

May 14, 2008

Mr. Ryan Courtien, Supervisor
Mr. Christopher Galayda, Councilman
Ms. Catherine Frame, Councilwoman
Mr. Richard Hawthorne, Councilman
Town of Dover
Dover Town Hall
126 East Duncan Hill Road
Dover Plains, New York 12522

RE: Final Written Scope for Draft Environmental Impact Statement

Knolls of Dover Amended Application March, 2008 Proposed Redevelopment of the Former Harlem Valley Psychiatric Center Campus Route 22 and Wheeler Road, and Former Dykeman Parcel, Pleasant Ridge Road, Wingdale, New York

Dear Mr. Courtien and Council Members:

HVA BACKGROUND

The Housatonic Valley Association (HVA), founded in 1941 is the oldest non-profit watershed conservation organization in the nation, and is dedicated to preserving and protecting the natural character and environmental health of the Housatonic River and its 1,948 mile watershed, which includes the Tem Mile River watershed in New York. Our work in surface and groundwater protection issues is extensive.

HVA reviewed the Final Written Scope for Draft Environmental Impact Statement (Scoping Document) prepared for this project and offers the following comments and recommendations for your consideration.

ENVIRONMENTAL ISSUES

HVA believes that the Scoping Document fails to adequately document the potential environmental and community impacts of the proposed project. Obviously, a major project such as this will have impacts which cannot be avoided, minimized or entirely mitigated. HVA believes the Scoping Document could be improved in terms of characterizing, quantifying or substantiating potential impacts. We are particularly concerned about the deletions made to the great majority of the descriptions of the proposed actions. *We strongly urge the Town to require the applicant to add the deleted items back into the descriptions to ensure that critical information about the potential environmental impacts of this project will be included in the Environmental Impact Study.*

SPECIFIC COMMENTS

II Description of the Proposed Action

Section D, 1, a. The overall comprehensive development plan will be determined by the amount of buildable land. In Section 19, Part D, Overall Density of Development, the applicant proposes to calculate the maximum density of development as 1.6 dwelling units per gross acre of land. The applicant proposes to calculate the gross amount of land by including unbuildable land, including, without and deductions or qualifications, roads, waterbodies, wetlands, and steep slopes. Steep slopes should be calculated at 12 percent or greater grade

HVA recommends that any land constrained by environmental factors including steep slopes, waterbodies, wetlands and required buffers and setbacks from any regulated water feature be subtracted from the total acreage and the net area be used to calculate the maximum density of development.

Section D, 2, a. Add back the deleted language about perpetual conservation easements.

Section D, 2, b. Add back the deleted language.

Section D, 2, c. Add back in the language about the running track, if the track is included in the application.

Section D, 8. Add back in the language about permanent conservation easements.

Section E. The applicant has deleted requirements for a detailed phasing plan. This should be reversed, a detailed phasing plan is a critical component of this application. Without a detailed phasing plan the applicant may choose to develop only the farmland and other open land and abandon the project without redeveloping the Psychiatric Center Campus.

III Impact Analysis

Part D, Natural Resources

Section 1, b, (ii). Steep slopes should be calculated at 12 percent or greater grade.

Section 1, b, (iv). Require an analysis of proposed cut and fill and a calculation of the total amount of materials involved.

Section 1, b, (vi). No construction should occur on marble knolls, steep slopes, wetlands and their buffer/setback areas or any other sensitive ecological site.

Section 1, c, (i). Require the use of Low Impact Development (LID) design which minimizes polluted runoff. Storm water runoff is a major water quality threat to the Ten Mile and Housatonic Rivers. In particular, sediment and nutrient loading are major water quality issues in the Ten Mile River watershed caused by storm water runoff from construction and development. Roofs, pavement and other impervious surfaces replace natural vegetation and cause storm water to run off the surface rather than sink into the ground. Significantly higher amounts of water runoff into nearby streams can result. This causes erosion, flooding, sediment dumping and destroyed habitat and aquatic life. Along its journey, storm water also picks up a broad array of chemicals, sediments, salt, fertilizers, vehicle fluids and even bacteria which are then transported directly into streams and rivers. Traditional storm water management techniques don't address water quality issues, and actually exacerbate the problem by

collecting and removing as much water as possible, as quickly as possible, from a site. LID is needed to reduce sediment and nutrient loading caused by land development and construction.

Instead of the traditional “end of the pipe” approach, channeling rainwater to sewers or holding ponds, low impact development allows it to soak naturally back into the soil, much as it would on undeveloped property. It includes landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff. LID treats rainwater as a resource rather than a waste product needing disposal. Techniques include reducing imperviousness and employing the use of pervious paving, conserving natural resources and important ecosystems, maintaining natural drainage courses, reducing use of pipes, and minimizing clearing and grading.

Section 2, b, (i) Add back in the deleted language.

Section 2, c. Add back in (v), (vi), and (vii).

Section 3, a, (ii) Add back in the deleted language.

Section 3, c. Add back in the deleted language in part (iii) and (iv).

Part E, Utilities and Stormwater Management

Section 3. Require the use of Low Impact Development (LID) design which minimizes polluted runoff.

Part G, Community Facilities and Services.

Section 2, c. The Appalachian National Scenic Trail is a unit of the National Park Service and any attempt to create a new side trail connecting with the Trail or the adjoining federally owned corridor land is governed by the following, and attached policies. The following is the policy governing the entire Trail. Attached is the policy of the New York-New Jersey Trail Conference, the local organization which manages and maintains the Trail adjacent to the applicant’s property. These policies and procedures must be followed if the applicant is considering a connecting trail to the Appalachian Trail.

An Introduction to the Local Management Planning Guide

Appalachian Trail Conservancy

Revised February 1997

CHAPTER 2 (E) SIDE AND CONNECTING TRAILS

Many significant trails intersect the Appalachian Trail. The Long Trail (Vermont), the Tuscarora Trail (Pennsylvania, Virginia, and West Virginia), the Mountains-to-Sea Trail (North Carolina), the Overmountain Victory Trail (North Carolina and Tennessee), the Benton MacKaye Trail (Georgia, North Carolina, and Tennessee), the Allegheny Trail (Virginia and West Virginia), and the Potomac Heritage Trail (Maryland, Virginia, and West Virginia) are all long-distance trails in their own right. Hundreds of other trails that intersect the A.T. are also important, although not

as lengthy as the statewide or multi-state trails listed above.

The National Trails System Act makes specific reference to the *formal* designation of side and connecting trails as components of the national trail system. Formal designation is the responsibility of the USDA secretary of agriculture (if that trail is located within national forest proclamation boundaries) or the USDI secretary of the interior (on all other lands). The following definitions of designated side and connecting trails are consistent with the legislation:

Designated side trail—Any trail formally designated as such by action of the secretary of agriculture or secretary of the interior that intersects the Appalachian Trail and provides additional access to the Appalachian Trail from outside the Appalachian Trail corridor.

Designated connecting trail—Any trail formally designated as such by action of the secretary of agriculture or secretary of the interior that connects the Appalachian Trail and another national scenic, historic, or recreation trail.

Designation of a side or connecting trail does not provide the secretary of agriculture or interior with any authority to acquire lands or interests in lands. There have been no formal designations of side or connecting trails to date.

Other trails may intersect the Trail without being formally designated. *Spur trails* intersect the A.T. and provide passage to points of interest (such as natural, cultural, or scenic features) or Trail facilities (such as overnight sites or water sources) within the Trail corridor. *Access trails* are trails within the Trail corridor that provide approaches to the A.T. from parking areas, road crossings, and nearby towns. *Co aligned trails* refer to segments of trails that use the footpath of the Trail. Lastly, many *undesigned side trails* exist, particularly within large blocks of federal or state lands. These types of trails do not require formal designation, but if improperly used or managed, can create serious management problems. They can be the cause of unrestricted all terrain vehicle or horse access to the Trail, inconsistencies in blazing and Trail-maintenance standards, and use patterns that affect sensitive resource values (such as increased littering and graffiti at a particularly scenic vista).

The construction of a new side or connecting trail can have significant short-term and long-term effects. Construction of a new trail can affect sensitive resource values, such as a cultural resource site or a specific habitat for an endangered species. A new side or connecting trail may increase the accessibility and use of the A.T. by horses, bicycles, all-terrain and off-road vehicles, as well as hikers, particularly if the new trail is not afforded the same level of protection as the Trail. Lastly, a new trail can open up a new area to increased use by the hiking public and dramatically change the remote character of an area. On the other hand, a new trail may provide new opportunities for loop hikes, or for dispersal of users to other trails. These impacts should be assessed carefully.

Existing Policy

ATC Policy—In 1988, ATC's Board of Managers adopted a policy on side and connecting trails to provide ATC, Trail clubs, and agency partners with procedures for (1) evaluating and recommending approval of proposals for the development of new foot trails intersecting the A.T. and (2) recommending action by the secretary of the interior or agriculture for formal designation of side or connecting trails to the Trail. In November 1995, the Board adopted several minor wording changes to clarify the original policy. The policy now reads as follows:

A. Procedure for Recommending Approval of New Hiking Trails Entering The Appalachian Trail Corridor—All new hiking trails entering the Appalachian Trail corridor should be approved by the local Trail club, the landowning agency, and the ATC regional vice chair. Approval by the ATC regional vice

chair will be based on the criteria set forth below in part C and any additional criteria provided in the local management plan(s) for the area.

B. Procedure for Recommending Action by the Secretary of the Interior or Agriculture for Formal Federal Designation of a Side or Connecting Trail—Formal designation of side or connecting and co aligned trails requires action by the secretaries of the interior or agriculture or their designee(s). Any proposal for formal designation shall be reviewed by the local Trail club, the ATC regional vice chair, and the ATC Board of Managers. The recommendation of the Board of Managers shall be transmitted to the representative of the appropriate secretary. In addition, review and recommendation processes may occur within the National Park Service, the U.S. Forest Service, and/or state agencies as appropriate. ATC review and recommendations shall be based on the criteria set forth below in part C and any additional criteria identified in the local management plan(s) for the area.

C. Criteria for (1) Recommending Approval of New Hiking Trails Entering The Appalachian Trail Corridor or (2) Recommending Action by the Secretary of the Interior or Agriculture for Formal Designation of A Side or Connecting Trail:

1. The trail will only enhance or improve the Appalachian Trail.
2. The Appalachian Trail is preeminent over the new or designated trail.
3. The trail will allow only foot traffic.
4. The trail will provide significant access to the Appalachian Trail or between the Trail and significant scenic, natural, or cultural resources and/or Trail facilities.
5. The Appalachian Trail will take precedence on trail signing and marking.
6. Dual marking will be avoided on any new co aligned trail; however, other trails may be identified on A.T. signs. ATC also will work to establish this standard for existing co aligned trails.
7. A.T. managers will cooperate in developing standards for construction, design, and maintenance of trails that intersect the Appalachian Trail.

ATC will encourage adoption of standards that protect resource values and prevent environmental damage in a manner consistent with resource protection on the Appalachian Trail.

NPS Policy —The Appalachian Trail park manager, as the National Park Service’s principal representative for management of the Appalachian National Scenic Trail, must be involved in decisions regarding the official formal designation of connecting and side trails under the National Trails Systems Act on all NPS and state-owned land.

The A.T. park manager will evaluate a proposal for formal designation and take action based on the following criteria:

1. It has undergone review according to ATC’s prescribed process.
2. It provides the potential for promoting greater public enjoyment of the Appalachian Trail.
3. It has received the concurrence of the landowner(s).

The A.T. park manager is also the approving official in decisions regarding the development of new trails that enter the corridor of National Park Service-acquired land. Again, proposals will be considered only after having undergone the review and approval process identified in ATC policy. Following that, if new construction is required, the NPS may need to prepare an environmental assessment to comply with the National Environmental Policy Act. It is only after this point that construction can commence. The Trail club may recommend abandoning or closing an existing side trail because of problems of overuse or inappropriate use resulting in resource damage or reduced quality of experience by the hiker. The club should consult with ATC and the A.T. Park Office before closing an approved side trail.

In existing National Park units, planning for development of new trails or official designation of side or connecting trails in existing park units will involve local club members, ATC, and the agency partners in the design and review process. The park superintendent is the approving official for development of new trails. Final action for recommending formal designation of connecting and side trails resides with the A.T. park manager following a recommendation by ATC and the Trail-maintaining club and concurrence of the park superintendent.

USFS Policy—The regional forester is the official responsible for formal designation of connecting and side trails within forest proclamation boundaries. Proposals for the construction of new trails intersecting with the A.T. typically originate at the local club and national forest level. They will be evaluated and approved by the management partners prior to construction. Although existing blue-blazed trails have no official status, they will be retained to provide access to the Trail and connections to other trails and points of interest. Side trails may be developed to provide other recreational opportunities or to decrease areas of overuse on the A.T. The national forest planning process will evaluate the management and protection of these trails.

Club Policy: (See the attached New York-New Jersey Trail Conference policy)

Considerations for Planning

Inventory—The club should identify all connecting and side trails in a brief list and include a description of the important characteristics of the trails. The connecting and side trails should also be shown on a map. The list should include a short explanation of the club's intent, if any, to seek designation of any significant connecting or side trail.

Setting Club Policy—The club should indicate the criteria that it will use in determining whether or not a connecting or side trail should receive formal designation. The club should also note its intentions to maintain side trails to standards comparable to the A.T., where appropriate.

Action Plan—The maintenance of all connecting and side trails should be identified as a work item in the club's work plan. If the club is considering constructing a new side trail, the club should allow lead time for consultation with its agency partners.

CONCLUSION

HVA believes that the Scoping Document, as amended, fails to identify or quantify all of the issues that need to be addressed. HVA believes the letter and spirit of the State Environmental Quality Review Act (SEQRA) regulations can only be met if the Scoping Document contains detailed information which will ensure that the Environmental Impact Statement will be based on the best possible data.

HVA appreciates the opportunity to comment on this project.

Sincerely,

Elaine E. LaBella
Director of Land Protection