

FINAL ENVIRONMENTAL IMPACT STATEMENT

NEW GREENE COUNTY JAIL

ROUTE 9W, TOWN OF COXSACKIE
GREENE COUNTY, NEW YORK

SEQRA TYPE 1 ACTION



LEAD AGENCY – GREENE COUNTY LEGISLATURE

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PUBLIC COMMENT PERIOD:

SEPTEMBER 22, 2016 – OCTOBER 19, 2016

PUBLIC HEARING:

OCTOBER 19, 2016

FEIS ADOPTION DATE:

DECEMBER 21, 2016

DEIS AND FEIS AVAILABLE AT:

WWW.GREENEGOVERNMENT.COM/GREENE-GOVERNMENT/PROPOSED-JAIL-PROJECT

**NEW GREENE COUNTY JAIL
Final Environmental Impact Statement**

**Route 9W, Town of Coxsackie
Greene County, New York**

New Greene County Jail EIS Consultant Team

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EXECUTIVE SUMMARY

The Greene County Legislature, as Lead Agency, is conducting the State Environmental Quality Review (SEQR) of the proposed new Greene County Jail. The County is planning the construction of a new 130 bed County Jail with administration and operations spaces for the County Sheriff on 50 acres of land in the Town of Coxsackie. The facility will be located on the east side of Route 9W immediately south of the Coxsackie Correctional Facility and will replace the existing aged and inadequate County Jail in the Village of Catskill. The new facility will include approximately 84,000 square feet of floor space incorporating a public entrance, visitation area, central command, Sheriff and Jail administration and staff spaces, intake/release/transport area with vehicle sally port, medical area, mechanical and maintenance spaces, food service and inmate housing areas with recreational yards. The project also involves extension of utility services including electricity, natural gas and telecommunications as well as public water and sewer services from the Village of Coxsackie via the Town of Coxsackie infrastructure. Site improvements will include roads, parking areas and stormwater management.

In May 2016, the Legislature determined that the proposed Jail project has potentially significant environmental impacts and issued a Positive Declaration directing preparation of a Draft Environmental Impact Statement (DEIS) to further assess these impacts and recommend mitigations. The Legislature accepted the DEIS as complete on September 21, 2016.

The public comment period on the DEIS was held from September 22 – October 19, 2016 and a public hearing was held on October 19, 2016. One person commented during the public hearing and five responses were received from State Agencies via letter or email during the public comment period.

The comments received on the new Greene County Jail project have been logged and categorized in the Public Comment Log, included as Exhibit 1, and cover the following general topics:

1. Cultural Resources
2. Lead Agency Determination and ACOE permits
3. Water, Wastewater and Bulk Storage DEC permits
4. Wildlife Habitat Mitigation and Alternatives Analysis
5. Wetland Mitigation
6. Miscellaneous

Responses to all substantive comments are included in Section 1.

In response to comments received from NYS agencies, an additional site investigation has been conducted, the Conceptual Site Plan has been modified, and the Archaeological Evaluation has been revised:

1. As requested by New York State Department of Environmental Conservation (NYSDEC) a Wetlands Hydrological Drainage Investigation was conducted of the Jail site and the adjacent site to the south. This evaluation has been submitted to NYSDEC and a copy is included in **Appendix A**.
2. The Conceptual Site Plan has undergone further development with the design of a more detailed stormwater management plan. The impacts to wetlands, wetland buffers and grassland habitat have been recalculated based on the revised plan. The latest Conceptual Site Plan is included in **Appendix B**.
3. In response to comments by NYS Office of Parks, Recreation and Historic Preservation (OPRHP), the Phase 1 Archaeological Investigation/Phase II Site Evaluation has been revised and resubmitted. The major changes to this document are described in Section 1.1.

This document is a Final Environmental Impact Statement (FEIS). As such, it contains the following:

1. New Greene County Jail Draft Environmental Impact Statement, September 21, 2016 – Incorporated by Reference.
2. Responses to all Substantive Comments (Section 1).
3. A log of all comments received (Exhibit 1).
4. Written comments received during the public comment period in the form of letters and emails and follow-up correspondence (Exhibit 2).
5. Minutes of oral comments received during the public hearing (Exhibit 3).

1.0 RESPONSE TO COMMENTS

1.1 Cultural Resources

Comments:

Tim Lloyd, New York State Historic Preservation Office (SHPO) scientist/archaeologist, commented on the Phase I/Phase II Archaeological Investigation of the Greene County Jail site in an emailed letter addressed to Andrew Dangler of the U.S. Army Corps of Engineers (ACOE) dated September 28, 2016, and posted on the Cultural Resource Information Service (CRIS) site. A copy of this letter and subsequent CRIS comments are included in Exhibit 2. SHPO offered the following initial recommendations:

- *Due to the distribution of Native American artifacts found on the site, the entire 50 acre parcel should be considered the Greene County Correctional Facility (GCCF) site rather than just the Area 3, Locus 1 area.*
- *The Phase I/Phase II report and CRIS submission should be revised to reflect that all artifacts recovered in the project area are part of the GCCF site.*
- *Concentrations of artifacts should be identified as separate site loci.*
- *The entire site should be evaluated in terms of potential listing in the National Register of Historic Places and individual loci should be evaluated in terms of their potential contribution to this eligibility.*
- *In accordance with the National Historic Preservation Act of 1966, OPRHP recommends that the Lead Agency engage in consultation with pertinent Native American Nations regarding potential impacts to Native American archeological resources as soon as archaeological sites are identified and prior to a Phase II site evaluation.*

Response:

Adam Luscier of Hartgen Archaeological Associates Inc. (Hartgen) revised the Phase I/Phase II Archaeological Investigation to address these comments and resubmitted the report to ORPHP on October 5, 2016. The entire 50 acre site is now classified as the GCCF site. Hartgen considered the significance of each loci and determined that GCCF Site, Area 3, Locus 1 contains the principal component of the site, a lithic workshop that utilized chert from Flint Mine Hill which was heat treated during the process of making tools. Hartgen defined an Avoidance Area which includes a buffer area around the sensitive area and prepared an Avoidance Plan with short and long-term avoidance measures. Greene County has agreed to comply with the short-term avoidance measures during construction and to preserve the site after construction with a permanent deed restriction. Mr. Luscier will act as Avoidance Plan Coordinator for the project.

On October 31, 2016, Tim Lloyd issued a Consolidated Response via CRIS which noted that if a project must obtain a permit from ACOE and the project will impact a Native American archaeological site, the ACOE has the responsibility to engage in consultation with pertinent Native American Nations. It states that the ACOE has not yet received an application for the Greene County Jail project and cannot initiate the Native American consultation until the application is complete. The response further states that SHPO will not provide any additional comments on the project until the ACOE has had the opportunity to consult with pertinent Native American representatives.

Greene County is currently developing the Conceptual Site Plan for the new Jail. As soon as the Site Plan has been finalized and final impacts to streams and wetlands have been calculated, a Nationwide Permit application will be prepared and submitted to ACOE for disturbance or fill in the waters of the United States. ACOE will then be responsible for engaging in consultation with pertinent Native American Nations. Greene County will implement any further mitigation measures that are determined through the consultation process to be required.

1.2 Lead Agency Determination and ACOE Permits

Comments:

Victoria Bova, ACOE Legal Instrument Examiner, issued a letter on October 11, 2016 responding to the “September 22, 2016 request for SEQR Classification and Lead Agency Determination regarding construction of the new County Jail.” The letter noted that the ACOE does not take a position on lead agency selection for this action but would like to continue to be apprised of the project as an involved agency. It noted that the Full Environmental Assessment Form indicates there are wetlands on the site and if the project will involve work in the waters of the United States, a Department of the Army permit will be required. The letter also includes information on the application requirements for a Nationwide Permit. A copy of this letter is included in Exhibit 2.

Response:

This comment letter appears to be a late response to Greene County’s Notice of Intent to Declare Lead Agency Coordinated Review packet, rather than a DEIS comment letter. The Coordinated Review packet was mailed to all involved agencies, including Andrew Dangler at the ACOE, on April 25, 2016 with a requested response date of May 16, 2016. No response was received from the ACOE at that time. Greene County will continue to include the ACOE as an Involved Agency in all SEQR notifications.

Greene County previously conducted a wetland delineation on the site and received a Jurisdictional Determination from the ACOE in August 2015. The County is aware that a Nationwide Permit for disturbance/fill in the waters of the United States will be required for the Jail project. The current Conceptual Site Plan indicates ~0.02 acres of ACOE wetlands will be impacted by the Jail project (See **Appendix B**). A Joint Application for Permit, with a work description and project drawings identifying and quantifying all proposed activities shown in reference to the limits of waters of the United States will be submitted to the ACOE as part of the permitting process.

1.3 Water, Wastewater and Bulk Storage NYSDEC Permits

Comments:

Kristen Cady-Poulin, NYSDEC Environmental Analyst, commented on the required permits for the new Jail via email on October 11, 2016. A copy of this email and follow-up correspondence is included in Exhibit 2. Ms. Cady-Poulin noted that the DEIS correctly identified that the project will need a SPDES General Permit for Stormwater Discharges from Construction Activity, that the sewer extension will require NYSDEC review and approval, and that evidence of I&I reduction or other sanitary sewer overflow abatement measures must be demonstrated if the Jail is connected to the Village of Coxsackie sewer system while the connection moratorium is still in place.

In addition, she states that even if the Village's public water supply system has sufficient permitted capacity to serve the new Jail, a water withdrawal application must be submitted to NYSDEC for the extension of the system. She also notes that the diesel storage tank for the emergency generator may require NYSDEC registration dependent upon its size.

Response:

The comments were reviewed and a follow-up email was sent to Ms. Cady-Poulin on October 27, 2016 requesting clarification on the requirement for a water withdrawal permit for a system extension. The County's engineering consultant noted that a Water Supply Permit amendment is required for a water district extension, however the new Jail will not be in a water district. Water service will be provided via an extension of the existing lines that serve the New York State correctional facilities, and facilitated by an intermunicipal agreement signed by the County, and the Village and Town of Coxsackie.

Rebecca Mitchell, NYSDEC Environmental Engineer, responded via email on October 28, 2016. After consultation with other NYSDEC engineers, she verified that the sale of water from the Village to the Town for the new Jail project will not require a modification of the Village's Water Supply Permit if there is sufficient permitted capacity.

In response to the comment on bulk storage registration, the emergency generator for the new Jail will be fueled by natural gas lines extended to the site. Therefore, there will be no on-site fuel storage tanks and no NYSDEC bulk storage registration will be required.

1.4 Wildlife Habitat Mitigation and Alternatives Analysis

Comments:

Nancy Baker, NYSDEC Deputy Regional Permit Administrator, commented on Habitat Impacts/ Mitigation and the Alternatives Analysis in a letter dated October 14, 2016. A copy of this letter and follow-up correspondence with NYS Department of Corrections and the Greene Land Trust is included in Exhibit 2.

Habitat Impacts:

- 1. Two areas of storm water management ponds are shown that will be constructed outside of the anticipated 17.5 acre jail/disturbed area footprint. While small, these storm water ponds should be added into the total acreage of lost grassland habitat.*

Response:

The Conceptual Site Plan shown as Figure 2.2 in the DEIS included one large stormwater pond that was drawn as a placeholder in the northwest corner of the site. The 17.5 acres of impacted grassland included the surface area of this pond. Since the adoption of the DEIS the stormwater management plan has been designed in more detail. In order to comply with NYSDEC green infrastructure requirements, most of the stormwater flow is managed in bioretention areas close to impervious surfaces and within the developed area footprint. A small water quality wet pond is included in the northern section of the site. The lost grassland habitat is shown in the current Conceptual Site Plan (see **Appendix B**) and has been recalculated as 17.6 acres.

- 2. In addition to actual loss of grassland habitat, the proposed jail location will lead to some degree of fragmentation of an existing large block of grassland habitat. Fragmentation is noted as a threat for declining grassland bird species (Morgan and Burger 2008, Strong and VanSchaack 2014) and has the potential to impact usage of the mitigation parcel by grassland species including short-eared owl and northern harrier. As with the storm waterponds above, the potential impact from habitat fragmentation needs to be considered in the Habitat Mitigation Plan.*

Response:

Comment noted. Greene County is currently exploring alternatives that will reduce grassland habitat fragmentation and will address this issue in the Habitat Mitigation Plan. We have contacted Rene Van Schaack at the Greene Industrial Development Agency (GCIDA) on October 19, 2016 and Bob Knighton at Greene Land Trust (GLT) on October 28, 2016 to solicit their input and recommend alternative mitigation sites. Both have recommended that the County consider placing

a conservation easement on a portion of parcel 41.00-1-29 north of Van Gurpin Lane in the Town of New Baltimore. This parcel is currently under option to the GCIDA and is close to other grasslands protected by Greene Land Trust. The County will continue discussions with both agencies.

Alternatives Analysis:

1. *Although Parcel 70.00-4-5, to the south of the proposed new jail site is proposed for mitigation, there is no consideration as to whether this parcel could be the site of the new jail as opposed to the proposed location. The open portion of Parcel 70.00-4-5 is similar in size to the proposed jail footprint and would result in less fragmentation of the larger block of grassland habitat located to the north and northeast.*

Response:

Greene County was awarded a grant from Empire State Development in late 2014 for preparation of the *Greene County Inventory and Development Project*. The purpose of this project was to identify large vacant parcels in the County located proximate to existing water and sewer infrastructure that would be suitable for potential development. The project included inventory and mapping of municipal water and sewer systems and service areas, review of their rated capacities and current demands, evaluation of municipal zoning regulations and land use patterns, analysis of environmental constraints, and ultimately identification of potential development sites. This study identified only two parcels of County owned land that met the defined development criteria. Each was approximately 11 acres in size and not large enough to accommodate a new Jail.

New York State offered to transfer the proposed 50 acre site to Greene County in early 2015 for construction of a new county Jail. The proposed site was adjacent to similar facilities and proximate to existing water, sewer and utility infrastructure. The selection of this site was in conformance with Smart Growth planning principles. The County therefore initiated the planning process, conducted topographical and boundary surveys, wetland delineations and archaeological investigations of the site.

The adjacent southern parcel (70.00-4-5) had been for sale for over a decade. In January 2016, the County acquired this parcel for future public purpose. As the planning process and preliminary design of the Jail on the northern site was well underway, the southern parcel was not considered as a potential site. A current review of LIDAR topography and aerial photographs indicates that the cleared area would not adequate or suitable for the Jail project. It is constrained by potential wetlands along the northern boundary, a central diagonal drainage swale, and steep topography on the eastern end. But more importantly, it is less desirable than the proposed site for development when considering Smart Growth planning principles and the additional environmental and economic impacts of extending public utilities to the southern site.

2. *No other parcels beyond the above mentioned Parcel 70.00-4-5 appear to have considered for providing the needed grassland/Endangered/Threatened species mitigation habitat. A portion of Parcel 70.00-3-6 was transferred from New York State to Greene County for the purposes of providing a location for the new jail, while Greene County purchased Parcel 70.00-4-5 for the purpose of providing mitigation habitat. Were any other parcels in the area considered for purchase, deed restrictions, etc. with respect to mitigation? Other New York State parcels exist within the area that could similarly be considered for mitigation. A portion of Parcel 71.00-4-1 (23 acre field) at the north end of Flint Mine Road, currently shown as in NYS ownership, and part of a large block of grassland habitat, for example would result in less fragmentation and is closer to existing grasslands in protected ownership by the Greene Land Trust.*

Response:

A map of the NYSDEC recommended grassland mitigation area (the portion of parcel 71.00-4-1 on the east side of Flint Mine Road) was prepared and sent to Keith Rupert at the NYS Department of Corrections and Community Supervision (DOCCS) via email on October 27, 2016, requesting DOCCS investigate the possibility of setting aside this land for grassland mitigation, however such an action is not likely as it would require an act of the State Legislature.

3. *Section 3.4.3 gives a very brief description of the mitigation plans for the loss of grassland habitat occupied by state endangered and threatened bird species and a number of points and questions are apparent.*
 - a. *The DEIS indicates that it is anticipated that the mitigation area will be created by putting a deed restriction on a portion of Parcel 70.00-4-5 and that "the Greene Land Trust will manage the mitigation area". It does not state who will hold that deed restriction, and further, as of October 7 the Greene Land Trust had not been contacted regarding their interest in either holding a deed restriction or managing the mitigation area. Alternatives to Greene Land Trust may need to be identified.*
 - b. *Whatever lands ultimately end up as the mitigation lands will need to be managed to maintain the required grassland habitat. This management will include regular, perhaps annual, mowing and possibly control of invasive species and initial brush hogging and other tree and shrub removal. This management has a cost associated with it so funds will be needed to ensure that proper management is completed. A Habitat Management Plan should be prepared, as it would be required as part of the Part 182 permit application process. The Greene County Grassland Habitat Advisory Committee would be a good resource for assistance. We would encourage a meeting with our staff during preparation of the Plan to discuss plan requirements, conditions, and Part 182 permitting requirements for grassland management.*

Response:

Bob Knighton of GLT was contacted via email on October 28, 2016 and asked if the Greene Land Trust would be willing to hold the conservation easement on the grassland mitigation area for the new Jail and if he had thoughts on appropriate sites. A follow-up phone conversation with Mr. Knighton on November 11, 2016 included discussion on mitigation sites, the relative roles of County staff (mowing and maintenance) and GLT staff (administration of the conservation easement and management plan) and the need for a Stewardship Fund for ongoing costs. Mr. Knighton recommended either of the two parcels previously described: the GCIDA optioned parcel (41.00-1-29) or the NYSDEC recommended parcel (71.00-4-1). He also suggested that the County agree to maintain the area east of the stream on the Jail site as grassland until the County has firm plans for its development.

Mr. Knighton sent a letter to Greene County dated October 24, 2016, which was received by the County on October 31, 2016, expressing interest in learning more about the project and GLT's anticipated role in management of the mitigation area. He also mentioned that funds would be necessary for ongoing management and stewardship.

- c. There is no mention in the DEIS regarding what will happen with the open lands located to the east of the new jail footprint. In their current state, these lands are excellent habitat for northern harrier, short-eared owl and other grassland birds. Should Parcel 70.00-4-5 indeed end up being accepted for mitigation, clearing (in winter) some of the trees and shrubs between Parcel 70.00-4-5 and retaining the lands east of the jail in grassland would provide a connection to the larger grassland located to the north and northeast thereby addressing the fragmentation issue to some degree.*

Response:

Greene County is very willing to maintain the approximately 17 acres of grassland east of the stream on the Jail parcel as habitat until such time as the County has firm plans for its development. They will also selectively clear trees and shrubs along the southern boundary of the site if this will increase connectivity to the larger grassland block to the north and partially address fragmentation. In addition, the approximately 6 acres of grassland north of the Jail developed footprint will also be maintained as habitat.

Greene County will continue to work with the GLT, GCIDA and NYSDEC staff during preparation of the Habitat Management Plan in order to ensure that it is satisfactory to all parties. The Greene County Grassland Habitat Advisory Committee will also be contacted for their advice and input.

1.5 Wetland Mitigation

Comments:

Theresa Swenson, NYSDEC Biologist (Ecology) commented on wetland mitigation for the new Jail via email on October 19, 2016. A copy of her email and follow-up correspondence is included in Exhibit 2. She noted that during the pre-application meeting NYSDEC requested that additional investigation be conducted between wetlands A and B on the southern border in order to determine if these wetland areas are possibly contiguous and/or hydrologically connected via a water course. Ms. Swenson requested that this investigation be conducted as early in the planning process as possible as it could change/increase the buffer area impacts. NYSDEC recommends avoiding and minimizing the impacts to both the wetland proper and the regulated buffer area to the extent possible and that impacts to either will required justification and mitigation measures.

Response:

As requested by NYSDEC, a Wetlands Hydrological Drainage Investigation was conducted of the Jail site and the adjacent parcel to the south. This evaluation was submitted to NYSDEC on October 26, 2016 and a copy is included in Appendix A. On-site inspection of the hedgerow between wetlands A and B indicates there is no water course or hydrological connection between the two wetlands. Site specific topographic survey and off-site NYS LIDAR topography also indicate that the two wetlands are hydrologically and topographically separate.

A request for clarification on the required mitigation of buffer area impacts was sent to Ms. Swenson via email on November 4, 2016. She replied via email on November 9, 2016 that mitigation is sometimes required when proposed impacts to the regulated adjacent area are deemed significant, depending upon the scale of the impact, types of activities proposed and adjacent area quality. She noted that mitigation of buffer area impacts could include maintenance of a no-mow area along the wetland boundary, native plants, etc.

The current Conceptual Site Plan (see **Appendix B**) will have no impact on NYSDEC wetlands and will have minimal impact on the regulated 100' buffer area. Although the southern entry driveway was moved northward in order to completely avoid Wetland A in the southwest corner of the site, the driveway will impact a small area (~0.32 acres) of the regulated buffer area. The final area of impact will be calculated during final site design and a Wetland Mitigation Plan will be prepared and submitted to NYSDEC for review and approval. Greene County will implement any mitigation measures that NYSDEC requires for the impacted wetland buffer area.

1.6 Miscellaneous

Comments:

Scott Myers spoke at the public hearing on the Greene County Jail DEIS on October 19, 2016. Minutes of the public hearing in Exhibit C include a copy of his comments.

Response:

Mr. Myers discussed a number of topics and issues in his comments and this response is limited to those matters related to the proposed Greene County Jail only.

Concerns regarding staffing and operations of the existing Jail were raised. The existing Jail is staffed by trained professionals and operated in accordance with State regulations. The new Jail will also be staffed by trained professionals and operated in accordance with State regulations; however, the new Jail configuration allows for a different model of supervision in accordance with State regulations.

Mr. Myers commented that the new Jail will ‘ruin the environment’ and repair of the existing Jail would not do so. The new Jail has been planned to minimized negative impacts on the environment and where such impacts have been identified that are significant, such as to certain bird species and cultural resources, mitigation measures have been developed and will be implemented. Repair of the existing Jail is not the subject of this environmental review; however, such an action would also require planning to reduce negative impacts on the environment and where such impacts were identified that are significant, mitigation measures would have to be developed and implemented.

Mr. Myers also stated that the existing Jail has been left to deteriorate intentionally. A recent engineering evaluation of the Jail facility found that the structures are in the condition that is to be expected after over 100 years of continuous service to the community. The engineering evaluation did not reveal intentional neglect of the facility.

In Mr. Myers opinion, the number of beds in the existing Jail is sufficient for a County with the population of Greene County. While Mr. Myers’ opinion is noted, the County secured the services of a highly reputable professional consultant specialized in needs assessments for County Jails in New York State to determine a range of bed numbers sufficient to accommodate the current population as well as a projection of the population based on trend analysis and taking into account the factors used by State regulations to determine the number of beds that must be reserved at any given time.

Mr. Myers also commented that there is no rehabilitation programming in the existing Jail. GED services are available to the existing Jail population as required by the State. The structure and

operation of the existing Jail limits the ability of the County to provide any additional services or programming towards rehabilitation. The new Jail is planned to incorporate spaces and equipment to allow for services and/or programming.

The cost of the facility was also referenced by Mr. Myers as was the local economy. The construction of a new Jail will increase the tax burden for property owners in Greene County; however, this negative impact is be addressed through the County's efforts to reduce costs of the new Jail as much as possible while ensuring the facilities constructed will meet the current and future needs of the County for at least the life of the bonded debt.

A comment was made that a new Jail will be "filled up." Local magistrates have indicated that the programming and services planned to be conducted within the new Jail will add a new tool that would be helpful in sentencing as individuals in the new Jail would be guaranteed programming and services that cannot be assured outside the confines of the Jail facility.

Mr. Myers concluded his statement requesting that the County invest in 'healthy families'. This comment is noted.

EXHIBIT 1

Public Comments Log

GREENE COUNTY JAIL PUBLIC COMMENT LOG

Comment No.	Name	Affiliation	Date	Format	COMMENT CATEGORIES					
					Cultural Resources	Lead Agency & Permits	Water, WW, Bulk Storage Permits	Habitat Mitigation/ Alternatives	Wetland Mitigation	Misc.
1	Tim Lloyd	NYS OPRHP Scientist-Archaeology	9/28/16	Email / CRIS	X					
2	Victoria Bova	Army Corps of Engineers Legal Instruments Examiner	10/11/16	Letter		X				
3	Kristen Cady-Poulin	NYS DEC Region 4 Environmental Analyst 1	10/11/16	Email			X			
4	Nancy Baker	NYS DEC Region 4 Deputy Regional Permit Administrator	10/14/16	Emailed Letter				X		
5	Theresa Swenson	NYS DEC Region 4 Biologist 1 (Ecology)	10/19/16	Email					X	
6	Scott Myers	Member of the Public	10/16/16	Oral						X

EXHIBIT 2

**Written Comments
and Subsequent Correspondence**

NYS ORPHP

Cultural Resources



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 28, 2016

Mr. Andrew Dangler
NY District, US Army Corps of Engineers
1 Buffington Street
Bldg 10, 3rd Floor North
Watervliet, NY 12189-4000

Re: USACE
New Greene County Jail
US Route 9W, Coxsackie, NY
16PR02420

Dear Mr. Dangler:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the report entitled "Phase I Archaeological Investigation and Phase II Site Evaluation, Green County Public Facilities, US Route 9W, Town of Coxsackie, Green County, New York" (September 2016). Report Map 2 (attached) shows the results of the Phase I archaeological site identification survey, and it shows Native American lithic artifacts spread across almost the entire 50-acre project area. Report Map 9a (attached) shows that Phase II archaeological site evaluation work was conducted in four areas. While Report Map 11 (attached) does not clearly state what is being shown, based on the associated report text, Map 11 shows that Area 3 was identified in the report as the GCCF site, Locus 1 and 2. The report recommends the GCCF site Locus 1 eligible for the National Register of Historic Places (NRHP), and Map 11 shows a proposed plan for avoidance of Locus 1. The GCCF site was submitted into SHPO's Cultural Resource Information System (CRIS), and assigned the Unique Site Number 03905.000206.

It is SHPO's opinion that the designation of Area 3 as the only archaeological site identified during the archaeological survey is incorrect, because it ignores all of the other Native American artifacts recovered in the project area (see Map 2). SHPO recommends that the report be revised, and the submission of GCCF site into CRIS be revised, to reflect that all of the Native American artifacts recovered in the project area are part of the GCCF site. Concentrations of artifacts should be identified as separate site loci. The site in its entirety should be evaluated in terms of its potential eligibility for listing in the NRHP. Individual loci should be evaluated in terms of their potential contribution, or not, to the potential eligibility of the GCCF site.

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

Mr. Andrew Dangler
September 28, 2016
Page 2

In accordance with the NHPA, SHPO recommends that the lead agency engage in consultation with pertinent Native American Nations regarding potential impacts to Native American archaeological resources. It is also SHPO's opinion that Native American consultation should take place once a Native American archaeological site(s) is identified. Additional archaeological work, such as a Phase II site evaluation, should not proceed until after consultation has taken place.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If you have any questions I can be reached at 518-268-2186.

Sincerely,



Tim Lloyd, Ph.D., RPA
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

Enc. (3)

cc: Kristen Cady-Poulin (DEC)
Mary Beth Bianconi (Delaware Engineering)
Warren Hart (Green County EDT&P)
Adam Luscier (Hartgen Archaeological Associates)
Shannon Wright (Hartgen Archaeological Associates)

Close

Project 16PR02420: New Greene County Jail (EN11MYU434H3)

View Project

Please accept the following information below as the consolidated response from NYS SHPO for the above referenced submission.

Review Responses

Reviewer	Review Type	Response
Tim Lloyd	Archaeology	This project was submitted to SHPO with an indication that permits and/or funding would be sought from the U.S. Army Corps of Engineers (ACOE). A Native American archaeological site was identified during a Phase I archaeological survey, and the project proponent subsequently conducted a Phase II archaeological investigation. Both phases of work were completed prior to submitting the project to SHPO. If this project must obtain a permit (s) from the ACOE and the project is going to impact a Native American Archaeological site, then the ACOE has a responsibility to engage in consultation with pertinent Native American Nations. Based on communication between the SHPO and the ACOE, it now appears that the project proponent has not completed the ACOE application, and the ACOE cannot initiate Native American consultation until the application is completed. SHPO will not provide any additional comments until the ACOE has had the opportunity to consult with pertinent Native American reps.

Information Requests

Process	Status	Reviewer	Review Type	Request Type	Request Entity	Request Item	Request Description
No Request Records							

Attachments

Attachment	Reviewer	Review Type	Type	Name	Description
No Attachment Records					

ACOE

Lead Agency & Permits



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

OCT 11 2016

RECEIVED OCT 17 2016

Upstate New York Section

SUBJECT: Permit Application Number NAN-2016-01551-UBO
by Greene County
Town of Coxsackie, Greene County, New York

Kathleen Tatara
Delaware Engineering, D.P.C.
8-12 Dietz Street, Suite 303
Oneonta, New York 13820

Dear Ms. Tatara:

This letter is in response to your September 22, 2016 request for SEQR Classification and Lead Agency Determination regarding the proposed construction of a new County Jail in the Town of Coxsackie, County of Greene New York.

The New York District, U.S. Army Corps of Engineers does not take a position for or against lead agency selection in the New York State SEQR process for this proposed action. However, we would like to continue to be apprised of the project as an "involved agency". It should be noted that the Full Environmental Assessment Form indicates that there are wetlands located on the parcel and if the development will involve work in waters of the United States, including the discharge of fill material into streams or wetlands, then the proposed activities may require a Department of the Army permit.

The Army Corps of Engineers regulates activities that include dredging or construction activities in or over any navigable waters of the United States, the placement of any dredged or fill material in any waters of the United States (including coastal or inland wetlands), or the accomplishment of any work affecting the course, location, condition or capacity of such areas. Such activities may require a Department of the Army permit, in accordance with 33 CFR 320-332.

Most waterbodies, including wetlands, intermittent streams and natural drainage courses, are considered to be waters of the United States. Currently, the New York State Department of Environmental Conservation (NYSDEC) recognizes and maps state freshwater wetlands as those wetland areas that are 12.4 acres or more and/or are ecologically unique. A NYSDEC determination classifying an area as a non-state regulated wetland does not free a property owner from his or her obligations under the Clean Water Act; the Corps regulates the discharge of dredged or fill material into most freshwater wetlands, regardless of size.

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

To remain out of Department of the Army jurisdiction completely, we recommend that the applicant limit the project to those areas upland of any waters or wetlands of the United States. Not only is this environmentally sound, but it could potentially save the applicant considerable time and expense while attempting to obtain necessary federal, state or local permits. It is possible that a project may qualify for a nationwide general permit, in accordance with 33 CFR 330 and the Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). An activity is authorized under a nationwide general permit only if that activity and the permittee satisfy all of the nationwide permit's terms and conditions. Unless a nationwide general permit contains a condition requiring the applicant to notify the Corps prior to undertaking the proposed activity, a written authorization is not necessary. Activities that do not qualify for authorization under a nationwide general permit may still be authorized by an individual or regional general permit.

To apply for a Department of the Army permit, the applicant should submit a completed Joint Application for Permit form, a work description and project drawings identifying all proposed activities shown in reference to the limits of waters of the United in the project area, and specify the total proposed impacts to waters of the U.S. proposed to be lost or substantially modified, in acres, square feet, linear feet, or as appropriate.

Additional information on the New York District Corps of Engineers regulatory program can also be found at <http://www.nan.usace.army>.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

If you have any questions concerning the above, please contact the undersigned at (518) 266-6352.

Sincerely,



Victoria Bova
Legal Instruments Examiner
Upstate New York Section

cc: NYSDEC Region 4, Schenectady
Greene County Legislature

NYS DEC

Water, Wastewater, Bulk Storage

Subject: FW: New Greene County Jail- Draft EIS
Attachments: PBS Fee Worksheet w Petro Products 2016-05-26.pdf

From: Cady-Poulin, Kristen K (DEC) [<mailto:kristen.cady-poulin@dec.ny.gov>]
Sent: Tuesday, October 11, 2016 1:04 PM
To: whart@discovergreene.com
Cc: K.Tatara@delawareengineering.com
Subject: New Greene County Jail- Draft EIS

Hello,

Below are comments from Region 4 DEC on the Draft EIS for the new Greene County Jail (town of Coxsackie, Greene County). Please note that separate comments may be received regarding Wildlife (grassland mitigation) and wetlands.

Comments on Water/ Sanitary waste

The document correctly indicates that:

- The project will need coverage under the SPDES General Permit for Stormwater Discharges for Construction Activity.
- Any sewer extension will need Department review and approval.
- There is currently a moratorium on new connections to the Village of Coxsackie wastewater treatment plant. If the moratorium is still in place when the jail proposes to connect, then the Village will need to request relief from the moratorium and provide evidence of I/I reduction or other sanitary sewer overflow abatement measures to support the request.

Additionally, even if the Village's public water supply system already has sufficient permitted capacity to serve the new jail, the extension of the system would still require that a water withdrawal application be submitted to the Department. This is not explicitly mentioned in the DEIS.

Petroleum Bulk Storage

The Draft EIS indicates that a diesel generator will be on site. Depending on the size of the diesel storage tank(s) a registration from the Department may be required. Please use the attached work sheet to determine if registration with the Department is necessary.

Sincerely,

Kristen Cady-Poulin

Kristen Cady-Poulin

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

1130 North Westcott Road, Schenectady, NY 12306
P: (518) 357-2454 | F: (518) 357-2460 | Kristen.Cady-Poulin@dec.ny.gov
www.dec.ny.gov

Subject: FW: New Greene County Jail- Draft EIS

From: Mitchell, Rebecca X (DEC) [mailto:Rebecca.Mitchell@dec.ny.gov]
Sent: Friday, October 28, 2016 9:43 AM
To: Cady-Poulin, Kristen K (DEC) <kristen.cady-poulin@dec.ny.gov>; Kathleen Tatara <KTatara@delawareengineering.com>
Cc: Mary Beth Bianconi <MBBianconi@delawareengineering.com>
Subject: RE: New Greene County Jail- Draft EIS

Kristen and Kathleen,

I was mistaken in my interpretation of part 601. According to Erik Schmitt in the Central Office, if this is a sale of water from the village to the town – which is what it sounds like - then it does not require a modification of the village’s water supply permit (assuming they don’t need to increase their capacity, which I don’t think they will).

I’m so sorry for any confusion caused by my comment.

Thanks!
Becky

Rebecca Mitchell
Environmental Engineer 1, Division of Water

New York State Department of Environmental Conservation
1130 North Westcott Road, Schenectady, NY 12306
P: (518) 357-2378 | F: (518) 357-2398 | rebecca.mitchell@dec.ny.gov

From: Cady-Poulin, Kristen K (DEC)
Sent: Thursday, October 27, 2016 3:54 PM
To: Mitchell, Rebecca X (DEC) <Rebecca.Mitchell@dec.ny.gov>
Subject: FW: New Greene County Jail- Draft EIS

Can you provide clarification on the below item regarding the new water line. Thanks.

From: Kathleen Tatara [mailto:KTatara@delawareengineering.com]
Sent: Thursday, October 27, 2016 3:44 PM
To: Cady-Poulin, Kristen K (DEC) <kristen.cady-poulin@dec.ny.gov>
Cc: mbbianconi@DELAWAREENGINEERING.com
Subject: RE: New Greene County Jail- Draft EIS

Dear Kristin,

Warren Hart forwarded your emailed comments to me (please note that my correct email address is ktatara@delawareengineering.com).

Can you please clarify your comment concerning preparation of a water withdrawal application? We normal prepare a Water Supply Permit amendment for water district extensions. However the new jail will not be in a water district—water service will be provided via an extension of the existing lines that serve the NYS correctional facilities, and facilitated by an intermunicipal agreement signed by the County, Village, and Town.

Also, we have recently determined that the emergency generator will be fueled by natural gas lines that are extended to the site. There will be no fuel storage tanks on the site.

Thanks!

Kathie
Kathleen Tatara
Senior Planner/GIS Coordinator
Delaware Engineering, D.P.C.
28 Madison Ave. Extension
Albany, NY 12203
518-452-1290

From: Cady-Poulin, Kristen K (DEC) [<mailto:kristen.cady-poulin@dec.ny.gov>]
Sent: Tuesday, October 11, 2016 1:04 PM
To: whart@discovergreene.com
Cc: K.Tatara@delawareengineering.com
Subject: New Greene County Jail- Draft EIS

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Below are comments from Region 4 DEC on the Draft EIS for the new Greene County Jail (town of Coxsackie, Greene County). Please note that separate comments may be received regarding Wildlife (grassland mitigation) and wetlands.

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Sincerely,

Kristen Cady-Poulin

Kristen Cady-Poulin

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

1130 North Westcott Road, Schenectady, NY 12306
P: (518) 357-2454 | F: (518) 357-2460 | Kristen.Cady-Poulin@dec.ny.gov
www.dec.ny.gov

NYSDEC

Habitat Mitigation / Alternatives

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

October 14, 2016

Attn: Warren Hart, Director
Greene County Economic Development
411 Main Street
Catskill, NY 12414

RE: Comments on Draft Environmental Impact
Statement – New Greene County Jail
Town of Coxsackie, Greene County

Dear Mr. Hart:

Our Wildlife staff have reviewed the Draft Environmental Impact Statement for the proposed new Greene County Jail in Coxsackie relative the presence and impact on the state Threatened northern harrier and State Endangered short-eared owl, and have provided a few comments with respect to the Potential Impacts on these species as well as a number of points to make relative to the Alternative Analysis.

With respect to Potential Impacts (Section 3.4.2) and the proposed footprint of the jail and other associated areas that will no longer be present as grassland, there are two points to raise.

1. Two areas of storm water management ponds are shown that will be constructed outside of the anticipated 17.5 acre jail/disturbed area footprint. While small, these storm water ponds should be added into the total acreage of lost grassland habitat.
2. In addition to actual loss of grassland habitat, the proposed jail location will lead to some degree of fragmentation of an existing large block of grassland habitat. Fragmentation is noted as a threat for declining grassland bird species (Morgan and Burger 2008, Strong and VanSchaack 2014) and has the potential to impact usage of the mitigation parcel by grassland species including short-eared owl and northern harrier. As with the storm water ponds above, the potential impact from habitat fragmentation needs to be considered in the Habitat Mitigation Plan.

With respect to the Alternatives Analysis in section 4.0 of the DEIS, additional alternatives need to be considered and additional information related to the proposed alternative site is needed. The DEIS appears lacking in this regard. Some specific comments regarding Alternatives are provided below.

1. Although Parcel 70.00-4-5, to the south of the proposed new jail site is proposed for mitigation, there is no consideration as to whether this parcel could be the site of the new jail as opposed to the proposed location. The open portion of Parcel 70.00-4-5 is similar in size to the proposed jail footprint and would result in less fragmentation of the larger block of grassland habitat located to the north and northeast.
2. No other parcels beyond the above mentioned Parcel 70.00-4-5 appear to have been considered for providing the needed grassland/Endangered/Threatened species mitigation habitat. A portion of Parcel 70.00-3-6 was transferred from New York State to Greene County for the purposes of providing a location for the new jail, while Greene County purchased Parcel 70.00-4-5 for the purpose of providing mitigation habitat. Were any other parcels in the area considered for purchase, deed restrictions, etc. with respect to mitigation? Other New York State parcels exist within the area that could similarly be considered for mitigation. A portion of Parcel 71.00-4-1 (23 acre field) at the north end of Flint Mine Road, currently shown as in New York State ownership, and part of a large block of grassland habitat, for example would result in less fragmentation and is closer to existing grasslands in protected ownership by the Greene Land Trust.
3. Section 3.4.3 gives a very brief description of the mitigation plans for the loss of grassland habitat occupied by state endangered and threatened bird species and a number of points and questions are apparent.
 - a. The DEIS indicates that it is anticipated that the mitigation area will be created by putting a deed restriction on a portion of Parcel 70.00-4-5 and that “the Greene Land Trust will manage the mitigation area”. It does not state who will hold that deed restriction, and further, as of October 7 the Greene Land Trust had not been contacted regarding their interest in either holding a deed restriction or managing the mitigation area. Alternatives to Greene Land Trust may need to be identified.
 - b. Whatever lands ultimately end up as the mitigation lands will need to be managed to maintain the required grassland habitat. This management will include regular, perhaps annual, mowing and possibly control of invasive species and initial brush hogging and other tree and shrub removal. This management has a cost associated with it so funds will be needed to ensure that proper management is completed. A Habitat Management Plan should be prepared, as it would be required as part of the Part 182 permit application process. The Greene County Grassland Habitat Advisory Committee would be a good resource for assistance. We would encourage a meeting with our staff during preparation of the Plan to discuss plan requirements, conditions, and Part 182 permitting requirements for grassland management



- c. There is no mention in the DEIS regarding what will happen with the open lands located to the east of the new jail footprint. In their current state, these lands are excellent habitat for northern harrier, short-eared owl and other grassland birds. Should Parcel 70.00-4-5 indeed end up being accepted for mitigation, clearing (in winter) some of the trees and shrubs between Parcel 70.00-4-5 and retaining the lands east of the jail in grassland would provide a connection to the larger grassland located to the north and northeast thereby addressing the fragmentation issue to some degree.

Thank you for considering the Department's comments. Please feel free to contact Kristen Cady-Poulin at (518) 357-2454 or by e-mail at Kristen.Cady-poulin@dec.ny.gov if you have any questions.

Sincerely,


for Kristen Cady-Poulin
Environmental Analyst

cc via email: Kathleen Tatara
Paul Novak, NYS DEC
Mike Clark, NYS DEC

References:

Morgan, M and M. Burger. 2008 A Plan for Conserving Grassland Birds in New York: Final Report to the New York State Department of Environmental Conservation under contract #C005137. Audubon New York, Ithaca, NY.

Strong, K and R. VanSchaack. 2014. Greene County Grassland Habitat Management Plan. Greene County Soil and water Conservation District and Greene Habitat Advisory Committee. Cairo, NY. 82 pp.

Kathleen Tatara

From: Mary Beth Bianconi
Sent: Friday, November 04, 2016 9:47 AM
To: Kathleen Tatara
Subject: FW: habitat site map
Attachments: JailDECHabitatSite sm.pdf

From: Mary Beth Bianconi
Sent: Thursday, October 27, 2016 1:35 PM
To: 'Rupert, Keith D (DOCCS)'
Subject: FW: habitat site map

Hi Keith,

As you know, we are working on the Greene County Jail SEQR review. The site for the jail is currently grassland habitat for Harrier Hawks which are a threatened species. The habitat will be disrupted by construction of the jail. As a result, the County will be securing a permit from DEC and mitigation for the habitat disruption is required in the form of setting aside (deed restricting) and managing other land not impacted by construction for habitat.

DEC has suggested that the County request that the State of New York agree to deed restrict a portion of the property adjacent to the parcel on which the Cocksackie and Greene Facilities reside for this purpose.

We are not in agreement with the recommendation for a number of reasons, but largely, because we see this as the most complex way to provide mitigation because deed restricting the property would be an act of the State Legislature, and frankly, there are vast tracks of land owned by private and public entities that could be used for habitat mitigation much more readily.

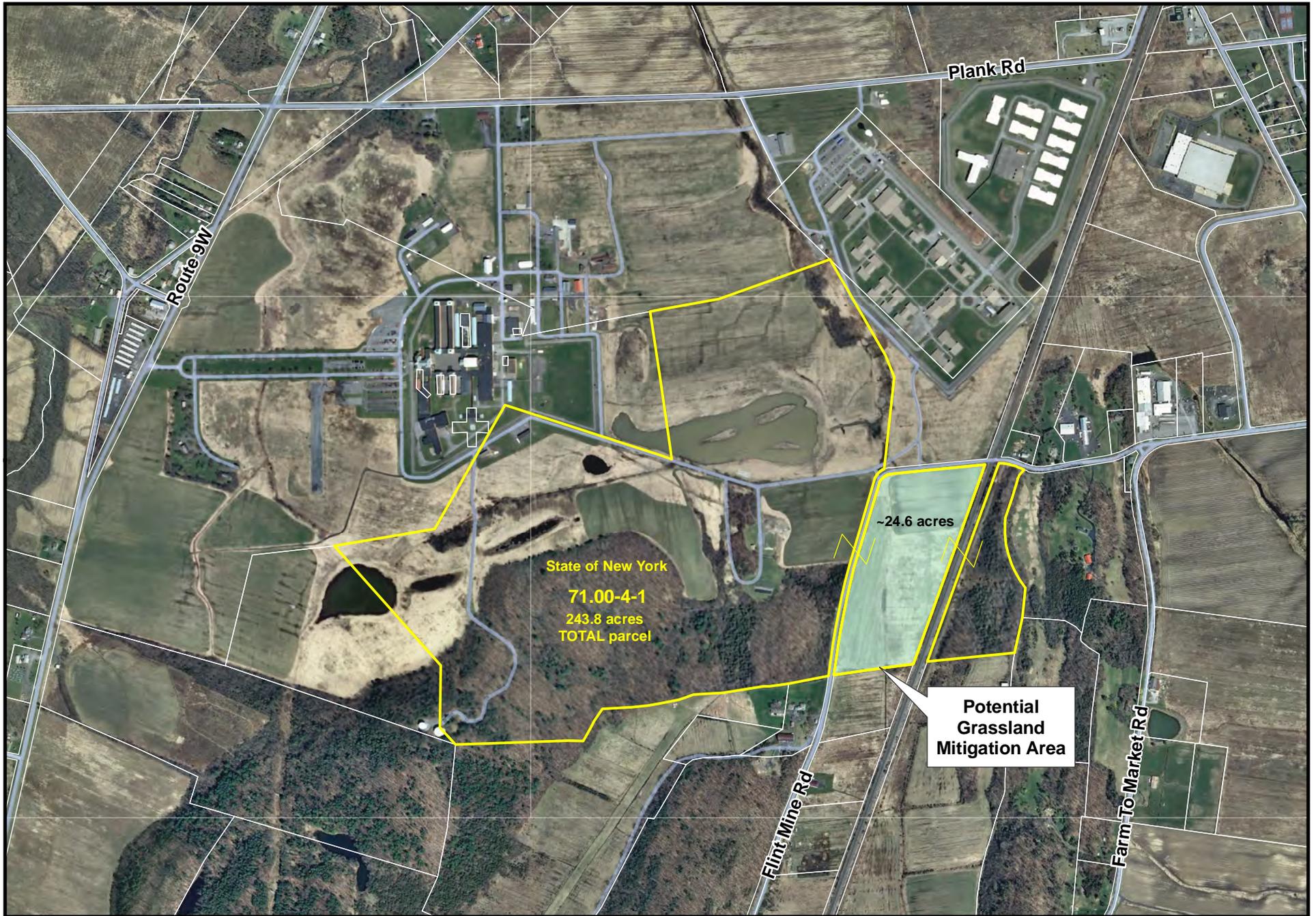
However, DEC is requiring that we investigate the State's position on DEC's recommendation that a portion of State land be set aside. Attached is a map depicting the land identified by DEC.

We are hoping that you or someone at DOCCS could react to DEC's recommendation. Note that we will have to respond to DEC's request in writing so whatever DOCCS position is, it will be discussed in a public document.

Looking forward to hearing from you,

Mary Beth

From: Kathleen Tatara
Sent: Thursday, October 27, 2016 1:16 PM
To: Mary Beth Bianconi
Subject: habitat site map



**NEW GREENE COUNTY JAIL
NYSDEC SUGGESTED HABITAT MITIGATION PARCEL**

From: Kathleen Tatara
Sent: Friday, October 28, 2016 3:58 PM
To: 'rgknighton@cs.com'
Cc: Mary Beth Bianconi
Subject: New Greene County Jail Grassland Mitigation

Dear Mr. Knighton,

Delaware Engineering is working with Greene County in planning and permitting a new jail on a 50 acre site in the Town of Coxsackie. The proposed site is a former agricultural field on the east side of Route 9W immediately south of the Coxsackie Correctional Facility. The jail project will disturb approximately 17.5 acres of grassland which is potential habitat for Northern Harrier and Short-eared Owls. NYSDEC will require a Habitat Mitigation Plan be prepared to compensate for the loss of grassland habitat in a 1:1 ratio.

Greene County anticipates placing a conservation easement or deed restriction on a nearby grassland parcel in order to create the mitigation area. They would like to request that Greene Land Trust holds the conservation easement and manages the mitigation area. Please let me know if your agency would be willing to take on these responsibilities and if you have thoughts on appropriate sites for the mitigation area.

I am looking forward to hearing from you!

Thanks!

Kathleen Tatara
Senior Planner/GIS Coordinator
Delaware Engineering, D.P.C.
28 Madison Ave. Extension
Albany, NY 12203
518-452-1290



Office:
270 Mansion Street
Coxsackie, NY 12051
Phone (518) 731-5544
Fax (518) 731-5520
info@greenelandtrust.org

Web Site
www.greenelandtrust.org

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Mission Statement

To preserve and protect significant natural and cultural resources in and around Greene County, New York.
The Trust's goal is to provide substantial public benefit in identifying and protecting important resources while demonstrating a flexible and exemplary partnership with all stakeholders.



October 24, 2016

Shaun S. Groden
County Administrator
Suite 408
411 Main Street, 4th Floor
Catskill, New York 12414

Dear Mr. Groden,

In the DEIS for the proposed jail section 3.4.3 states that it is anticipated that Greene Land Trust will manage the mitigation area. GLT looks forward to learning more about this project and our anticipated role in management of the mitigation area.

As a nationally accredited land trust we are committed to high standards for protection of land we steward - now and for future generations. That includes assuring that we have the resources to meet our responsibilities in perpetuity.

Unfortunately, GLT is not in a position to absorb the costs associated with taking on responsibility for this mitigation project. As we have for other mitigation parcels for which we have accepted responsibility it will be necessary for the permittee to reimburse our expenses for initial due diligence regarding the project and to provide funding for ongoing management and stewardship.

Please contact me by phone or email if you have questions or when you are ready to discuss our involvement further.


Bob Knighton
President, Greene Land Trust

rgknighton@cs.com
756-9080

NYS DEC

Wetland Mitigation

Subject: FW: New Greene County Jail Draft EIS

From: Swenson, Theresa G (DEC) [<mailto:theresa.swenson@dec.ny.gov>]
Sent: Wednesday, October 19, 2016 3:47 PM
To: whart@discoveringreene.com; K.Tatara@delawareengineering.com
Cc: Cady-Poulin, Kristen K (DEC); Baker, Nancy M (DEC); Novak, Paul G (DEC)
Subject: FW: New Greene County Jail Draft EIS

Dear Mr. Hart,

Below I have provided some brief comment related to NYS DEC jurisdictional freshwater wetlands on the site.

During the pre-application meeting for this project it was requested that additional investigation be conducted between wetlands A and B to determine if these wetland areas are possibly contiguous and/or hydrologically connected via a water course. The area in question is along and just south of the existing property boundary of the parcel. It is again requested that this investigation be conducted and it should be conducted as early in the planning process as possible as it could change/increase proposed buffer area impacts. The recommendation is to avoid and minimize impacts to both the wetland proper and regulated buffer area to the extent possible. Should impacts to either be proposed, justification and mitigation measures shall be required.

Sincerely,

Theresa Swenson
Biologist 1 (Ecology)
NYSDEC Region 4
65561 State Highway 10, Suite 1
Stamford, NY 12167-9503
Phone: (607) 652-2632
Theresa.swenson@dec.ny.gov

Subject: FW: New Greene County Jail Draft EIS

From: Swenson, Theresa G (DEC) [mailto:theresa.swenson@dec.ny.gov]

Sent: Wednesday, November 09, 2016 2:56 PM

To: Kathleen Tatara <KTatara@delawareengineering.com>

Cc: Ed Fahrenkopf <EFahrenkopf@delawareengineering.com>; Mary Beth Bianconi <MBBianconi@delawareengineering.com>; Novak, Paul G (DEC) <paul.novak@dec.ny.gov>; Cady-Poulin, Kristen K (DEC) <kristen.cady-poulin@dec.ny.gov>; Clark, Michael D (DEC) <michael.clark@dec.ny.gov>

Subject: RE: New Greene County Jail Draft EIS

Ms. Tartara,

Thank you for your e-mail. Adjacent area mitigation is sometimes required when proposed impacts to the regulated adjacent area are deemed significant. This depends on scale of impact, types of activities, and adjacent area quality. However, the requirements that apply for wetland mitigation resulting from direct impacts are different and less stringent than adjacent area mitigation. Examples of adjacent area mitigation activities would be the maintenance of a no-mow area along the wetland boundary, native plants, etc. What is required/requested from the Department ultimately depends on what is presented in the proposed project plans and the severity of potential impacts. If you have additional questions please let me know and thank you.

Sincerely,

Theresa Swenson
Biologist 1 (Ecology)
NYSDEC Region 4
65561 State Highway 10, Suite 1
Stamford, NY 12167-9503
Phone: (607) 652-2632
Theresa.swenson@dec.ny.gov

From: Kathleen Tatara [mailto:KTatara@delawareengineering.com]

Sent: Friday, November 04, 2016 10:33 AM

To: Swenson, Theresa G (DEC) <theresa.swenson@dec.ny.gov>

Cc: Ed Fahrenkopf <EFahrenkopf@delawareengineering.com>; mbbianconi@DELAWAREENGINEERING.com

Subject: RE: New Greene County Jail Draft EIS

Dear Ms. Swenson,

Greene County is continuing to refine the Conceptual Site Plan for the Greene County Jail. The southern entry drive has been moved as far northward as possible in order to completely avoid Wetland A in the southwest corner of the site. However there may still be a very small impact (<0.1 acre) to the 100' buffer area around this wetland. The exact area will be calculated during final site design.

Delaware's understanding from the pre-application meeting was that direct impacts to the DEC regulated wetland must be mitigated in a 2:1 ratio, but impacts to the buffer area would require justification and an Article 24 Wetlands Permit, but no mitigation. However, the last sentence in your October 19th email seems to indicate that impacts to the buffer area must also be mitigated. Can you please clarify what NYSDEC will require if the project impacts a small portion of the wetland buffer area?

Thanks!

Kathleen Tatara

Senior Planner/GIS Coordinator
Delaware Engineering, D.P.C.
28 Madison Ave. Extension
Albany, NY 12203
518-452-1290

From: Swenson, Theresa G (DEC) [<mailto:theresa.swenson@dec.ny.gov>]
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To: whart@discovergreene.com; K.Tatara@delawareengineering.com
Cc: Cady-Poulin, Kristen K (DEC); Baker, Nancy M (DEC); Novak, Paul G (DEC)
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Biologist 1 (Ecology)
NYSDEC Region 4
65561 State Highway 10, Suite 1
Stamford, NY 12167-9503
Phone: (607) 652-2632
Theresa.swenson@dec.ny.gov

EXHIBIT 3

Public Hearing Minutes

October 19, 2016



Greene County Legislature

411 Main Street
Catskill, NY 12414

Public Hearing - Jail DEIS
<http://greenegovernment.com/>

~ Minutes ~

Wednesday, October 19, 2016

6:15 PM

Board Room

Opening Of Hearing

Chairman Lewis opened this public hearing at 6:15 p.m. All Legislators were present. He stated: "Good evening everyone. I'd like to open the Public Hearing on the Greene County Jail Draft Environmental Impact Statement ('DEIS') and at this time I'll ask Tammy to read the Notice of Public Hearing." Tammy L. Sciavillo, Acting Clerk to the Legislature, then read aloud the attached Notice of Completion of Greene County Jail DEIS and Public Hearing in its entirety. Chairman Lewis thanked Acting Clerk Tammy Sciavillo and then he stated: "The purpose of this Public Hearing is to hear comments from the public regarding the Greene County Jail DEIS. If there is anyone here this evening who wishes to be heard with regard to the Greene County Jail DEIS, I would just ask you to raise your hand to be recognized and when you stand, please state your name for the record. And with that, we'll begin the Hearing. Is there anyone here this evening who wishes to be heard with regard to the Greene County Jail DEIS?"

A man in the audience stood up and stated: "My name is Scott Myers and I've spent over 150 days in the Greene County Jail and another time another 140 days in the Greene County Jail. I'm an engineer. Our family was near the World Trade Centers for 20 years when it blew up. Greene County did not treat us very well when we came here after losing our home. What I do know is that I have an education and what I did notice was that it's not the architecture, it's the staff and it's also the attitudes of the people in Greene County who operate and encourage law enforcement. The problem that we've had as people of, victims of terrorism is that it was minor compared to what we experienced here in Greene County. The experiences that I have at the jail are really a matter of Sheriff Hussey, who was an alcoholic who's no longer part of the system. Sheriff Seeley who came up through the ranks seems to have no actual authority inside of the jail. Michael Spitz has been brought to court three or four times by myself..."

At this point, Chairman Lewis asked: "Is this about the Impact Study?" Mr. Myers replied: "It is." Chairman Lewis then stated: "Well, let's get to it. Please." Mr. Myers stated: "This is an impact." Chairman Lewis answered:

“Environmental Impact Study. Environmental”. Mr. Myers replied: “Yes, it is environmental.” Chairman Lewis stated: “Alright, let’s hear it.” Mr. Myers continued: “That if you build a jail, you will fill it up and you will ruin an environment. If you fix and repair this one, then you will not do that. In my experience which is personal and intimate, this particular facility is perfectly appropriate for a county that has 50,000 people in it. It’s also been my experience personally and at firsthand knowledge that it’s been left to deteriorate intentionally. Fifty-four people, fifty-four beds, in a county where you have 50,000 people is perfectly enough. We really have 25% of the world’s prisoners. We only have 5% of the world’s population. I saw no rehabilitation whatsoever in there. The environment of Greene County is the reason that you have tourism. It’s the reason you have any people that come here at all. You don’t have a hospital. You don’t have a university. You’ve gotten rid of them. The only things that happen are through private industry, for instance, the Hunter Foundation or the Catskill Mountain Foundation. I don’t see anything happening that’s tangible except to grab 52 million dollars or 54 million dollars of useless money. But I understand that there’s an economic imperative because there’s no jobs in Greene County and you’re not creating them. There’s no industry here, except for the Bruderhofs who have three jet molding sheets my father built. It’s embarrassing to see that the priority is to spend something on a jail. I’m living in Peloke’s Motel because of the behavior of the people here in Greene County. All I did was write letters to my family, after terrorism. They got rid of Bucca. The Republicans didn’t want him. And you have a good District Attorney, Stanzione. Pulver had to recues, who was totally corrupt and you still have that kind of temperament in here. You don’t need a new jail. As we know, it will just be filled up. People are eager to put people in there. I saw all these men. Nothing good happens to them. Nothing good happens to their family. Nothing will happen good to the environment. You should spend the money and the time and your energy and your intellect and your ethic on making sure that people have healthy families.”

Chairman Lewis thanked Mr. Myers and then Chairman Lewis asked: “Again, is there anyone here this evening who wishes to be heard with regard to the Greene County Jail Draft Environmental Impact Study?” There was no response. Chairman Lewis then stated: “One more time, is there anyone here this evening who wishes to be heard with regard to the Greene County Jail DEIS?” There still was no response.

Notice Of Public Hearing

Adjournment Of Hearing

Chairman Lewis then stated: "With that, hearing no more, I declare this Hearing is now closed. Thank you." And he closed this Public Hearing at 6:24 p.m.

APPENDIX A

Wetlands Hydrological Drainage Investigation



October 26, 2016

Ms. Theresa Swenson
Biologist 1 (Ecology)
NYSDEC Region 4
65561 State Highway 10, Suite 1
Stamford, NY 12167-9503

Re: Greene County Proposed Jail Site Wetlands

Dear Ms. Swenson:

During the pre-application meeting for proposed Greene County Jail site located in the Town of Coxsackie, Greene County, New York, you requested that additional investigation be conducted between wetlands A and B to determine if these wetland areas are possibly contiguous and/or hydrologically connected via a water course. Inspection of the hedgerow between wetlands A and B indicated no water course or hydrological connection between the two wetlands. As depicted on the enclosed figure, site specific topography (Kaaterskill topographic survey, 2016) and off-site New York State LIDAR topography indicate that wetlands A and B are hydrologically/topographically separate.

If you have any additional questions or comments please contact me at (518) 452-1290 or via email at efahrenkopf@delawareengineering.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Fahrenkopf", is written over a light blue horizontal line.

Ed Fahrenkopf
Senior Scientist

cc: Warren Shaw (Greene County) Via Email
Mary Beth Bianconi (Delaware Engineering) Via Email
Kathleen Tataro (Delaware Engineering) Via Email.

Attachments: Figure Site Wetland Drainage Areas



**Greene County Proposed Jail Site
Wetland A and Eastern Wetlands
Hydrological Drainage Areas**

Wetland C

Wetland E: Isolated Not USACOE Jurisdictional

Wetland H

Wetland G

Wetland F

Non RPW

Wetland A: Continues to South of Site

Wetland B: Continues to South and East of Site

Legend

Wetland Hydrological Drainage Areas

DA

-  Drainage Area Wetland A
-  Drainage Area Wetland B/Eastern Area
-  Wetland Boundaries

Total Site Acreage/Jurisdictional Area 41.07 acres

WETLANDS AREA (Acres)

Wetland A: 0.571

Wetland B: 1.211

Wetland C: 0.005

Wetland E: 0.005 (Isolated Non Jurisdictional)

Wetland F: 0.195

Wetland G: 0.069

Wetland H: 0.098

Total USACOE Jurisdictional Wetland Acres: 2.149

Total NYSDEC Jurisdictional Wetland Acres: 0.571 (Wetland A)

Total Non-Jurisdictional Wetland Acres: 0.08

Non Relatively Permanent Waters 1,280 Linear Feet

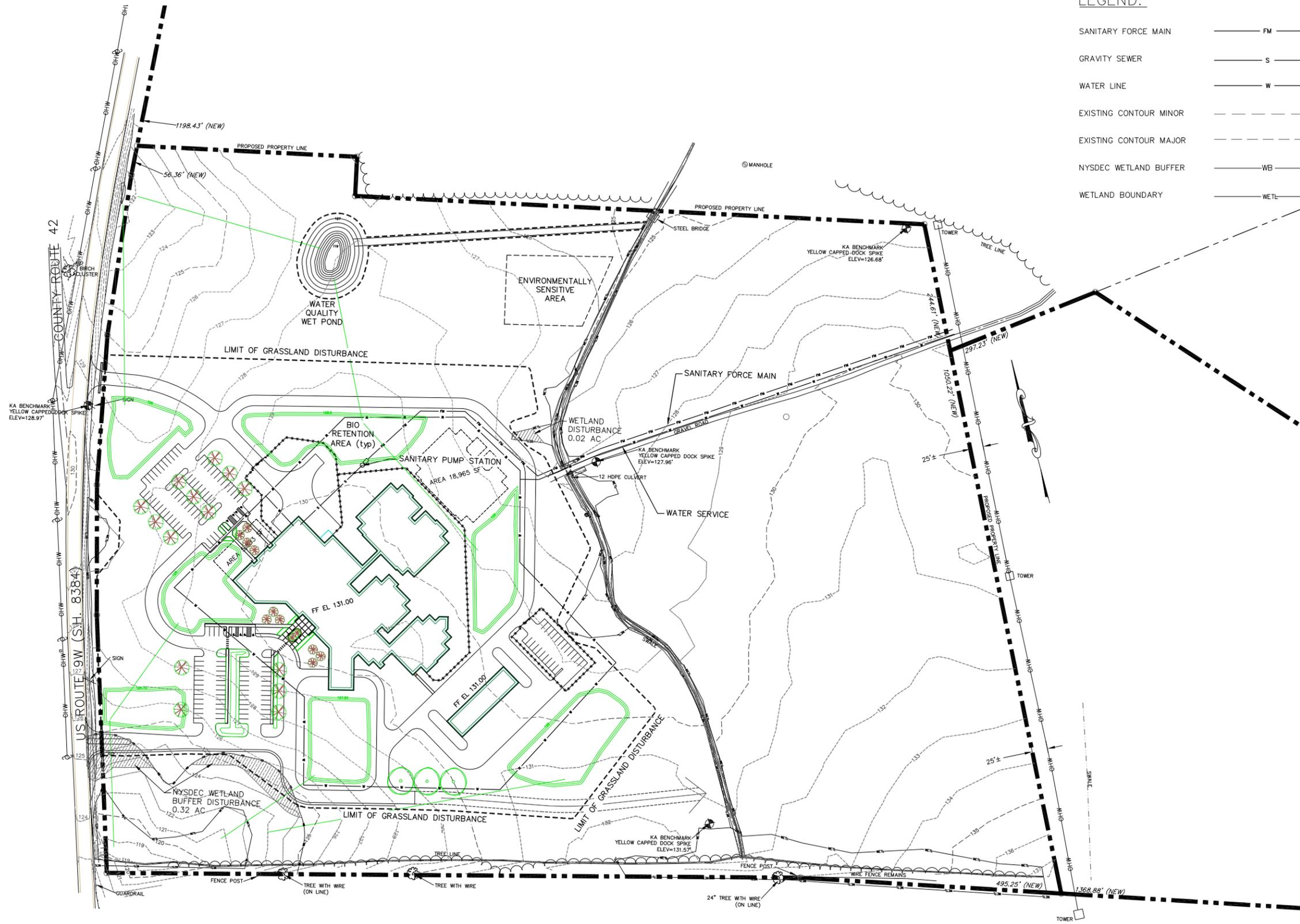
100 50 0 100 Feet




Prepared by: Delaware Engineering PC, June 2015
 Source: NYS Digital Ortho Imagery, Spring 2009
 Katerskill Associates Property Boundary/Topo Survey April 2015
 NYS Lidar Topography 2011

APPENDIX B

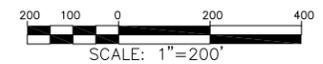
Revised Conceptual Site Plan



LEGEND:

SANITARY FORCE MAIN	FM
GRAVITY SEWER	S
WATER LINE	W
EXISTING CONTOUR MINOR	- - - - -
EXISTING CONTOUR MAJOR	- - - - -
NYSDEC WETLAND BUFFER	WB
WETLAND BOUNDARY	WETL

CONCEPTUAL SITE PLAN
SCALE: 1" = 200'



DATE: 12/15
 DRAWN BY: TJ
 SCALE: AS SHOWN
 REVIEWED BY: MBB
 PROJECT NO.: 15-1174
 FILE: FILE NAME

DELAWARE ENGINEERING, D.P.C.
 CIVIL AND ENVIRONMENTAL ENGINEERING

28 MADISON AVENUE EXTENSION ALBANY, NY 12203-5184/52,1290
 8-12 DIETZ STREET, SUITE 303, ONEONTA, NY 13820-6074/32,8073

REVISIONS

NO.	DATE	DESCRIPTION
1	11/14/16	

PROPOSED GREENE COUNTY JAIL SITE
 TOWN OF COXSACKIE
 GREENE COUNTY, NY COUNTY, NY

CONCEPTUAL SITE PLAN

SHEET:
Fig. 2.2

WARNING - IT IS A VIOLATION OF NEW YORK EDUCATION LAW SECTION 7209.2, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER THIS DOCUMENT IN ANY WAY. IF ALTERED THE ALTERING PERSON SHALL COMPLY WITH THE REQUIREMENTS OF NEW YORK EDUCATION LAW, SECTION 7209.2.