Environmental Protection

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November 14, 2023

Ms. Maura Weissleder, Deputy Town Clerk
Town of Yorktown Town Board
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: **Notice of Intent to be Lead Agency**
Teatown Lake Dredging
Spring Valley Road
Town of Yorktown; Westchester County
Tax Map #: 69.14-1-6
DEP Log #: 2020-CNC-0078-SQ.2

Dear Ms. Weissleder and Members of the Town Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Town Board's (Board) Notice of Intent to act as Lead Agency and full Environmental Assessment Form (EAF) for the above-referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The project site is located in the New Croton Reservoir drainage basin of New York City's Water Supply. As New Croton Reservoir is phosphorous restricted, water quality impacts to the receiving reservoirs from pollutant-laden runoff must be avoided or mitigated.

The proposed action involves the dewatering and dredging of Teatown Lake to restore hydrology to Wildflower Island and to mitigate the risk of invasive plant species spreading onto the island.

DEP's status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b)(3)(ii) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations).

Based upon review of the circulated documents, DEP respectfully submits the following comments for the Board's consideration:

1. Per Section 18-39(b)(3)(ii) of the Watershed Regulations and given the total proposed soil disturbance, it appears that this project would require DEP approval of a SWPPP that includes only erosion and sediment controls since it is considered an environmental enhancement project.

2. Part 1.E.2.1. notes that the project site is located on a principal aquifer but provides no other information on potential impacts to any local water supply. Please have the project sponsor provide clarification.

3. A dry culvert is proposed and it is stated that it will remain after construction. DEP has not conducted a site visit to identify the presence of any watercourses in the subject area. The applicant's representative may contact Mariyam Zachariah at MZachariah@dep.nyc.gov to schedule a site visit. The piping of a watercourse associated with this culvert installation may require a DEP Crossing, Piping or Diversion Permit (CPDP) unless permitted by another agency.

4. The plans indicate that the existing septic absorption field is being utilized as a contractor staging area during construction. This is strongly discouraged as the system may be adversely impacted due to damage or compaction. DEP strongly suggests that the staging area be relocated outside of the footprint of the septic absorption field.

5. Provide a reclamation plan for portions of the land (meadow) area disturbed as a result of this project. No information is provided on the plans on where exactly the dewatered sediments would be deposited/regraded and the means of regrading those disturbed areas aren't provided. Information on where the spoils from Site 1 will be stored and the methods of storing it for future use and how long it would be stored etc. must be included in the report/drawings.

   For temporary stabilization, it is recommended that annual ryegrass (*Lolium perenne ssp. multiflorum)* be used at a rate of 30 lbs./acre as it does not interfere with later establishment of native grass or meadow mixes.

   For permanent stabilization, it is suggested that a mix containing 30% annual ryegrass (*Lolium perenne ssp. multiflorum*) and 70% mixture of 2 or more native grasses such as big bluestem (*Andropogon gerardii*), little bluestem (*Schizachyrium scoparium*), switchgrass (*Panicum virgatum*), Indiangrass (*Sorghastrum nutans*), tufted hairgrass (*Deschampsia cespitosa*), deertongue (*Dichanthelium clandestinum*), Canada wild rye (*Elymus canadensis*), Virginia wild rye (*Elymus virginicus*), and/or sideoats grama (*Bouteloua curtipendula*) be used in areas adjacent to wetlands or areas that will not be mowed regularly. Native grass/annual ryegrass mixes should be seeded at a rate of 30 lbs./acre.

6. The turbidity curtain must be installed as explained in the construction detail provided as dredging operations can often create excess turbidity; however, the intended design and use is in appropriate as it is shown on the plans as turbidity curtains should not be installed in flowing water or across watercourses. At times, the silt can become resuspended causing the lowering of oxygen levels. Additionally, the sediment porewater released from the dredged sediments may contain contaminants of concern. In addition, and in accordance with NYS erosion control standards, the applicant must verify that the turbidity curtain shall not contain large culverts or drainage areas where the curtain would be susceptible to breach or loss of contact at the bottom surface.

7. The applicant should verify whether other dredging alternatives such as hydro raking are feasible as hydro raking can be beneficial as it allows for aquatic organisms to escape.

8. A detailed construction sequence detailing all components of the proposed project should be included. The sequence should reference all sediment controls, dewatering measures, phases and contingency during rain events.

9. Optimally, dredging and dewatering should only be performed during low flow and/or dry weather conditions.

10. The EAF indicates a US Army Corp of Engineers (USACE) joint application is required. The applicant should contact the USACE to make a regulatory determination.

11. Impacts associated with dredging within Teatown Lake are not quantified. All impacts associated with this project, whether temporary or permanent should be disclosed as part of the full environmental assessment.

12. Part 1.D.2.b.v of the EAF indicates that dewatering location 2 will be restored and replanted. A detailed restoration plan should be included that shows the areas to be replanted, quantities and specific species regarding the 'meadow restoration'. Only native non-invasive species should be utilized.

13. The Erosion and Control Notes included on sheet 2 of 9, General Notes, states areas will be temporarily and permanently seeded but no information has been provided.

    For temporary stabilization, it is recommended that annual ryegrass (*Lolium perenne ssp. multiflorum)* be used at a rate of 30 lbs./acre as it does not interfere with later establishment of native grass or meadow mixes.

    For permanent stabilization, it is suggested that a mix containing 30% annual ryegrass (*Lolium perenne ssp. multiflorum*) and 70% mixture of 2 or more native grasses such as big bluestem (*Andropogon gerardii*), little bluestem (*Schizachyrium scoparium*), switchgrass (*Panicum virgatum*), Indiangrass (*Sorghastrum nutans*), tufted hairgrass (*Deschampsia cespitosa*), deertongue (*Dichanthelium clandestinum*), Canada wild rye (*Elymus canadensis*), Virginia wild rye (*Elymus virginicus*), and/or sideoats grama (*Bouteloua curtipendula*) be used in areas adjacent to wetlands or areas that will not be mowed regularly. Native grass/annual ryegrass mixes should be seeded at a rate of 30 lbs./acre.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,

Cynthia Garcia

Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: J. Petronella, NYSDEC Region 3