



MODIFIED NEGATIVE DECLARATION
Notice of Determination of Non-Significance

April 29, 2011

Gilboa Dam Reconstruction

CEQR No.: 07DEP003U

Caswell F. Holloway
Commissioner

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This Modified Negative Declaration has been prepared in accordance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (DEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a modified Negative Declaration. The original Negative Declaration was issued on October 10, 2008.

Purpose and Description Of Project

On March 29, 2011 a bald eagle nest was spotted within the current Gilboa Dam Reconstruction project limits. The nest is located along a steep slope in which trees were cleared during the CAT-212A Site Preparation contract near Road 8 downstream of the Dam. Upon noticing the nest all work within close proximity of the nest was immediately halted and the appropriate New York State Department of Environmental Conservation (NYSDEC) and DEP wildlife specialists were notified. Upon consultation with NYSDEC via correspondence dated April 6, 2011 and in a meeting on April 13, 2011, it was determined that an Article 11 Endangered/Threatened Species permit would be necessary to allow for work to continue in the vicinity of the nest.

In order to minimize impact to the nest DEP undertook a redesign of the proposed project including changes in timing and redesign of construction activities proposed as part of the project. Below is a summary of the components of the project that would be affected. Further details regarding proposed changes are documented in the attached environmental assessment.

- Contract CAT-359 (Crest Gate Installation) is an ongoing contract and has work remaining outside the 660-foot radius but within a ½ mile radius of the bald eagle nest. Contract CAT-359 involves the installation of crest gates within a 220-foot notch on the western end of the Dam. The crest gates are pneumatically powered by a temporary equipment building and will ultimately permit adjustments to the level of the reservoir when they are complete. To date, most of the demolition and concrete work along the notch is complete and the installation of the crest gates, completing the installations inside the temporary equipment

building, and the finishing of all instrumentation to operate the crest gates is ongoing.

- Contract CAT-212A (Site Preparation) consists mostly of site work in preparation for the reconstruction of the Gilboa Dam. This contract is currently in the construction phase and is approximately 70 percent complete to date. The contract involves the installation of erosion and sediment control devices, constructed wetlands, drainage structures and access roads. The remaining work is within 660-foot zone of the eagle nest and is being redesigned to limit potential disturbances.
- Contract CAT-212B (Dam Reconstruction) work consists of the actual reconstruction of the Gilboa Dam. This work is a crucial part of bringing the Dam to NYSDEC dam safety standards and is anticipated to begin this year. Some of the work within the CAT-212B contract is also within the 660-foot restriction zone to the eagle nest.
- Contract CAT-212C (Installation of the Low-Level Outlet) contract would have no work within the 660-foot radius but would have work within a ½ mile radius bald eagle nest. Work included under the CAT-212C contract consists of installation of the Low-Level Outlet.

The Gilboa Dam Reconstruction project was evaluated in a Negative Declaration (CEQR #07DEP003U) issued by the DEP on October 10, 2008.

With the identification of the nest in the vicinity of the project site, it was determined that a reassessment of the potential for environmental impacts to occur as a result of the proposed project was required.

This Modified Negative Declaration would support approvals necessary from the New York State Department of Environmental Conservation, U.S. Fish and Wildlife and the United States Army Corps of Engineers for proposed work in the vicinity of the bald eagle nest.

The Bureau of Environmental Planning and Analysis has concluded that the proposed action remains classified as a Type I Action pursuant to 6NYCRR Part 617.

Statement of No Significant Effect

DEP has determined that the proposed project, as modified, would not result in any significant adverse impacts on the environment. The above determination is based on the review of the original environmental assessment for the design of the proposed project and evaluation of the modified project conditions. Therefore, the previous Negative Declaration and the supporting documentation remain unchanged in their conclusions.

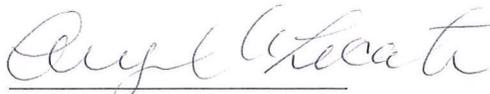
Supporting Statements

The above determination is based on an environmental assessment which finds that the project, as proposed, would not result in significant effects on the environment which would require the preparation of an Environmental Impact Statement.

For Further Information Contact:

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Sincerely,



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