

**Comment 3.3-5 (Mr. Rhodes, 26 Sky Meadow Road, Public Hearing Transcript, June 4, 2009):** Why hasn't the builder been required to restore the wetlands as they were before.

*Response 3.3-5: Measures taken to remediate previously impacted wetland areas were inspected by a representative of the Army Corps of Engineers (ACOE) in December of 2006. Following this inspection, further measures that were taken to complete remediation of the previously impacted areas were reported to the ACOE by Carpenter Environmental Associates (CEA), at which time the ACOE determined the completed remediation measures fully addressed the enforcement concerns of the ACOE with regard to the previously impacted areas.*

**Comment 3.3-6 (Mr. Rhodes, 26 Sky Meadow Road, Public Hearing Transcript, June 4, 2009):** ..the dam was vandalized. How many more acres of wetlands would there have been if somebody had forced the builder to restore that dam which was destroyed?

*Response 3.3-6: Neither the applicant nor his Consultants are aware of any damage that occurred at the existing dam.*

**Comment 3.3-7 (Mr. Drennen, Public Hearing Transcript, June 8, 2009):** You're impacting the water shed. There are a lot of wetland areas, some of them on the property.

*Response 3.3-7: None of the on-site wetlands will be disturbed. A site specific stormwater pollution prevention plan (SWPPP) has been prepared to comply with the NYSDEC State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity 0-08-001 and certified by the Applicant's licensed professional engineer to mitigate the potential adverse impacts on water resources associated with development of the site. Temporary and permanent erosion control facilities are proposed, as well, to aid in mitigating any impacts created by development of the project site.*

**Comment 3.3-8 (Letter #8, Edward F. Devine, Rockland County Drainage Agency, June 4, 2009):** Furthermore, the eastern and southern side of the site appears to be located within mapped state and federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

*Response 3.3-8: Both the United States Army Corps of Engineers (USACOE) and the New York State Department of Environmental Conservation (NYSDEC) are involved agencies and both received copies of the DEIS.*

*As stated in Chapter 3.3 of the DEIS, a detailed wetland delineation was conducted by Carpenter Environmental Associates (CEA) on the project site in accordance with both the US Army Corps of Engineers (ACOE) as well as the New York State Department of Environmental Conservation guidelines. The Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and supplemental guidelines were used to delineate federal wetlands pursuant to the ACOE. The NYSDEC Freshwater Wetland Delineation Manual (1995) was used to delineate state wetlands. The portions of NYSDEC wetlands TH-14 and TH-30 that are located within the project boundaries were validated by Brian Drumm of the NYSDEC on November 21, 2006. The boundaries of*

*these wetlands were recently revalidated by Brian Drumm on November 13, 2009. The updated Map and NYS DEC Boundary Validation are included as Appendix F.*

*The ACOE requires a jurisdictional determination of wetlands on a project site when a proposed activity requires the filling or disturbance of wetland areas designated as "above the headwaters" of navigable waters of the United States under Section 404 of the Clean Water Act. Since the Patrick Farm development currently does not propose any filling or disturbance to any wetlands, a formal request to the ACOE for a jurisdictional determination has not been made.*

*A February 1, 2007 letter by Chief Christopher Mallery, Ph.D., on behalf of the ACOE, states that the potential impacts from the proposed development of Patrick Farm, as detailed in the reviewed submittal, were sufficiently minor in scope as to be considered authorized under nationwide general permits, provided that the project is carried out in accordance with the general conditions of the nationwide general permit program. If, at any time during the course of construction, the project was to be modified to include additional impacts to regulated areas additional written authorization from the ACOE would be necessary. The proposed project has been modified since Chief Mallery's review to remove all disturbances to wetlands on the project site. Since the project will no longer require coverage under the nationwide general permit program, the Applicant feels further correspondence with the ACOE is unnecessary.*

*Communication with the Corps of Engineers on October 2, 2009 confirmed that the Corps. of Engineers, New York State District office has approved the delineation of the federally-regulated wetlands and other waters of the United States on the Patrick Farm development site and verified that the activities associated with the project are authorized under Nationwide Permit (NWP) 29. Refer to Correspondence Appendix B.*

**Comment 3.3-9 (Letter #10, Adam Peterson, Environmental Analyst, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, June 16, 2009):** Freshwater Wetlands (Article 24) — The subject parcel contains portions of two NYS Freshwater Wetlands, TH-14 (Class I) and TH-30 (Class II). Any disturbance within these two wetlands or their respective 100 foot adjacent areas requires a Freshwater Wetlands permit from this Department. The site also contains portions of wetlands that may be federally regulated. Federally regulated wetlands fall under the jurisdiction of the Army Corp of Engineers. Correspondence with that agency is required to determine any additional permit requirements that may apply. Please note that if the project involves the filling of any federally regulated wetland a 401 Water Quality Certification is required from this Department.

***Response 3.3-9:*** *Comment noted. Please refer to Response 3.3-8 regarding correspondence with the Army Corp of Engineers.*

**Comment 3.3-10 (Letter #11, Adam Peterson, Environmental Analyst, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, July 3, 2009):** Section 3.3 page 13 of the DEIS indicates that the Eastern box turtle, a NYS Species of Special Concern, was observed by Tim Miller Associates during the course of 2008 field surveys and Carpenter Environmental Associates during a 2006 field survey. As the DEIS indicates, NYS State Law does not offer any specific protection for species of special concern. However, the final scoping document requires that the DEIS evaluate the potential impacts on unique, rare and/or endangered, threatened and special concern species. The DEIS does offer a description of preferred habitat for the Eastern box turtle but does not discuss potential