



May 8, 2018

Town of Deerpark Planning Board
PO Box 621
420 Route 209
Huguenot, NY 12746

RE: Dragon Springs Buddhist Inc. (Section 31, Block 1, Lot 31.22) Site Plan

Dear Planning Board Members:

The Delaware Riverkeeper Network submits the following issues for careful evaluation in the Draft Environmental Impact Statement for the Dragon Springs Buddhist Inc. Site Plan as part of the Town of Deerpark Scoping Session. The overall plan (submissions variously dated, including January 28, 2018) poses significant risks to water quality, water supply, threatened and endangered species, and public safety which must be thoroughly studied during this process.

Among the largest impacts that would result from the development as proposed are stormwater impacts to the soils, streams, and riparian corridor on-site and in the downstream receiving areas. The total size of new and expanded impervious surfaces, including new buildings, a very large (many-acre footprint) parking garage, covered roadways, and an expanded road network, will create large volumes of stormwater runoff in a high topographic relief area. These added volumes of stormwater runoff will exacerbate existing stormwater impacts from the current development footprint that have been documented with numerous violations and which have already caused water quality impacts and impairments. The Draft Environmental Impact Statement must address the impacts from the proposed development, and must demonstrate how stormwater will be effectively captured, stored, infiltrated, treated, and managed to eliminate any impacts to the best usages of the waters of New York State. Among other requirements, the plans must ensure that there are no alterations of water volumes and flow that “will impair the waters for their best usages” and no alterations to water clarity (i.e., turbidity) such as “will cause a substantial visible contrast to natural conditions” (6 NYCRR Part 703.2). These impacts have already occurred with the existing development and with the existing construction activities. Such impairments must both be eliminated and then prevented for all proposed activities on-site. Some details within the Site Plans suggest the applicant is proposing to abandon those few existing stormwater features that address quality and volume and timing of stormwater runoff (e.g., subsurface absorption field), thus exacerbating existing stormwater impacts.

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The potential impacts to groundwater resources and overall water supply likewise are substantial and need to be carefully examined and evaluated. Based on the sizing of the wastewater treatment plant, the total demand from on-site wells is expected to be upwards of 100,000 gallons per day. Such a large demand in a headwater setting could cause impacts to the groundwater resources, and thus impacts to both overall water supply in the area as well as additional impacts to surface water resources normally fed by these groundwater resources. The applicant must substantiate the water demand expected under the proposed development. The location of water supply wells and the impacts to groundwater from the water withdrawals must be fully evaluated. The links to surface water bodies and the impacts to streams, wetlands, and other surface waters need to be carefully considered, and the Draft Environmental Impact Statement must demonstrate that the proposed withdrawals will not impair these waters for their best usages. The magnitude of these water withdrawals may also require additional review and permitting by NYSDEC and the DRBC, particularly with volumes approaching or exceeding 100,000 gallons per day.

The impacts from on-site wastewater treatment up to 100,000 gallons per day, as proposed, must also be carefully and thoroughly evaluated. The exact location and form of the wastewater discharge must be accurately described, including information on the receiving water body, its size, its hydrological characteristics, and the impacts to both the receiving stream and the downstream waters to which these waters will flow. Among the many impacts that must be quantified are the changes to water quality, particularly nutrients that could stimulate algal growth and impair the best usages of these surface waters. Recent work in New York state has documented the very low concentrations of Phosphorus (less than 20 $\mu\text{g/L}$) and Nitrogen (less than 500 $\mu\text{g/L}$) needed to protect the best usages of New York's waters, and the proposal must demonstrate how the best usages and these narrative and numeric water quality thresholds will not be impaired in the receiving stream and in any downstream surface water body. The applicant has apparently failed to submit necessary documents for NYSDEC approvals of this wastewater plant, and the DRBC docket approval of the wastewater plant has expired because of inactivity within 3 years of the approval date. The current plans under review likewise suggest expanded residential and routine non-residential use, which will increase flow volumes for the wastewater plant. New efforts to permit this facility, including updated calculations and estimations for needed capacity and typical flow volumes, will need to be provided.

The location and extent of wetlands on the property needs to be established and verified, and the impacts to these wetlands need to be documented. Based on submissions to date, and review of these submissions, the applicant has not established a delineation of wetlands, and the Army Corps of Engineers has not validated such delineation. Impacts to wetlands, particularly in a forested headwater setting where such wetlands serve so many key ecological functions to maintain the best usages of New York surface waters, may be severe and permanent. Both through the construction of new facilities, the alteration of surface water hydrology, the withdrawal of groundwater, and the impacts to vegetation, the proposed development could have substantial impacts to wetlands within the property, and such impacts require further efforts to property evaluate.

Permanent environmental impacts on-site need to be carefully documented and evaluated for the proposed dam and impoundment of this headwater watershed. Impacts may include loss of forested headwater wetlands, alteration to the natural hydrologic regime and pattern of flow, alteration of water quality and water chemistry for the stream and downstream waterbodies, and flood risks from a large (>50 ft) dam on a headwater stream with unconventional roadwork within and associated with the dam itself. Because prior

approvals for this dam and impoundment have expired, and because the scope and details of the dam and impoundment have substantially changed from earlier proposals, this dam structure and its impacts must be included in the Draft Environmental Impact Statement and all evaluations of impacts from the proposed development. The construction of the dam, and its long-term use and maintenance on the site, must be shown to ensure the best usages of the stream and the downstream receiving waters, and must be shown to be protective of all regulated natural resources.

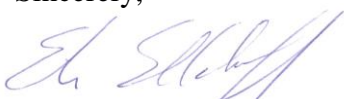
Related to the dam and impoundment, the proposed burrow pit within the proposed impoundment represents a significant site development feature itself, and may require special permitting. Impacts from this excavation include water quality impacts, sedimentation, stormwater runoff, interception of groundwater, impacts to regulated wetlands, enhanced instability for site slopes and both the upstream lake and its control structure as well as the proposed new dam for the impoundment itself. Impacts from this unique feature extend beyond normal site development and construction impacts, and must be addressed directly.

A number of state and federally listed Threatened and Endangered species are also located on-site or in areas affected by on-site activities. Among the biggest impacts that need to be evaluated are the water quality impacts to the Dwarf Wedgemussel and the Brook Floater. In particular, existing on-site practices have already led to serious violations of turbidity standards and impacts to these sensitive freshwater mussel species in downstream receiving waters. Although a Stormwater Pollution Prevention Plan is required, additional actions must be included to prevent any further water quality impacts to these sensitive mussel populations. The applicant must assertively demonstrate such measures in both function and magnitude that turbidity and other water quality violations can never again be expected or demonstrated as a result of construction and long-term operation of this facility. In addition to mussel impacts, Bald Eagle impacts must also be addressed, particularly plans and alternatives that preclude any impacts to nesting behavior and success of these Bald Eagles. Finally, two species of state- and federally-listed bats (Indiana Bat, Northern Long-Eared Bat) utilize the site and impacts to their tree-roosting can be expected under the proposed site development plans. The minimization and/or avoidance of these impacts need to be considered, including alternatives (see below) that reduce forest clearing through relocation of proposed activities and/or elimination of those site developments causing the greatest extent of forest clearing.

Alternatives for many of the proposed development features need to be carefully evaluated, including no-action alternatives, but also extending to smaller structures, reduced size of the dam and impoundment, improved stormwater infiltration and treatment, avoidance of sensitive environmental features such as the headwater stream, innovative development approaches (e.g., green roofs), and reduced impacts to water quality and water supply through improved water efficiencies and water use policies on-site, such as stormwater capture and reuse.

The proposed development presents many significant environmental risks, as detailed, which must be adequately addressed through this Draft Environmental Impact Statement.

Sincerely,



Erik L. Silldorff, Ph.D.
Restoration Director