatened, and special concern animal species that are found, have been found, or are likely to be found in the state of New York. To protect the species, the specific locations of occurrences are not disclosed. Based on review of the NYSDEC online environmental resource mapper, there have been no NYNHP documented occurrences of rare or endangered plant or animal species in the proximity of either dam.

An additional habitat ranking system developed by the NYNHP, which models a subset of NYNHP rare species distributions throughout the state, indicates that there is potentially suitable habitat for at least one rare animal species on the western side of the Pelto Dam LOD, covering 0.14 acres, primarily in the staging area. This data does not imply that rare animal species occur in the area, just that the habitat may be suitable for a rare animal species.

Information and data collected from this solicitation will be included in the Supplemental Watershed Plan and Environmental Assessment which will be finalized in 2022.

Please forward your recommendations, concerns, and comments to David Walowsky, NRCS State Design Engineer in New York, no later than March 25, 2022, so that they can be included in the Draft Supplemental Watershed Plan and Environmental Assessment. Once the Draft Plan-EA is finished, it will be circulated for an interagency and public comment period.

If you have any questions or need additional information, contact David Walowsky, Jr., NRCS State Design Engineer, via email at David.Walowsky@usda.gov or via phone at (315) 477-6531.



Sincerely,



BLAKE GLOVER
NRCS State Conservationist

Attachments: Figures on the Peltó and Pylkas Dam Rehabilitation Project

Cc.: David Walowsky, Jr., State Design Engineer, NRCS, Syracuse, NY
Wendy Walsh, District Manager, Tioga County SWCD, Owego, NY
Sal DeCarli, Certified Ecologist, EA, Warwick, RI
Wade Biddix, Planning Coordinator, Schnabel Engineering, Goodyear, AZ





Example Letter to New
York State Agency

February 17, 2022

Dorothy Evans, Director
New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 0
(518) 402-8935

Re: Initiation of Consultation on the Proposed Improvements to the Dean Creek Watershed,
Pelto and Pylkas Dams Supplemental Watershed Plan / Environmental Assessment, Tioga
County, New York

Dear Dorothy Evans,

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Sincerely,



BLAKE GLOVER
NRCS State Conservationist

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Cc.: David Walowsky, Jr., State Design Engineer, NRCS, Syracuse, NY
Wendy Walsh, District Manager, Tioga County SWCD, Owego, NY
Sal DeCarli, Certified Ecologist, EA, Warwick, RI
Wade Biddix, Planning Coordinator, Schnabel Engineering, Goodyear, AZ





Example Tribal Consultation Letter

February 17, 2022

John Raymond Johnson, Governor
Absentee-Shawnee Tribe of Indians of Oklahoma, District 4
2025 S. Gordon Cooper Drive
Shawnee, OK 74801
(405) 275-4030

Re: Initiation of Consultation on the Proposed Improvements to the Dean Creek Watershed, Peltó and Pylkas Dams Supplemental Watershed Plan / Environmental Assessment, Tioga County, New York

Dear John Raymond Johnson,

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Peltó Dam

- No Action Alternative – Rehabilitate the Dam to State Dam Safety Standards Without Federal Assistance
- Alternative 1 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 41 ft, Level Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains
- Alternative 2 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 20 ft, Raise Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains.

Alternative 2 is the National Economic Efficiency (NEE) Alternative for Peltó Dam and thus, the Preferred Alternative by NRCS and the Sponsors.

Pylkas Dam

- No Action Alternative – Rehabilitate the Dam to State Dam Safety Standards Without Federal Assistance



- Alternative 1 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Close off Auxiliary Spillway, Install new Roller Compacted Concrete Spillway Over Embankment, Level Embankment Crest, Stabilize Downstream Slope of the Embankment, and Install Chimney and Toe Filter Drains
- Alternative 2 – Replace Principal Spillway Riser, Conduit, and Impact Basin, Widen Auxiliary Spillway by 26 ft, Level Embankment Crest, Stabilize Downstream Slope, and Install Chimney and Toe Filter Drains.

Alternative 2 is the National Economic Efficiency (NEE) Alternative for Pylkas Dam and thus, the Preferred Alternative by NRCS and the Sponsors.

The project is proposed because the Pelto and Pylkas Dams are out of compliance with NRCS and New York performance and safety criteria. This project proposes rehabilitation improvements to these dams to bring them into compliance and meet current NRCS and State safety and performance standards. Figures 2 and 3 depict the approximate location and the Limits of Disturbance (LOD) for Alternative 2, the Preferred Alternative for Pelto Dam. Figures 4 and 5 depict the approximate location and the LOD for Alternative 2, the preferred Alternative for Pylkas Dam. The attached engineering plan sheets depict activities associated with the Preferred Alternatives for Pelto Dam and Pylkas Dam.

PROPOSED ACTION

The Proposed Action includes the rehabilitation of the Pelto and Pylkas Dams. Pelto Dam is located on Burheight Creek and Pylkas Dam is located on Dean Creek, both in the City of Spencer, Tioga County. The physical locations of the dams are shown below.

Pelto Dam is located at latitude 42.135 North, longitude -76.316 West.
Pylkas Dam is located at latitude 42.100 North, longitude -76.313 West.

The dams were originally constructed in 1955 as high hazard structures. The dams provide limited attenuation of floods and limited protection of downstream structures. In addition, critical structures or facilities are located within the 500-year floodplain downstream from the dam. NRCS and the New York Department of Environmental Conservation have classified Dean Creek Pelto and Pylkas Dam sites as high hazard potential dams. The evaluations are based on the potential for loss of life due to the prevalence of bridges, roads, and buildings existing in the downstream dam breach inundation zones.

The dam embankments, auxiliary spillways, and access roads were previously disturbed during the original construction of the dams. Most of the work is expected to occur in previously disturbed areas. In addition, based on a review of the National Register of Historical Properties and the NY SHPO website, there are no cultural resources or historical properties in or adjacent to either dam site. Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks.

Pelto Dam

The primary proposed access road, located off Burheight Glen Road, already exists and is actively maintained by the Tioga County Soil and Water Conservation District. There is a proposed staging area to the west side of the dam (see Figures 2 and 3). Within the identified staging area, approximately 0.5 acres will be cleared or grubbed to facilitate staging and stockpiling. It is estimated that an additional 1.9 acres of trees in the LOD will need to be cleared, specifically on the hillside east of the dam in order to widen the auxiliary spillway, and to the south of the dam to



install a new principal spillway conduit and impact basin. Tree clearing within the LOD will be necessary but will only include the clearing of trees necessary to facilitate construction, site access, and staging, and any trees within 15 feet of the dam abutment. It is not anticipated that all the trees within the LOD will need to be removed. Disturbed areas will be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction, where allowable based on the dam's Operation and Maintenance Plan. Best management practices such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction.

Pylkas Dam

The primary proposed access road, located off Dean Creek Road, already exists and is actively maintained by the Tioga County Soil and Water Conservation District. There is a proposed staging area to the east side of the dam as well as an additional staging area within the auxiliary spillway west of the dam (see Figures 4 and 5). Within the identified staging areas, approximately 1.0 acre will be cleared or grubbed to facilitate staging and stockpiling. It is estimated that an additional 2.1 acres of trees in the LOD will need to be cleared, specifically on the hillside west of the dam in order to widen the auxiliary spillway, and southeast of the dam impoundment. Tree clearing within the LOD will be necessary but will only include the clearing of trees necessary to facilitate construction, site access, and staging, and any trees within 15 feet of the dam abutment. It is not anticipated that all the trees within the LOD will need to be removed. Disturbed areas will be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction, where allowable based on the dam's Operation and Maintenance Plan. Best management practices such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction.

According to the U.S. Environmental Protection Agency (EPA), neither Dean Creek nor Burheight Creek are classified as impaired streams. Neither of the dams' impoundments are listed as impaired waterbodies.

Tioga County falls in the Chesapeake Bay total maximum daily load (TMDL), which covers a 640,000 square mile watershed in six states. Established by EPA in 2010, the goal of the TMDL is to restore clean waters in the Chesapeake Bay and its regional streams, creeks, and rivers (EPA 2021d). Project action is not anticipated to hinder Tioga County's ability to adhere to EPA's Chesapeake Bay TMDL Watershed Implementation Plan.

Wetlands present in the Pelto Dam area include 0.18 acres of freshwater pond wetlands, 0.06 acres of freshwater emergent, and 0.03 acres of freshwater forested/shrub wetlands (see Figure 6). Wetlands present in the Pylkas Dam area include 0.46 acres of freshwater pond wetlands, 0.06 acres of freshwater emergent wetlands, and 0.01 acres of freshwater forested/shrub wetlands (see Figure 7). These wetlands were delineated by EA Engineering, Science, and Technology, Inc., PBC in November 2021 using U.S. Army Corps of Engineers wetland delineation guidelines and classified using the Cowardin system. Wetland impacts will be addressed in compliance with Executive Order 11990, the Clean Water Act, U.S. Army Corps of Engineers regulatory guidance, and NYSDEC regulatory requirements. Project work is not anticipated to result in any permanent impacts to wetlands.



National Ambient Air Quality Standards pollutants include carbon monoxide, nitrogen dioxide, ozone, particulate matter, sulfur dioxide, and lead. As all concentrations in the area are below the standards of these six criteria pollutants, the Pelto and Pylkas Dams are located in an attainment area.

Neither dam site is located in an officially designated natural area by the state of New York.

U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) reports were generated for each dam. The reports did not list any federally threatened or endangered plant or animal species in the assessment areas. The IPaC reports identified migratory birds that could potentially utilize the dam impoundments or the surrounding areas. The species identified for the Pelto Dam include bald eagle (*Haliaeetus leucocephalus*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), Canada warbler (*Cardellina canadensis*), golden eagle (*Aquila chrysaetos*), prairie warbler (*Dendroica discolor*), rusty blackbird (*Euphagus carolinus*), wood thrush (*Hylocichla mustelina*), and the yellow-bellied sapsucker (*Sphyrapicus varius*). The species identified for the Pylkas Dam include bald eagle (*Haliaeetus leucocephalus*), black-capped chickadee (*Poecile atricapillus*), Canada warbler (*Cardellina canadensis*), prairie warbler (*Dendroica discolor*), and the yellow-bellied sapsucker (*Sphyrapicus varius*). All of these bird species, except for the bald and golden eagles, are found on the USFWS Birds of Conservation Concern list. Potential impacts to these migratory bird species are considered negligible.

The New York Natural Heritage Program (NYNHP) maintains a list of state-listed plant species, which includes their rarity status as well as counties of occurrence. The “active inventory lists” contains plant taxa that are considered highly vulnerable to extirpation and the “watch list” contains additional taxa that require periodic monitoring. Of the approximately 720 plant species, 55 have occurrences in Tioga County. NYSDEC maintains an official list of state endangered, threatened, and special concern animal species that are found, have been found, or are likely to be found in the state of New York. To protect the species, the specific locations of occurrences are not disclosed. Based on review of the NYSDEC online environmental resource mapper, there have been no NYNHP documented occurrences of rare or endangered plant or animal species in the proximity of either dam.

An additional habitat ranking system developed by the NYNHP, which models a subset of NYNHP rare species distributions throughout the state, indicates that there is potentially suitable habitat for at least one rare animal species on the western side of the Pelto Dam LOD, covering 0.14 acres, primarily in the staging area. This data does not imply that rare animal species occur in the area, just that the habitat may be suitable for a rare animal species.

Information and data collected from this solicitation will be included in the Supplemental Watershed Plan and Environmental Assessment which will be finalized in 2022.

NRCS, in its capacity as the federal agency undertaking this project, seeks to initiate Nation-to-Nation consultation, and to solicit your questions and/or comments regarding the effects this proposed project may have upon tribal interests in the region.

Please forward your recommendations, concerns, and comments to David Walowsky, NRCS State Design Engineer in New York, no later than March 25, 2022, so that they can be included in the Draft Supplemental Watershed Plan and Environmental Assessment. Once the Draft Plan-EA is finished, it will be circulated for an interagency and public comment period.



If you have any questions or need additional information, contact David Walowsky, Jr., NRCS State Design Engineer, via email at David.Walowsky@usda.gov or via phone at (315) 477-6531.

Sincerely,



BLAKE GLOVER
NRCS State Conservationist

Attachments: Figures on the Peltó and Pylkas Dam Rehabilitation Project

Cc.: David Walowsky, Jr., State Design Engineer, NRCS, Syracuse, NY
Wendy Walsh, District Manager, Tioga County SWCD, Owego, NY
Sal DeCarli, Certified Ecologist, EA, Warwick, RI
Wade Biddix, Planning Coordinator, Schnabel Engineering, Goodyear, AZ



From: Tracy, Elizabeth A (DEC) <elizabeth.tracy@dec.ny.gov>

Sent: Friday, March 25, 2022 3:57 PM

To: Walowsky, David - NRCS, Syracuse, NY <david.walowsky@usda.gov>

Cc: Marko, Matthew J (DEC) <matthew.marko@dec.ny.gov>; Stercho, Jonathan J (DEC) <jonathan.stercho@dec.ny.gov>; Smith, John Z (DEC) <john.smith@dec.ny.gov>

Subject: [External Email]Pelto and Pylkas Dams Supplemental Watershed Paln

Response from NYS
DEC, Region 7

[External Email]

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Mr. Walowsky,

The proposed dam rehabilitation work will require an Article 15 Dam Safety Permit from NYSDEC. Other environmental permits may also be required. Technical questions regarding proposed alternatives for rehabilitating the dam may be addressed to John Smith with the DEC Central Office Dam Safety Section copied on this e-mail. If you would like to set up a pre-application meeting please contact Jon Stercho copied on this e-mail.

Elizabeth A. Tracy

Regional Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

615 Erie Boulevard West, Syracuse, NY 13204

P: (315) 426-7440 | F: (315) 426-7425 | Elizabeth.Tracy@dec.ny.gov

www.dec.ny.gov |  |  | 

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**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

**Response from
NYS SHPO**

May 20, 2022

David Walowsky
State Design Engineer
USDA-NRCS
441 South Salina Street, Suite 354
Syracuse, NY 13202

Re: NRCS
Proposed Improvements to Pelto Dam, Dean Creek Watershed
22PR03185

Dear David Walowsky:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink that reads "R. Daniel Mackay".

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

**Response from
NYS SHPO**

May 20, 2022

David Walowsky
State Design Engineer
USDA-NRCS
441 South Salina Street, Suite 354
Syracuse, NY 13202

Re: NRCS
Proposed improvements to Pylkas Dam, Dean Creek Watershed
22PR03204

Dear David Walowsky:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation

David M. Walowsky Jr.
State Design Engineer
Dam Watch Program Administrator
USDA-NRCS
441 S. Salina Street, Suite 354
Syracuse, NY 13202
david.walowsky@usda.gov

Response from
EPA Region 2
9/7/2022

Re: Sole Source Aquifer (SSA) Preliminary Assessment
Dean Creek Watershed Dam Rehabilitation Projects

Dear David M. Walowsky Jr.,

EPA Region 2 has reviewed the information you sent regarding the above-referenced projects. The Dean Creek Watershed Dam Rehabilitation Projects as described in your communication do not pose a substantial threat to the Clinton Street-Ballpark Valley Aquifer System SSA – a Sole Source Aquifer designated under the authority of the Safe Drinking Water Act, Section 1424(e). Adequate design and monitoring plans should be followed to ensure the protection of the aquifer. Unless future developments change the status of the proposal, no formal modifications or further review under the Sole Source Aquifer Program should be necessary.

As always, we suggest that during construction and operation appropriate safeguards and best management practices for stormwater are in place to ensure that groundwater is not endangered. Additional precautions should include notifying general contractors that the site is sensitive, implementing spill containment measures for construction equipment, refueling activities, and fuel sources stored onsite (petrol, diesel, kerosene, and motor oils), and developing contingency plans to handle the release of any hazardous materials.

Thank you for your cooperation. If you have any questions, please contact Harper Stanfield of my staff at (212) 637-3728 or stanfield.harper@epa.gov.

Sincerely,
Dorina

Dorina Aliu, P.E.
Supervisor, Drinking Water and Ground Water Protection Section
EPA Region 2
290 Broadway, New York, NY 10007
aliu.dorina@epa.gov
(212) 637-3959

cc:

Harper Stanfield

Drinking Water and Ground Water Protection Section
EPA Region 2
290 Broadway, New York, NY 10007
stanfield.harper@epa.gov
(212) 637-3728

Tribal Contacts for July 2023 Consultations
(Copy of Sample Letter in Appendix A)

Absentee-Shawnee Tribe of Indians of Oklahoma

Cayuga Nation

Delaware Nation

Delaware Tribe of Indians

Eastern Shawnee Tribe of Oklahoma

Oneida Indian Nation

Onondaga Nation

Seneca Nation of Indians

Seneca-Cayuga Nation

Shawnee Nation

Shinnecock Tribe

Saint Regis Mohawk Tribe

Tonawanda Seneca Nation

Unkechaug Nation



Example Tribal
Consultation Letter
- July 2023

July 19th, 2023

Devon Frazier
Tribal Historic Preservation Officer
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 S. Gordon Cooper Dr.,
Shawnee, OK 74801
106nagpra@astribe.com
dfrazier@astribe.com

RE: Initiation of Section 106 Consultation for the Natural Resources Conservation Service's Watershed Rehabilitation Program (REHAB) Project, Dean Creek Watershed Rehabilitation, Pylkas and Peltó Dams in Tioga County, New York

Dear Mr. Frazier:

The Natural Resources Conservation Service (NRCS) New York is initiating consultation with you regarding the proposed conservation assistance project(s) described in the attached documents.

The NRCS is a federal agency with the United States Department of Agriculture (USDA) helping people help the land since 1935. The NRCS provides conservation technical and financial assistance to America's farmers, ranchers, and forestland owners on a voluntary basis to help them conserve, maintain, and improve natural resources on their lands in a sustainable manner.

Providing such conservation assistance is an undertaking as defined by the National Historic Preservation Act (Title 54 USC 306108) of 1966, as amended, requiring compliance with Section 106 of the act (36 CFR Part 800 Protection of Historic Properties). As required by Section 106 regulations, the NRCS New York has identified your Tribe as having ancestral and/or cultural ties to the proposed project area based on information obtained from the New York State Historic Preservation Office, Native American Heritage Commission, the Bureau of Indian Affairs, and/or records maintained at our State Office regarding federally recognized and non-federally recognized tribes associated with this project area. We are seeking your input regarding historic properties of cultural or religious significance to your Tribe that you feel may be affected by this conservation assistance project. The NRCS is committed to addressing your concerns and answering your questions.

Please review the attached consultation submittal package showing the project location and the proposed NRCS Conservation Practices for this project. Detailed information about all NRCS Conservation Practices can be found in the Field Office Technical Guide on our website at <https://efotg.sc.egov.usda.gov/#/state/NY>, see *Section 4 - Practice Standards and Supporting Documents*, and *Conservation Practice Standards & Support Documents* on the Field Office Technical Guide navigation menu of the Document Tree.

We respectfully request your response within 30-days of receiving this letter. If you would like further information about the proposed project(s) or have any project related questions or concerns, please contact Phillip Bauschard, State Cultural Resources Specialist, at phillip.bauschard@usda.gov or (740) 590-9894. Thank you for your helping the NRCS protect New York's important cultural resources.

Sincerely,



Phillip Bauschard, M.S.
NRCS New York
State Cultural Resources Specialist
Phillip.Bauschard@usda.gov
740-590-9894

Attachments:

- Cultural Resources Review Package(s) (ECS-21) for Proposed NRCS Conservation Assistance Project(s) with Project Description(s) and Mapping*
- APE shapefile(s) (Available upon request via email when receiving hard copy submittals)*

SHPO Submittal Notice Pelto Dam
- July 2023

Bauschard, Phillip - FPAC-NRCS, NY

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Tuesday, July 25, 2023 3:44 PM
To: Bauschard, Phillip - FPAC-NRCS, CA
Subject: [External Email]NY SHPO: Initial Consultation Submission SQH7DX7HJ4AR Accepted for Project 23PR06215

[External Email]

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Initial Submission Accepted

The New York State Historic Preservation Office (SHPO) has accepted the following initial submission and created a new project record.

Initial Submission Token: SQH7DX7HJ4AR

New Project Number: 23PR06215

Project Type: Consultation

Project Name: NRCS Watershed Rehabilitation Program (REHAB) Project: Dean Creek Watershed Rehabilitation, Pylkas and Pelto Dams in Tioga County, New York (Project Unit 2 of 2: Pelto Dam)

Other Reference Number: REHAB23_Tiog_DeCr

New Submission Number: 23PR06215.001

If you contact SHPO about this project, please reference the Project Number.

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

CRIS: <https://cris.parks.ny.gov>

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This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list included your email address.

What do I need to do?

You do not need to take any action at this time. The initial submission is now under SHPO review as project submission 23PR06215.001.

What will happen next?

SHPO will review the submission. If SHPO sends comments or questions in response to this submission, the project contacts will receive an email notification with a link to SHPO's correspondence.

What else can I do?

Please see the following help topics for more information about managing projects in CRIS:

- [How do I check the review status of my project?](#)
- [How long does SHPO take to review projects?](#)
- [Submit New Information for an Existing Project](#)

Where can I get help?

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

SHPO Submittal Notice Pylkas Dam
- July 2023

Bauschard, Phillip - FPAC-NRCS, NY

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Monday, July 24, 2023 10:40 AM
To: Bauschard, Phillip - FPAC-NRCS, CA
Subject: [External Email]NY SHPO: Initial Consultation Submission TC21SQN2NNRO Accepted for Project 23PR06155

[External Email]

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Initial Submission Accepted

The New York State Historic Preservation Office (SHPO) has accepted the following initial submission and created a new project record.

Initial Submission Token: TC21SQN2NNRO

New Project Number: 23PR06155

Project Type: Consultation

Project Name: NRCS Watershed Rehabilitation Program (REHAB) Project: Dean Creek Watershed Rehabilitation, Pylkas and Peltó Dams in Tioga County, New York (Project Unit 1 of 2: Pylkas Dam)

Other Reference Number: REHAB23_Tiog_DeCr

New Submission Number: 23PR06155.001

If you contact SHPO about this project, please reference the Project Number.

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

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This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list included your email address.

What do I need to do?

You do not need to take any action at this time. The initial submission is now under SHPO review as project submission 23PR06155.001.

What will happen next?

SHPO will review the submission. If SHPO sends comments or questions in response to this submission, the project contacts will receive an email notification with a link to SHPO's correspondence.

What else can I do?

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- [How do I check the review status of my project?](#)
- [How long does SHPO take to review projects?](#)
- [Submit New Information for an Existing Project](#)

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If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.



New York State
Parks, Recreation and
Historic Preservation

Response from
NYS SHPO -
August 2023

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

August 04, 2023

Phillip Bauschard
State Cultural Resources Specialist
USDA-NRCS
441 South Salina Street
Syracuse, NY 13202

Re: NRCS
NRCS Watershed Rehabilitation Program (REHAB) Project: Dean Creek Watershed
Rehabilitation, Pylkas and Pelto Dams in Tioga County, New York (Project Unit 2 of 2: Pelto
Dam)
23PR06215
REHAB23_Tiog_DeCr

Dear Phillip Bauschard:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation

rev: D. Boggs