

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DRAFT SCOPING DOCUMENT
HUGHES ENERGY, LLC. SOLID WASTE MANAGEMENT FACILITY
DEC ID# 4-1248-00321

Pursuant to 6 NYCRR 617.8(b), a project sponsor must submit a draft scope that contains the items identified within section 617.8(e) to the Lead Agency. The Lead Agency must provide a copy of the draft scope to all involved agencies and make it available to any individual or interested agency that has expressed an interest in writing to the lead agency.

The following Draft Scoping Document has been prepared by the applicant, Hughes Energy, LLC. with their consultant, Sterling Environmental Engineering, P.C., and was submitted to the New York State Department of Environmental Conservation, as Lead Agency under SEQR, on October 1, 2021.

The Lead Agency has identified potential significant environmental impacts and will consider comments raised during public scoping to determine the final scope of impacts to be included within the Draft Environmental Impact Statement.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

DRAFT SCOPING DOCUMENT

APPLICANT: HUGHES ENERGY, LLC.

ACTION: PROPOSED SOLID WASTE MANAGEMENT FACILITY

**LEAD AGENCY: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

Prepared By:

Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, New York 12110

October 1, 2021

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

DRAFT SCOPING DOCUMENT

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- Appendix B Full EAF Parts 2 and 3
- Appendix C Positive Declaration, Dated September 20, 2021

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1.0 DESCRIPTION OF THE PROPOSED ACTION [6 NYCRR 617.8(e)(1)]

The New York State Department of Environmental Conservation (NYSDEC) as Lead Agency pursuant to 6 NYCRR Part 617 (collectively known as the State Environmental Quality Review Act, or "SEQRA"), has determined that the Proposed Action described herein has the potential to present significant adverse environmental impacts and has issued a Positive Declaration dated September 20, 2021 requiring that a Draft Environmental Impact Statement (DEIS) be prepared.

Hughes Energy, LLC (Hughes) is proposing to construct a new permitted solid waste management facility (SWMF) located on Tax Parcel 113.-1-25 (39.60 acres) in the Town of Roxbury, Delaware County, New York. The new SWMF will process up to 176,400 tons per year (tpy) of municipal solid waste (MSW) into a marketable fiber product in a state-of-the-art MSW processing facility (the "Facility"). MSW is processed through rapid steam composting and mechanical processing to produce a marketable biomass fiber suitable for manufacturing into various recycled products (e.g., paper products). MSW receipt and processing will occur within an enclosed processing building (~115,000 sf) to mitigate fugitive odors and noise. A new administrative office and maintenance shop (~9,500 sf) is proposed to provide office space and onsite maintenance support. Access will be through a new commercial driveway entrance from State Route 23. A Site Location Map on a United States Geological Survey quadrangle map is provided as Figure 1, and a Site Vicinity Map on an aerial image is provided as Figure 2.

The Proposed Action requires Site Plan Approval by the Town of Roxbury Planning Board in addition to the following approvals under jurisdiction of other agencies:

- NYSDEC 6 NYCRR 360 Solid Waste Management Permit – for construction and operation of a new MSW Processing Facility subject to 6 NYCRR 362-2.
- NYSDEC 6 NYCRR 201 State Facility Air Permit – for emissions associated with stationary combustion installations (propane-fired boilers) and process emissions associated with the negative pressure ventilation system.
- NYSDEC Article 15 Stream Disturbance - For improvements to an existing farm road crossing and associated impacts to a Class A watercourse.
- NYSDEC SPDES Construction General Permit – for the disturbance of more than one acre of land with the creation of impervious surface.
- NYCDEP Watershed Protection Review – for the siting of an SWMF, creation of impervious surface, and connecting to the Town of Prattsville sewer system.
- NYSDOT Highway Work Permit – for the construction of a new commercial driveway entrance from State Highway 23.
- Town of Prattsville Wastewater Sewer Connection – for the receipt and treatment of industrial and sanitary wastewater.
- United States Army Corps of Engineers – For improvements to an existing farm road crossing and associated impacts to a Federal wetland.

2.0 DETERMINATION OF SIGNIFICANCE

Hughes Submitted a Site Plan Application to the Town of Roxbury Planning Board in August 2020, which initiated the SEQRA review process. On August 31, 2020, the Town of Roxbury Planning Board circulated a Lead Agency Notice to Involved and Interested Parties pursuant to 6 NYCRR 617.6 designating the proposed action as Type 1 and indicating the Planning Board's intent to serve as Lead Agency with respect to its role for issuing approval of a Site Plan. By letter dated September 18, 2020, the NYSDEC requested to be Lead Agency instead of the Planning Board. In response, the Planning Board adopted a resolution on October 6, 2020 concurring with NYSDEC assuming Lead Agency status. On January 27, 2021, Hughes submitted permit applications to the NYSDEC, which included an updated Full Environmental Assessment Form (EAF) Part 1 to reflect design changes since the August 2020 Site Plan Application. A copy of the Full EAF Part 1 and supporting narrative is provided in Appendix A.

From January 27 to September 20, 2021, NYSDEC requested additional information through five notices of incomplete application (NOIA). Hughes submitted additional information including studies related to traffic, noise, aesthetics, public participation, and wetlands, among other technical review comments specific to 6 NYCRR 360 for the solid waste management facility permit and 6 NYCRR 201 for the state facility air permit. Two public meetings were held on August 19 and 27, 2021 in accordance with Commissioner Policy 29 (CP-29) for enhanced public participation.

By letter dated September 20, 2021, NYSDEC issued a Positive Declaration indicating that the Proposed Action has the potential for at least one significant adverse impact and that a DEIS is required. A copy of the Parts 2 and 3 of the EAF are provided in Appendix B, and a copy of the Positive Declaration is provided in Appendix C. The DEIS will be prepared in accordance with the requirements of 6 NYCRR Part 617 to assess the potential significant adverse impacts of the proposed project. This Scoping Document will serve as a general guide to the contents of the DEIS rather than a strict table of contents, and the DEIS may contain studies in addition to those detailed in the Scope.

3.0 POTENTIAL FOR SIGNIFICANT ADVERSE IMPACT [6 NYCRR 617.8(e)(2)]

The Positive Declaration issued by NYSDEC, as Lead Agency for a coordinated review, identified the following potentially significant adverse impacts:

1. Potential for significant traffic impacts – The project will require use of delivery trucks to transport MSW to the facility, and to carry non-usable recyclables and other materials to appropriate disposal locations. Additionally, employee vehicles, liquid tanker trucks, and other vehicles will access the facility. Potential impacts on traffic volumes, routes, and flow must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.
2. Potential for significant noise impacts – The project will generate noise from both stationary and mobile sources. The stationary equipment will operate 24-hours per day. In accordance with the noise assessment revised 7/21/2021, the project as proposed will not meet noise threshold requirements in Part 360 regulations, nor will the project meet Department noise guidance standard requirements. Potential noise impacts must be further evaluated and, if necessary, mitigation measures must be developed to reduce or minimize such impacts.
3. Potential for significant odor impacts – The operation of this facility will produce odors from transporting, receiving and processing of putrescible solid waste in addition to handling other waste and recyclable materials. Potential odor impacts must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.
4. Potential impact on water resources - The facility and ancillary impervious surfaces will be constructed within the 100-year flood zone, near a drinking water reservoir within the New York City Watershed, with additional proposed impacts to a state-protected Class A stream and federal wetland. Potential impacts to these water resources must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.

Additional evaluation of potential large impacts is provided in Part 3 of the EAF included in Appendix B.

4.0 GENERAL SCOPING CONSIDERATIONS [6 NYCRR 617.8(a) & 617.8(e)(7)]

In accordance with 6 NYCRR 617.8, the goal of this Scoping Document is to focus on potentially significant adverse impacts and eliminate consideration of impacts that are irrelevant or not significant. The areas of potentially significant adverse impact were identified by NYSDEC as the Lead Agency in Parts 2 and 3 of the Environmental Assessment Form, as described in Section 3.0.

The DEIS will assemble relevant and material information, evaluate reasonable alternatives, and will be written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and referenced in the DEIS and/or included as an Appendix.

Conceptual Plans and Site Plans will be included with the DEIS as an appendix and reduced sized figures will be included in the text of the DEIS where applicable.

4.1 Potential for Significant Traffic Impacts

The Proposed Action will construct a new commercial driveway entrance to NY-23 and will generate new traffic trips with an estimated daily traffic count of 101 vehicles and a peak design hour of 22 vehicles. Stage 1 of a Commercial Access Highway Work Permit Application was submitted to NYSDOT in March 2021. A Traffic Impact Study dated March 17, 2021 was submitted to NYSDOT and NYSDEC, and comments were received from NYSDEC through a NOIA dated April 22, 2021 with responses provided by letter dated May 12, 2021. The Traffic Impact Study was prepared consistent with NYSDOT design

guidelines and assessed the proposed commercial driveway location, sight distances, internal traffic circulation/queuing, traffic routes, and traffic volumes for existing conditions and projected build and no-build scenarios. By email dated April 9, 2021 with copy to NYSDEC, NYSDOT indicated that the Traffic Impact Study had been reviewed and classified the project as “minor” in terms of traffic due to having a peak design hour less than 100 vehicles per hour with no proposed change to the roadway configuration. At a peak hour of 22 vehicles, the Facility will generate approximately 20% of the 100 vehicle per hour threshold employed by NYSDOT. The peak hour occurs during regular business hours and truck traffic is restricted to 7 AM to 4 PM. Part 3 of the EAF fails to identify any potentially significant adverse impact and includes general subjective statements. Part 3 of the EAF makes reference to potential odors, noise, dust, and idling emission impacts from trucks; however, the trucks in question are already legally operating on public streets with consideration for these factors by jurisdictional authorities (e.g., NYSDOT and NYSDEC). Regarding idling emissions, the project documents have represented that trucks will be scheduled to prevent extended queuing and associated idling. Further, NYSDEC regulations at 6 NYCRR 217-3 prohibit the idling of heavy duty vehicles for more than 5 minutes when not in motion.

As indicated in the Traffic Impact Study, potential traffic routes to the facility from various directions are on roadways with functional classes ranging from minor collectors to major arterials, and the incremental vehicle count is insignificant in comparison to existing roadway use based on traffic statistics maintained by the NYSDOT. Based on the administrative record, the Facility related traffic will have no significant adverse impact on the “pattern of movement of good and people” in the project area. Therefore, impacts on transportation are not significant and not recommended for inclusion in the EIS scope.

4.2 Potential for Significant Noise Impacts

A Noise Assessment dated April 19, 2021 was submitted to NYSDEC with comments received through a NOIA dated June 15, 2021. In response to the comments, field noise measurements were obtained over a 24-hour period to determine site-specific daytime and nighttime ambient noise levels. The Noise Assessment was revised, dated July 21, 2021, to assess potential noise impacts in relation to two screening criteria: 1) compliance with 6 NYCRR 360.16 maximum sound levels; and 2) SEQRA impact of noise above ambient. The Noise Assessment was prepared consistent with NYSDEC Program Policy “Assessing and Mitigating Noise Impacts.” As indicated in the Noise Assessment, projected noise levels for three evaluated scenarios may exceed screening criteria at the assessed receptor location. The level of significance was discussed along with recommended control measures to ensure compliance during operation, which is readily verified through a noise study during Facility startup. Part 3 of the EAF acknowledges the recommended control measures, and notes that details regarding the control measures has not been provided. Details of the control measures to ensure compliance will be included in the EIS scope for potential impacts on noise.

4.3 Potential for Significant Odor Impacts

From the initial permit application submittal in January 2021 and throughout the completeness review process, the project has identified potential impacts associated with odor, and the Facility design has incorporated several control measures as acknowledged in Part 3 of the EAF. These odor control measures include:

- Performing all operations indoors under negative air pressure.
- Using high-speed garage doors to reduce the escape of odors.
- Employing an engineered biofilter for odor treatment of all interior HVAC air prior to exhaust to the atmosphere.
- Employing an engineered regenerative thermal oxidizer (RTO) for contaminant destruction of process air, including odorous compounds, prior to exhaust to the atmosphere.

The proposed odor control systems are state-of-the-art, are employed throughout the solid waste industry, and will operate 24 hours per day. In addition, the Facility is subject to an air permit under jurisdiction of the NYSDEC and must comply with operating requirements contained in 6 NYCRR 360 to prevent migration of odors. Odor concerns were never raised in any of NYSDEC's NOIAs; therefore, impacts on odor are not significant and not recommended for inclusion in the EIS scope.

4.4 Potential Impact on Water Resources

Through a Notice of Incomplete Application (NOIA) dated March 3, 2021, NYSDEC requested additional information related to stormwater management, impacts to surface water, and the Community Risk and Resiliency Act. In the NOIA response dated March 30, 2021, additional information was provided including documentation that the facility processing building and administration office/maintenance garage are located entirely outside of the 100 year floodplain as documented on Flood Insurance Rate Map Number 36025C0430E. Further, Section 5 "Impact on Flooding" in Part 2 of the EAF indicates "no, or small impact may occur" for all evaluated potential impacts. Therefore, potential impacts due to construction within the 100-year flood zone are irrelevant and not recommended for inclusion in the EIS Scope.

Hughes has engaged the New York City Department of Environmental Protection (NYCDEP) since August 2020 for compliance with NYCDEP's watershed protection regulations. Through a pre-application meeting, site walk, and multiple conference calls, the project layout was reconfigured to satisfy NYCDEP's specific siting criteria for solid waste management facilities contained in §18-41 of the "Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources." The siting criteria prohibits locating a solid waste management facility within 1,000 feet of a reservoir, reservoir stem, or controlled lake. A site walk was held with NYCDEP representatives on November 4, 2020 to identify jurisdictional watercourses. Based on the site walk, a 1,000 foot buffer was established from identified reservoir stems and is shown on Site Plan Drawings. The entire Facility is located outside of the NYCDEP limiting distance for the protection of drinking water resources. Further, construction of a solid waste management facility within the NYCDEP jurisdictional watershed requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that meets NYCDEP requirements in addition to requirements under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. SWPPPs contain comprehensive measures for sediment and erosion control, best management practices, inspection and monitoring, etc. all geared toward protection of water resources and maintenance of water quality. A preliminary SWPPP was submitted to NYCDEP with copy to NYSDEC on May 28, 2021 and comments were received on June 10, 2021. The SWPPP requires control of stormwater runoff during and after construction to prevent impacts to receiving waters. Therefore, proximity to a drinking water reservoir within the New York City watershed does not represent a significant impact and is not recommended for inclusion in the EIS Scope.

Hughes submitted a Joint Permit Application to the NYSDEC and United States Army Corps of Engineers (USACE) on February 11, 2021 for construction impacts to a Class A stream and Federal Wetland. Comments were received from USACE on March 15, 2021 and from NYSDEC on April 22, 2021. In response to the comments, a wetland delineation was performed and the project design revised to minimize impacts to both the stream and wetlands. As indicated in Part 3 of the EAF, the project redesign resulted in a decrease in impacts to the streambank from 118 feet to 40 feet and a decrease in impacts to wetlands from 0.3 acres to 0.076 acres. The proposed wetland impacts are now meet the thresholds for coverage under Nationwide General Permit No. 39 and do not require compensatory mitigation. The proposed impacts to the Class A stream are for the proposed access road crossing. As indicated in the May 12, 2021 supplemental submittal, an alternative analysis was provided to minimize stream impacts. The location of the access road crossing is at an existing stone fill farm road crossing. Changes to the project design include using vertical shoring to minimize impacts to the streambed. Based on the review of potential impacts, consideration of

alternatives, and modifications to the project design, impacts to the Class A stream and Federal wetlands are not significant and not recommended for inclusion in the EIS Scope.

5.0 DEIS SCOPE AND CONTENT [6 NYCRR 617.8(E)(3), (4), (5), & (6)]

Based on the analysis provided in Section 4.0, the scope of the EIS is recommended to include the following potentially significant adverse impact:

- The potential to exceed established noise thresholds for solid waste management facilities pursuant to 6 NYCRR 360.19 and the potential to exceed screening criteria at offsite receptors pursuant to NYSDEC Program Policy, “Assessing and Mitigating Noise Impacts.”

The DEIS will contain the following minimum content:

- Cover Page listing names, addresses, and phone numbers of individuals or organizations that prepared any portion of the DEIS, title of project, identification, location, name and address of the Lead Agency as well as the name and telephone number of the person at the Lead Agency who can provide further information, and relevant dates (e.g., date of DEIS submittal, provision for future insertion of date of acceptance by the Planning Board, date, time, and place of the public hearing, final date for acceptance of written comments).
- Table of Contents including listings of tables, figures, maps, charts, appendices, and any items that may be submitted under separate cover (and identified as such).
- Environmental impact analyses for the specific issues of potential significance identified the final scoping document. The Applicant has prepared permit applications, plans, data, SEQR documents, proposed mitigation measures, and relevant correspondence that will be included in the DEIS as Appendices.

5.1 DEIS Format

The general format of the DEIS will be as follows:

5.1.1 Executive Summary

The Executive Summary will present a brief summary of information that will be provided elsewhere. All of the information presented in the Executive Summary will be provided in greater detail and substance within the DEIS in appropriate sections.

The Executive Summary will be able to be distributed separately from the full DEIS and will contain sufficient discussion to convey the nature of the project, environmental impacts, and recommended mitigation measures.

5.1.2 Description of the Proposed Action

This section will include a concise description of the action and provide the following in appropriate subsections:

- Site location (e.g., Street Address, Town/County, Parcel Tax ID).
- Environmental setting (e.g., parcel size, onsite and surrounding land use, areas to be affected)
- Purpose
- Public need and benefits, including social and economic considerations.

5.1.3 Evaluation of Potential Significant Adverse Impacts [6 NYCRR 617.8(e)(3)]

This section will include a statement of each potentially significant adverse impact, as identified in this scoping document, along with an assessment of the severity and reasonable likelihood of occurrence and discussion of relevant criteria included in 6 NYCRR 617.9(b)(5)(iii). The existing Noise Assessment has been prepared consistent with NYSDEC Program Policy, “Assessing and Mitigating Noise Impacts” and is an adequate and appropriate baseline study to address the identified potential impact related to noise. Additional new information will be obtained related to the design and effectiveness of recommended noise control measures contained in the Noise Assessment.

5.1.4 Description of Mitigation Measures [6 NYCRR 617.8(e)(4)]

This section will include a summary of the proposed project's potential impacts, and proposed mitigation measures will be provided. For the recommended EIS scope related to noise, mitigation measures will include the following:

- Evaluation of localized shielding of stationary equipment for targeted noise abatement including technical data and manufacturer cut sheets.
- Evaluation of constructed barriers (e.g., vegetated earthen berm) for noise abatement for mobile noise sources (e.g., onsite trucks), including dimensions, construction materials, and engineering drawings.

5.1.5 Description of Reasonable Alternatives [6 NYCRR 617.8(e)(5)]

This section will include a description and evaluation of reasonable alternatives that are feasible considering the objectives and capabilities of the Applicant. The evaluation will include the “no action alternative” as well as the feasibility of an alternate site and Facility design. The Applicant has engaged the Town, NYSDEC, and NYCDEP from an early stage, which has resulted in the consideration of reasonable alternatives that have resulted in the current design. The details of this evaluation will be provided, including:

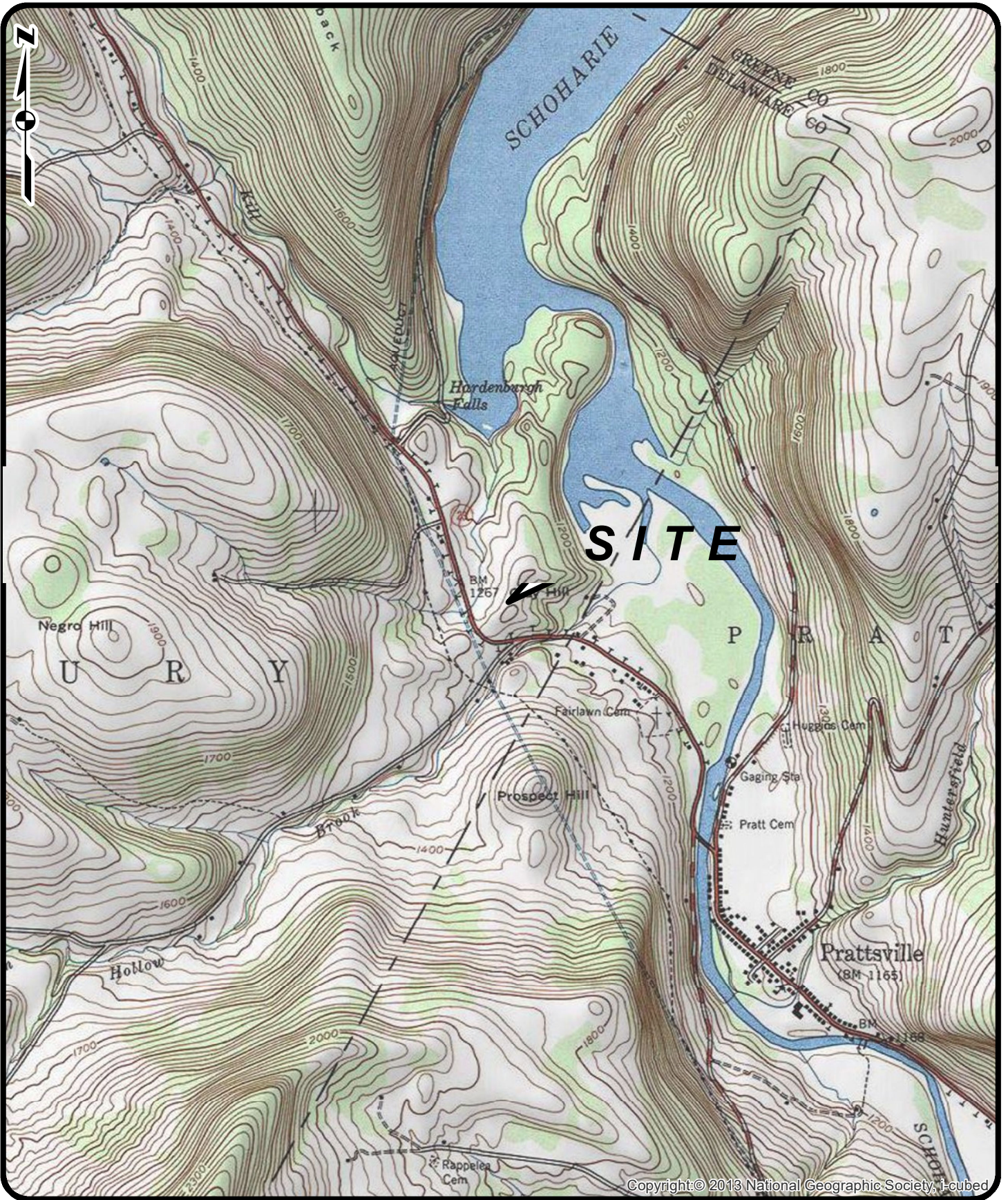
- Location of an existing permitted solid waste management facility (i.e., GreenDel Transfer Station)
- Availability of vacant land for sale
- Availability of vacant land that meets NYCDEP’s siting criteria for a solid waste management facility.
- Facility layout and design that meets NYCDEP’s siting criteria for a solid waste management facility.
- Facility layout that provides safe and efficient access to NY-23.


5.1.6 Appendices [6 NYCRR 617.8(e)(6)]

The following documentation will be provided as appendices to the DEIS:

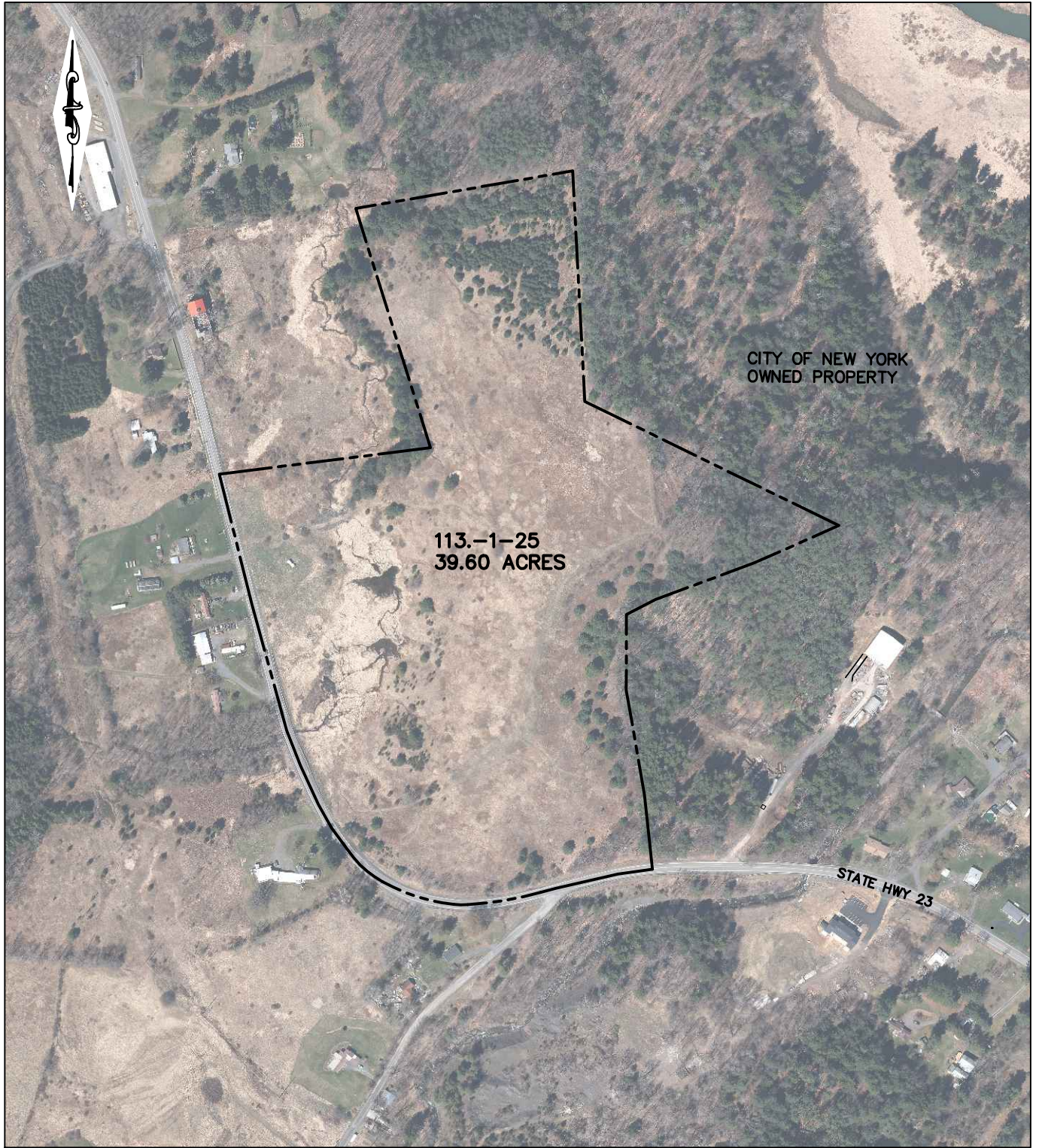
- Facility Site Plan Drawings
- SEQRA Documentation
- Noise Assessment, dated July 21, 2021
- NYSDEC Program Policy “Assessing and Mitigating Noise Impacts”
- Technical data supporting mitigation measure evaluation

FIGURES



 <p>Sterling Environmental Engineering, P.C. 24 Wade Road • Latham, New York 12110</p>		<p>SITE LOCATION MAP HUGHES ENERGY, LLC. TAX PARCEL 113.-1-25</p>	
<p>TOWN OF ROXBURY</p>		<p>DELAWARE CO., NY</p>	
<p>PROJ.NO. 2020-14</p>	<p>DATE: 1/6/2021</p>	<p>SCALE: 1" = 2,000'</p>	<p>DWG.NO. 2020-14003G</p>
<p>FIGURE</p>			<p>1</p>

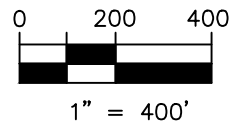
s:\Sterling\Projects\2020 Projects\Hughes Energy - 2020-14\Drawings-Maps-Figures\ACAD\2020-14019_F-2 - SITE VICINITY MAP.dwg CAD 1/6/2021 2:29 PM



MAP REFERENCE: DISCOVER GIS DATA NY ORTHOIMAGERY, 2016.

LEGEND:

----- APPROXIMATE PARCEL BOUNDARY



STERLING

Sterling Environmental Engineering, P.C.

24 Wade Road ♦ Latham, New York 12110

SITE VICINITY MAP
HUGHES ENERGY, LLC.
TAX PARCEL 113.-1-25

TOWN OF ROXBURY

DELAWARE CO., NY

PROJ. No.: 2020-14	DATE: 1/6/2021	SCALE: 1" = 400'	DWG. NO. 2020-14019	FIGURE 2
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APPENDIX A

FULL EAF PART 1 & SUPPORTING NARRATIVE

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Hughes Energy Municipal Solid Waste Processing Facility		
Project Location (describe, and attach a general location map): Tax Parcel 113.-1-25, Route 23, Roxbury, NY 12468 (Map attached)		
Brief Description of Proposed Action (include purpose or need): The Proposed Action consists of construction of a new permitted solid waste management facility (SWMF) located on Tax Parcel 113.-1-25 (39.60 acres) in the Town of Roxbury, Delaware County, New York. The new SWMF will process up to 176,400 tons per year (tpy) of municipal solid waste (MSW) into a marketable pelletized fuel in a state-of-the-art MSW processing facility (the "Facility"). MSW is processed through rapid steam composting and mechanical processing to produce a marketable biomass fiber suitable for manufacturing into fuel pellets. MSW receipt and processing will occur within an enclosed processing building (~115,000 sf) to mitigate fugitive odors and noise. A new administrative office and maintenance shop (~9,500 sf) is proposed to provide office space and onsite maintenance support. Access to the Processing Facility will be through a new commercial driveway entrance from State Route 23.		
Name of Applicant/Sponsor: Hughes Energy, LLC		Telephone: (914) 299-5032 E-Mail: dane.mcspedon@hughesenergygroup.com
Address: 56 Briar Hill Drive		
City/PO: Yonkers	State: New York	Zip Code: 10710
Project Contact (if not same as sponsor; give name and title/role): Dane McSpedon, CEO		Telephone: (914) 299-5032 E-Mail: dane.mcspedon@hughesenergygroup.com
Address: 56 Briar Hill Drive		
City/PO: Yonkers	State: New York	Zip Code: 10710
Property Owner (if not same as sponsor): Martin Shuback		Telephone: E-Mail: deadhead12785@hotmail.com
Address: PO Box 245		
City/PO: Westbrookville	State: New York	Zip Code: 12785

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Prattsville Town Board for Sewer Connection	February 2021
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Roxbury Planning Board - Site Plan Application	January 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Delaware County Planning Referral	February 2021
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYCDEP - Watershed Protection, Sewer Connection	February 2021
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Part 360 Permit, Air Facility Reg/ Permit, SPDES Const. GP.; NYSDOT Hwy Permit	February 2021
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE Wetland Permit	February 2021
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

NYC Watershed Boundary

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Gilboa-Conesville

b. What police or other public protection forces serve the project site?
Grand Gorge Police Department

c. Which fire protection and emergency medical services serve the project site?
Grand Gorge Fire Department

d. What parks serve the project site?
None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial (Solid Waste Processing and Fuel Pellet Manufacturing)

b. a. Total acreage of the site of the proposed action? 39.6 acres
b. Total acreage to be physically disturbed? +/- 9.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 39.6 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 2
 ii. Dimensions (in feet) of largest proposed structure: 65 height; 385 width; and 423 length
 iii. Approximate extent of building space to be heated or cooled: 80,800 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: Stormwater Management
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify:
Stormwater
 iii. If other than water, identify the type of impounded/contained liquids and their source.

 iv. Approximate size of the proposed impoundment. Volume: 0.20 million gallons; surface area: <0.25 acres
 v. Dimensions of the proposed dam or impounding structure: NA height; NA length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Multiple excavated basin or earth fill impoundment for stormwater management. The maximum impounding capacity will be less than 1 million gallons.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): The Proposed Action will improve an existing farm road crossing a federal wetland for access to the SWMF. The wetland is identified as Riverine, Upper Perennial, Unconsolidated Bottom, and Permanently Flooded (R3UBH). The wetland is also identified Class A waterbody 879-205.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 The proposed action will place a structure (e.g., culvert) and fill to improve an existing farm road crossing the wetland. The extent of impacts are anticipated to less than 0.3 acre.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: bottom sediments will be disturbed for installation of a structure (e.g., culvert) and placement of fill.

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 25,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

Private water supply well supplemented with water delivery and onsite storage.

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ TBD gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 5,900 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater (1,100 gpd) and Industrial Wastewater (4,800 gpd)

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Town of Prattsville
- Name of district: The Proposed Action is located outside of the existing sewer district.
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

The Facility service connection will include approximately 1,000 feet of line extension to the southeast to connect to existing sanitary sewer located along Route 23.

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or ± 6.0 acres (impervious surface)

_____ Square feet or 39.6 acres (parcel size)

- ii. Describe types of new point sources. Discharge from Stormwater Management Features _____

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater will be directed to management features for onsite infiltration to the greatest extent possible. Stormwater directed offsite will be equal to or less than pre-development conditions as required by NYSDEC and NYCDEP stormwater and watershed protection programs.

- If to surface waters, identify receiving water bodies or wetlands: _____

Existing topography directs stormwater to a federal wetland and Class A Stream to the northwest and to Johnson Hollow Brook to the east.

- Will stormwater runoff flow to adjacent properties? Yes No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Delivery vehicles during operation to supply of MSW feed material and remove manufactured fuel pellets and extracted recyclables for distribution.

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

None.

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

One emission point with emissions from gas-fired boilers and negative pressure air handling/odor abatement system.

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

- ii. In addition to emissions as calculated in the application, the project will generate:

- 18,870 Tons/year (short tons) of Carbon Dioxide (CO₂)
- 1.4 Tons/year (short tons) of Nitrous Oxide (N₂O)
- 0 Tons/year (short tons) of Perfluorocarbons (PFCs)
- 0 Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- 0 Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- 0.45 Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): 0.3

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of 7:00 AM to 4:00 PM.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
176,400 tons per year (565 tons per day) delivered by semi-trailers. 105,840 tons per year fuel pellet removal by semi-trailer.

iii. Parking spaces: Existing 0 Proposed 25 Net increase/decrease +25

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
New commercial entrance from State Route 23, subject to NYSDOT review and approval.

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
1.5 to 2.0 MWe

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Electrical connection will be made to existing distribution lines along Route 23. 316,316 MMBTU per year to be supplied by delivered propane.

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 AM - 5:00 PM</u> • Saturday: <u>None</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 AM - 4:00 PM (delivery) 24 hr/day operation</u> • Saturday: <u>7 AM - 4:00 PM (delivery) 24 hr/day operation</u> • Sunday: <u>No Delivery. 24 hr/day operation</u> • Holidays: <u>No Delivery. 24 hr/day operation</u>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
 Construction equipment (excavators, bulldozers, hand tools) during construction on weekdays from 7 AM to 5 PM. During operations, noise sources will be located within a fully enclosed building. Noise generation exceeding ambient conditions at the property line are not anticipated.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: The MSW processing building will be designed into an existing hillside with minimal existing barriers. Landscaping will be installed to minimize potential impacts from noise.

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 The facility will include outdoor lighting for security and safety. Lights will be on building exteriors and in parking/driving areas. Lights will be sized and placed to prevent fugitive light from extending beyond the property line. Lights will be down cast and dark sky compliant.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: The MSW processing building will be designed into an existing hillside with minimal existing barriers. Landscaping will be installed to minimize potential impacts from fugitive light.

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:
 The Proposed Action will receive and process MSW that has potential to emit odors. Receiving and processing operations will occur within a fully enclosed building under negative pressure. Facility air will be treated for odor removal prior to exhaust to the atmosphere.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ NA tons per _____ NA (unit of time)
 • Operation : _____ +/-25,000 tons per _____ year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: Roll-off containers will be used to collect recyclable material to avoid comingling with solid waste.

 • Operation: Metals, glass, and other non-fibrous material will be recovered from received MSW for recycling.

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: Roll-off containers and/or dump trucks for management at an authorized solid waste management facility.

 • Operation: Recovered recyclables will be managed at an authorized recyclables handling facility. Non-fibrous, non-recyclable material will be managed at an authorized solid waste management facility.

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): MSW processing through steam rapid composting to produce marketable pelletized fuel (6 NYCRR Part 362-2).
 ii. Anticipated rate of disposal/processing:
 • NA Tons/month, if transfer or other non-combustion/thermal treatment, or
 • 22.05 Tons/hour, if combustion or thermal treatment ^{Processing}
 iii. If landfill, anticipated site life: NA years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): NYCDEP Watershed (Schoharie Reservoir)

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	6.0	+6.0
• Forested	10.5	9.2	-1.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	25.9	21.2	-4.7
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	3.2	3.2	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
The Proposed Action is on a parcel adjacent to the existing Greene-Del Sanitation and Recycling Facility (NYSDEC Permit ID 4-1248-00267/00001) _____
iii. Describe any development constraints due to the prior solid waste activities: _____
There are no constraints due to the adjacent solid waste activity.

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 50 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Silt Loam _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ >10 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: 100 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 20 % of site
 10-15%: 80 % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 879-205 Water Index Number H-240-82-113A Classification ^A _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No
Not in proposed area of development

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
 Deer _____
 Small Mammals _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Bald Eagle

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:
 i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
 ii. Name: _____
 iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:
 i. Identify resource: Bearpen Mountain State Forest (2.5 miles), Huntersfield State Forest (4.0 miles), Catskill Park (3.9 miles)
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Forest Preserves
 iii. Distance between project and resource: _____ See (i) Above miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:
 i. Identify the name of the river and its designation: _____
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No


F. Additional Information

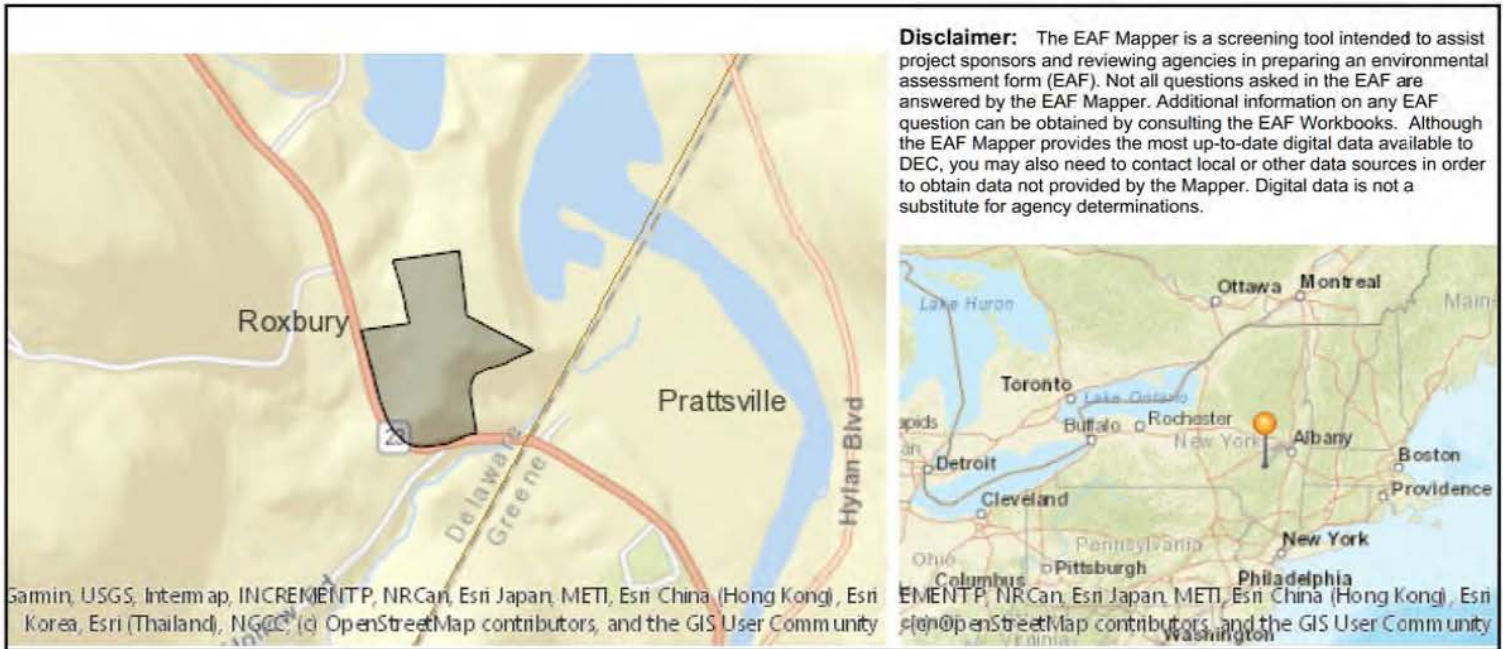
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Dane McSpedon Date 3/29/21
 Signature  Title CEO



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	879-205
E.2.h.iv [Surface Water Features - Stream Classification]	A
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**HUGHES ENERGY, LLC.
MUNICIPAL SOLID WASTE PROCESSING FACILITY
ROXBURY, NEW YORK**

ENVIRONMENTAL ASSESSMENT FORM NARRATIVE

This Environmental Assessment Form (EAF) Narrative provides additional information to clarify specific questions in Part 1 of the Full EAF for the Proposed Action.

Part A - Proposed Action:

The Proposed Action consists of construction of a new permitted solid waste management facility (SWMF) located on Tax Parcel 113.-1-25 (39.60 acres) in the Town of Roxbury, Delaware County, New York. The new SWMF will process up to 176,400 tons per year (tpy) of municipal solid waste (MSW) into a marketable pelletized fuel in a state-of-the-art MSW processing facility. MSW is processed through rapid autoclave steam composting and mechanical processing to produce a marketable biomass fiber suitable for manufacturing into fuel pellets. MSW receipt and processing will occur within an enclosed processing building (~115,000 sf) to mitigate fugitive odors and noise. A new administrative office and maintenance shop (~9,500 sf) is proposed to provide office space and onsite maintenance support. Access will be through a new commercial driveway entrance from State Route 23.

The Proposed Action will include the following:

- Construction of a new fully enclosed MSW processing facility (~115,000 sf) consisting of a waste receiving area, processing area, and pelletizing area.
- Construction of a new administrative office and maintenance shop building (~9,500 sf) consisting of offices, locker rooms, a break room, and an equipment maintenance garage area.
- Construction of a new commercial driveway entrance from State Route 23. All driving surfaces will be paved to facilitate traffic movements and prevent dust generation.
- Construction of stormwater infrastructure to meet runoff quality and quantity management requirements included in New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP) regulations.
- Installation of a private water well service with onsite water storage.
- Connection to the Town of Prattsville sanitary sewer system.
- Installation of up to four 30,000 gallon liquid propane tanks for heat and boiler steam generation.
- Installation of an air handling system and engineered air pollution control devices to maintain the processing building under negative pressure for odor control.

The MSW processing facility will include the following processes:

- MSW Processing Building – The MSW Processing Building is completely enclosed with a slab concrete floor. The building includes a Tipping Area, Processing Area, and Drying, Pelletizing, and Loading Area. Descriptions of each area and associated processes are as follows:
 1. Tipping Area – MSW is delivered using standard hauling trucks through quick opening doors into the Tipping Area. Air is continuously drawn into the building and a slight negative pressure is maintained to prevent odor migration to outdoor areas. After tipping, delivery vehicles exit the Tipping Area and the doors are closed. Following visual inspection for unauthorized waste, received MSW is transferred directly to either the Process Area or the Storage Area using industry standard transfer equipment (e.g., bucket loader, excavator, or overhead grapple).
 2. Process Area – Received MSW is transferred directly to the Process Area at a rate of 22.05 tons per hour to load the duty autoclave via mechanical conveyors for steam composting. The Process Area includes the following stages:
 - i. Pressure Steam Composting: Steam composting is performed using two autoclaves that are designed to work side by side on a batch basis and a 2-hour cycle time. Once waste is loaded into the autoclave, temperature and pressure are increased through the introduction of steam. To effectively sterilize the waste and recyclables, the autoclave is maintained at a temperature above 250 degrees Fahrenheit and a pressure above 60 PSI.
 - ii. Screening and Separation: Steam-composted MSW consists of a cellulose fiber and steam-sterilized recyclables and inerts. Material exits the autoclave via conveyor to a series of screening and separation stages that remove oversize textiles, ferrous metals, non-ferrous metals, plastics, wood, and other inerts (e.g., rocks and glass). Screening and separation stages use industry standard equipment including vibrating screens, magnets, eddy current separators, and manual hand sorting.
 3. Storage Area – Received MSW in excess of the required 22.05 ton per hour feed rate is transferred to the Storage Area, which is a designated portion of the Tipping Area. The primary purpose of the Storage Area is to accumulate feedstock throughout delivery hours to allow for continuous overnight and weekend operation. The secondary purpose of the Storage Area is to provide contingency surge capacity in the event of increased delivery demand or unscheduled process downtime.
 4. Drying, Pelletizing, and Loading Area – Following extraction of non-fibrous components in the screening and separation stage, the material is transferred by conveyor to be dried using a high-speed rotating dryer that reduces moisture content to 20% and further mills the fiber in preparation for pelletizing. Angled conveyors transfer the dried fiber to a series of rotating pelletizing machines designed to convert fine fiber particles to pellets of dimensions and density to meet ISO 17225 (Solid Biofuels – Fuel Specifications). Pellets are transferred into bins or bulk storage bags for loading onto vehicles for offtake delivery.

The product fuel is “Non-Woody Biomass” consistent with ISO 17225-6 designed to be comparable to woody biomass when used in solid fuel boilers.

Part B – Government Approvals

The Proposed Action requires Site Plan Approval by the Town of Roxbury Planning Board in addition to the following approvals under jurisdiction of other agencies:

- NYSDEC 6 NYCRR 360 Solid Waste Management Permit – for construction and operation of a new MSW Processing Facility subject to 6 NYCRR 362-2.
- NYSDEC 6 NYCRR 201 State Facility Air Permit – for emissions associated with stationary combustion installations (propane-fired boilers) and process emissions associated with the negative pressure ventilation system.
- NYSDEC SPDES Construction General Permit – for the disturbance of more than one acre of land with the creation of impervious surface.
- NYCDEP Watershed Protection Review – for the siting of an SWMF, creation of impervious surface, and connecting to the Town of Prattsville sewer system.
- NYSDOT Highway Work Permit – for the construction of a new commercial driveway entrance from State Highway 23.
- Town of Prattsville Wastewater Sewer Connection – for the receipt and treatment of industrial and sanitary wastewater.
- United States Army Corps of Engineers – For improvements to an existing farm road crossing a Federal wetland.

Part C – Planning and Zoning

- Part C.2.a – The current Town of Roxbury Comprehensive Plan (dated May 2013) identifies the parcel for Proposed Action as a property class of “Vacant Land”. Surrounding parcels are identified as “Public Services”, “Vacant Land”, and “Residential”. The Comprehensive Plan identifies locations of valuable Town resources such as public lands, historic sites, scenic view, and critical environment areas. The location of the Proposed Action is not in the vicinity of identified valuable resources and is not anticipated to have any adverse impact.
- Part C.2.b – The Proposed Action is located within the NYC Watershed boundary and subject to the Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources (NYCDEP Rules and Regulations), dated November 29, 2019. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for NYCDEP approval that satisfies the NYCDEP Rules and Regulations to be protective of the watershed. NYCDEP Rules and Regulations prohibit the siting of a SWMF that handles putrescible waste within 1,000 feet of a reservoir or reservoir stem. The SWMF has been sited outside of the 1,000 foot limiting distance in coordination with NYCDEP.

Part D – Project Details

- Part D.1.h. – The Proposed Action will result in more than 1 acre of ground disturbance and the creation of new impervious surface. Stormwater features will be constructed to meet runoff quality and quantity management requirements included in NYSDEC and NYCDEP regulations. The primary management features include rain gardens, bioretention basins, and a retention basin. Stormwater management features will be designed in accordance with the New York State Stormwater Management Design Manual.

- D.2.b – The Proposed Action will construct a commercial driveway to access the processing building and administrative office. The driveway will follow the path of an existing farm road that crosses an identified Federal wetland. The existing farm road crossing will be improved through the placement of fill and a structure (e.g., culvert) within the wetland. The anticipated extent of wetland impacts is less than 0.3 acre and will require a permit from the United States Army Corps of Engineers.
- Part D.2.c. – The Proposed Action is anticipated to have a demand for water up to 25,000 gallons/day. Private water wells are used as a water source on properties in the vicinity of the Proposed Action. One or more water wells will be installed to achieve the design water demand. The water demand is below the threshold volume withdrawal capacity of 100,000 gallons per day including 100% redundancy. Therefore, a Water Withdrawal Permit is not required. The private water well system will be supplemented with water delivery and onsite storage.
- Part D.2.d. – The Proposed Action is anticipated to generate approximately 4,800 gallons per day (gpd) of industrial wastewater from the following waste streams:
 - Reverse Osmosis backwash
 - Cooling tower bleed (when working in aqueous mode)
 - Boiler-blowdown
 - Softener regeneration backwash
 - Activated carbon backwash
 - Sand filter backwash

Sanitary wastewater from personnel is estimated at 25 gallons per employee per day. Anticipated daily staffing includes 44 employees over multiple shifts for a sanitary wastewater volume of 1,100 gpd. All wastewater will be managed through a direct sewer connection to the Town of Prattsville sewer system.

The Town of Prattsville wastewater treatment plant is authorized by individual SPDES Discharge Permit number NY0263028. Treated wastewater is discharged directly into Schoharie Creek, which is a Class B(T) watercourse. The wastewater treatment plant has a permitted flow limit of 86,000 gallons per day as a monthly average. The September 2020 average effluent flow was reported at 21,000 gallons per day indicating adequate reserve capacity. The contribution from the Proposed Action represents approximately 6.9% of the wastewater treatment plant's permitted capacity. Authorization of an out-of-district sewer connection must be approved by the Prattsville Town Board.

- Part D.2.e. – The Proposed Action will create new impervious surface that will require construction of stormwater features to meet runoff quality and quantity management requirements included in NYSDEC and NYCDEP regulations. Stormwater management features will use onsite infiltration to the greatest extent practical. Rainwater harvesting is proposed to provide facility process water in addition to the private water well system and water delivery. Offsite stormwater discharge will be equal to or less in quantity than pre-development conditions. Post-construction, the Facility will be subject to the NYSDEC SPDES Multi Sector General Permit for Stormwater Discharges Associated with an Industrial Activity. All industrial activity will be performed indoors without exposure to stormwater; therefore, the facility will file for a Conditional Exclusion for No Exposure with NYSDEC.
- Part D.2.f & g. – The Proposed Action will include one emission point consisting of four process stacks within a single wind shield chimney that extends 15 feet above the processing

building roofline. Emissions include the following stationary combustion installations and process emissions:

- **Stationary Combustion Installations:** The processing building maintains two propane gas-fired boilers. The boilers are designed to operate on “duty and standby” mode. In normal operating conditions, one boiler is fired at any one time and one is on standby 24 hours per day, 365 days per year. Each boiler is rated at 800 HP (26.8 MMBTU/hour maximum heat input capacity), which is defined as a “Mid-size” Boiler subject to regulation in 6 NYCRR Part 227 and is below Major Facility threshold of 250 MMBTU/hr. The average heat input of the boiler plant is 14.5 MMBTU/hr. The processing building also maintains a propane gas-fired rotary dryer that operates at a heat input capacity of 11 MMBTU/hour and a propane gas-fire regenerative thermal oxidizer (RTO) that operates at a heat input capacity of 7.0 MMBTU/hr.
- **Process Emissions:** The processing building is maintained under negative pressure for odor control. Ductwork associated with the following emission sources are treated through either a biofilter or RTO prior to exhaust to the atmosphere. Process emissions are regulated under 6 NYCRR Part 212:
 - a. **Waste Tipping and Processing Area:** Both the waste Tipping Area and the Processing Area following steam treatment are independently ventilated to maintain a negative pressure within the processing building. Air associated with the negative pressurization is treated through the biofilter prior to exhaust to the atmosphere.
 - b. **Autoclave Depressurization and Opening:** During depressurization and opening, odor-laden steam, non-condensable gases, and low-temperature vapors are discharged and collected for treatment through the RTO prior to discharge to the atmosphere.
 - c. **Fiber Drying:** A rotary dryer system recycles process air that contains odors and particulates. The dryer system includes dual cyclone separators and a baghouse for particulate removal from the air stream prior to ventilation to the RTO for treatment prior to discharge to the atmosphere.

An Air State Facility Permit will be obtained from NYSDEC authorizing the emission point. The biofilter and RTO will eliminate odors and volatile organic compounds in the negative pressure air stream prior to discharge to the atmosphere. Emissions from the boiler and process operations will include NO_x, N₂O, SO₂, CO, CO₂, organic compounds, and particulate matter. The maximum potential to emit based on continuous operation (8,760 hours per year) results in emissions less than 50% of the Major Facility emissions limits.

- **Part D.2.j – The Proposed Action will receive an average of 565 tons per day of MSW that is anticipated to be delivered primarily with transfer trailers with a trailer length of 53 feet and load capacity of 22 tons. Separate vehicle traffic will be required to remove produced fuel pellets, remove extracted recyclables, and to deliver fuel. Anticipated traffic counts include the following:**
 - **Employee Vehicles** 44 cars/day
 - **MSW Delivery** 26 semi-trailer/day
 - **Fuel Pellet Distribution** 16 semi-trailer/day
 - **Recyclable and Residue Removal** 14 roll-off truck/day

- Fuel Delivery 1 tanker/day
- Total Daily Vehicle Count 101 vehicles/day

Employee vehicle traffic will be concentrated around shift changes with employees coming from the immediate surrounding municipalities via State Route 23. Truck traffic supplying MSW to the processing facility can be controlled for even spacing throughout the daytime work hours of (~7 AM to 4 PM). An even truck spacing is desirable for MSW delivery to provide a steady volume of feed material into the fuel pellet manufacturing process. Total semi-trailer traffic includes MSW delivery and fuel pellet distribution up to 42 vehicles per day, which corresponds to an average volume of 4 to 5 semi-trailers per hour during daytime work hours. Total daily commercial traffic excluding employee cars is 57 vehicles, which corresponds to an average of 6 to 7 commercial vehicles per hour.

Traffic count (as annual average daily traffic(AADT)) and vehicle class data were reviewed from the NYSDOT Traffic Data Viewer for anticipated primary truck routes to the SWMF. Local traffic will access the Facility from surrounding communities using State Route 23. Regional traffic is anticipated to use established state highways that are designed for the intended vehicle class. Primary vehicle routes are described in the following table and the attached Figure 3:

Road Segment	From	To	Functional Class	AADT (year)	% Truck	Scenic Road (yes/no)
From Northeast – Starting Interstate 87 Exit 21						
Rt 23	I87	Cauterskill Rd	6 – Minor Arterial	12,003 (2019)	7	No
Rt 23	Cauterskill Rd	CR 46	16 – Minor Arterial	13,114 (2019)	2	No
Rt 23	CR 46	End 23/32	16 – Minor Arterial	10,653 (2019)	7	No
Rt 23	End 23/32	Start 23/32	16 – Minor Arterial	11,369 (2019)	7	No
Rt 23	Start 23/32	Rt 145	6 – Minor Arterial	7,896 (2019)	9	No
Rt 23	Rt 145	CR 31	6 – Minor Arterial	4,170 (2019)	6	No
Rt 23	CR 31	Rt 296	6 – Minor Arterial	2,633 (2019)	15	No
Rt 23	Rt 296	CR 17	6 – Minor Arterial	2,509 (2019)	10	No
Rt 23	CR 17	Rt 23A	6 – Minor Arterial	1,166 (2019)	12	No

Rt 23	Rt 23A	Del/Scho Co Line	6 – Minor Arterial	2,315 (2019)	9	No
Rt 23	Del/Scho Co Line	Facility	6 – Minor Arterial	1,990 (2019)	12	No
From Northwest – Starting Interstate 88 Exit 15						
Rt 23	I88	Rt 23/28	14 – Principal Arterial	16,380 (2019)	5	No
Rt 23	End Rt 23/28	Walmart Plaza	16 – Minor Arterial	14,006 (2019)	4	No
Rt 23	Walmart Plaza	Delaware Co Line	16 – Minor Arterial	9,493 (2019)	5	No
Rt 23	Delaware Co Line	CR 11	16 – Minor Arterial	6,092 (2019)	5	No
Rt 23	CR 11	CR 10	16 – Minor Arterial	6,791 (2019)	7	No
Rt 23	CR 10	CR 9	6 – Minor Arterial	5,520 (2019)	9	No
Rt 23	CR 9	CR 33	6 – Minor Arterial	3,454 (2019)	9	No
Rt 23	CR 33	CR 30	6 – Minor Arterial	2,997 (2019)	10	No
Rt 23	CR 30	Rt 10	6 – Minor Arterial	3,574 (2019)	9	No
Rt 23	Rt 10	Del/Schoh Co Line	6 – Minor Arterial	3,411 (2019)	10	No
Rt 23	Del/Schoh Co Line	Del Co Line	6 – Minor Arterial	2,641 (2019)	11	No
Rt 23	Del Co Line	Rt 30	6 – Minor Arterial	2,984	10	No
Rt 23	Rt 30	Facility	6 – Minor Arterial	1990 (2019)	12	No
From Southeast – Starting Interstate 87 Exit 19						
Rt 28	I87	Rt 28A	4 – Principal Arterial	16,977 (2019)	5	No
Rt 28	Rt 28A	CR 30	4 – Principal Arterial	14,866 (2019)	5	No
Rt 28	CR 30	NY 375	4 – Principal Arterial	13,493 (2019)	5	No

Rt 28	NY 375	Rt 981L	4 – Principal Arterial	8,166 (2019)	7	Yes
Rt 28	Rt 981L	NY 28A	4 – Principal Arterial	6,588 (2019)	8	Yes
Rt 28	NY 28A	NY 212	4 – Principal Arterial	5,845 (2019)	8	Yes
Rt 28	NY 212	Phoenicia	4 – Principal Arterial	5,968 (2019)	4	Yes
Rt 28	Phoenicia	Shandaken	4 – Principal Arterial	4,340 (2019)	7	Yes
Rt 42	Shandaken	Ulster/Greene Co Line	7 – Major Collector	889 (2019)	12	Yes
Rt 42	Ulster/Greene Co Line	CR 6	7 – Major Collector	584 (2019)	12	No
Rt 42	CR 6	Rt 23A	7 – Major Collector	751 (2019)	9	No
Rt 23A	Rt 42	Rt 23	7 – Major Collector	1,170 (2019)	13	No
Rt 23	Rt 23A	Del/Greene Co Line	6 – Minor Arterial	2,315 (2019)	9	No
Rt 23	Del/Greene Co Line	Facility	6 – Minor Arterial	1,990 (2019)	12	No
From Southwest – Starting In Downsville, NY						
Rt 30	Rt 30 End	Rt 206	6 – Minor Arterial	1,713 (2019)	9	No
Rt 30	Rt 206	BWS Rd #4	6 – Minor Arterial	385 (2019)	9	No
Rt 30	BWS Rd #4	Rt 28/30	6 – Minor Arterial	443 (2019)	10	No
Rt 28	Rt 28/30	End Rt 28/30	4 – Principal Arterial	1,861 (2019)	9	Yes
Rt 28	End Rt 28/30	CR 38	4 – Principal Arterial	4,705 (2019)	7	No
CR 38	Rt 28	Rt 30	8 – Minor Collector	1,755 (2019)	8	No
Rt 30	CR 38	CR 41	7 – Major Collector	1,679 (2019)	11	No
Rt 30	CR 41	Rt 23	7 – Major Collector	2,031 (2019)	16	No

Rt 23	Rt 30	Facility	6 – Minor Arterial	1,990 (2019)	12	No
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Regional traffic will access the SWMF using established roadways of Functional Class 4, 6, 7, 14, and 16, which have the following descriptions:

- Functional Class 4: Rural Principal Arterials serve as a connected rural network of continuous routes to support substantial statewide or interstate travel.
- Functional Class 6: Rural Minor Arterials link cities and larger towns in an integrated network that provides interstate and intercounty service.
- Functional Class 7: Rural Major Collectors serve primarily intra-county travel linking cities and larger towns with routes of higher classification.
- Functional Class 8: Rural Minor Collectors serve primarily smaller communities and link to routes of higher classification.
- Functional Class 14: Urban Principal Arterials carry the major portion of trips entering and leaving an urban area.
- Functional Class 16: Urban Minor Arterials interconnect with urban principal arterial systems and should not penetrate identifiable neighborhoods.

Based on the truck route assessment, regional traffic accessing the SWMF will use roadways with appropriate classification for the intended vehicle type and quantity.

- Part D.2.k. – The Proposed Action will connect to the existing overhead electrical service along State Route 23. The primary energy demand will be process operations for steam generation, fiber product drying, and building heating, which will be supplied by delivered propane stored in aboveground storage tanks. The estimated annual energy demand for process operations is approximately 316,316 MMBTU.
- Part D.2.l. – The SWMF will be open to deliveries during daytime hours of 7 AM to 4 PM Monday through Saturday. Process operations will continue within the processing building 24 hours per day seven days per week except for scheduled maintenance down time. The MSW Tipping Area has a designated temporary storage area that is sized to store three days of the process throughput (i.e., 1,695 tons) as limited by NYSDEC regulations. The SWMF will receive surplus MSW during receiving hours for temporary storage to allow continuous operation during non-receiving hours. All operations occur indoors under negative pressure for noise and odor control.
- Part D.2.m. – The SWMF will conform to the following noise standards contained in 6 NYCRR Part 360.19:

(j) Noise

The owner or operator of a facility must ensure that noise resulting from equipment or operations at the facility does not exceed the following energy equivalent sound levels beyond the property line owned or controlled by the owner or operator of the facility at locations authorized for residential purposes:

<i>Character of Community (within 1 mile radius)</i>	<i>Leq Energy Equivalent Sound Levels</i>	
	<i>7 a.m.-10 p.m.</i>	<i>10 p.m.-7 a.m.</i>
<i>Rural</i>	<i>57 decibels (A)</i>	<i>47 decibels (A)</i>
<i>Suburban</i>	<i>62 decibels (A)</i>	<i>52 decibels (A)</i>
<i>Urban</i>	<i>67 decibels (A)</i>	<i>57 decibels(A)</i>

6 NYCRR 360.16 requires SWMF permit applications to include a noise assessment to demonstrate compliance with promulgated maximum sound levels. NYSDEC Program Policy for Assessing and Mitigating Noise Impacts outlines best practices for evaluating the potential for adverse impacts of sound generated and emanating to receptors outside of the facility.

Operating requirements for noise (6 NYCRR 360.19(j)) are subject to rural noise restrictions based on the population density of the Town. Rural noise restrictions limit the maximum sound level to 57 decibels (dBA) from 7:00 AM to 10:00 PM and 47 dBA from 10:00 PM to 7:00 AM as measured beyond the facility property line at the closest location authorized for residential purposes (i.e., closest potential receptor). The closest residential properties are located to the south and west across State Route 23. The property is surrounded by vacant land to the north and west, commercial property to the east, and State Route 23 to the south. Process operations will be fully enclosed with insulated walls for noise control. Established vegetation and planned screening will provide further noise attenuation.

- Par D.2.o – The Proposed Action will receive, store, and process MSW that has the potential to emit odors. The processing building will be fully enclosed and under negative pressure to prevent odor emissions. Air from the negative pressure air handling system will be treated through a biofilter and RTO for odor treatment prior to exhaust to the atmosphere. MSW delivery will occur through fast opening/closing doors to minimize the amount of time that the receiving area is open. The air handling system will be sufficiently sized to maintain an inward airflow when vehicle doors are open.
- Part D.2.r. – The MSW waste stream is anticipated to have the following approximate composition for biomass fiber and fuel pellet production, recyclable extraction, and residue disposal:

Material	Percent
Paper and Cardboard	28.0
Metals	6.0
Plastics	16.0
Glass	3.0
Organics (food waste, yard waste, textiles, etc.)	32.0
Inerts (non-organic, non-recyclable)	15.0
TOTAL	100.0

- Part D.2.s. – The Proposed Action will construct a new SWMF with a throughput capacity of 22.05 tons per hour of MSW. The throughput capacity is based on the limiting capacity of the dual autoclave steam composting system.

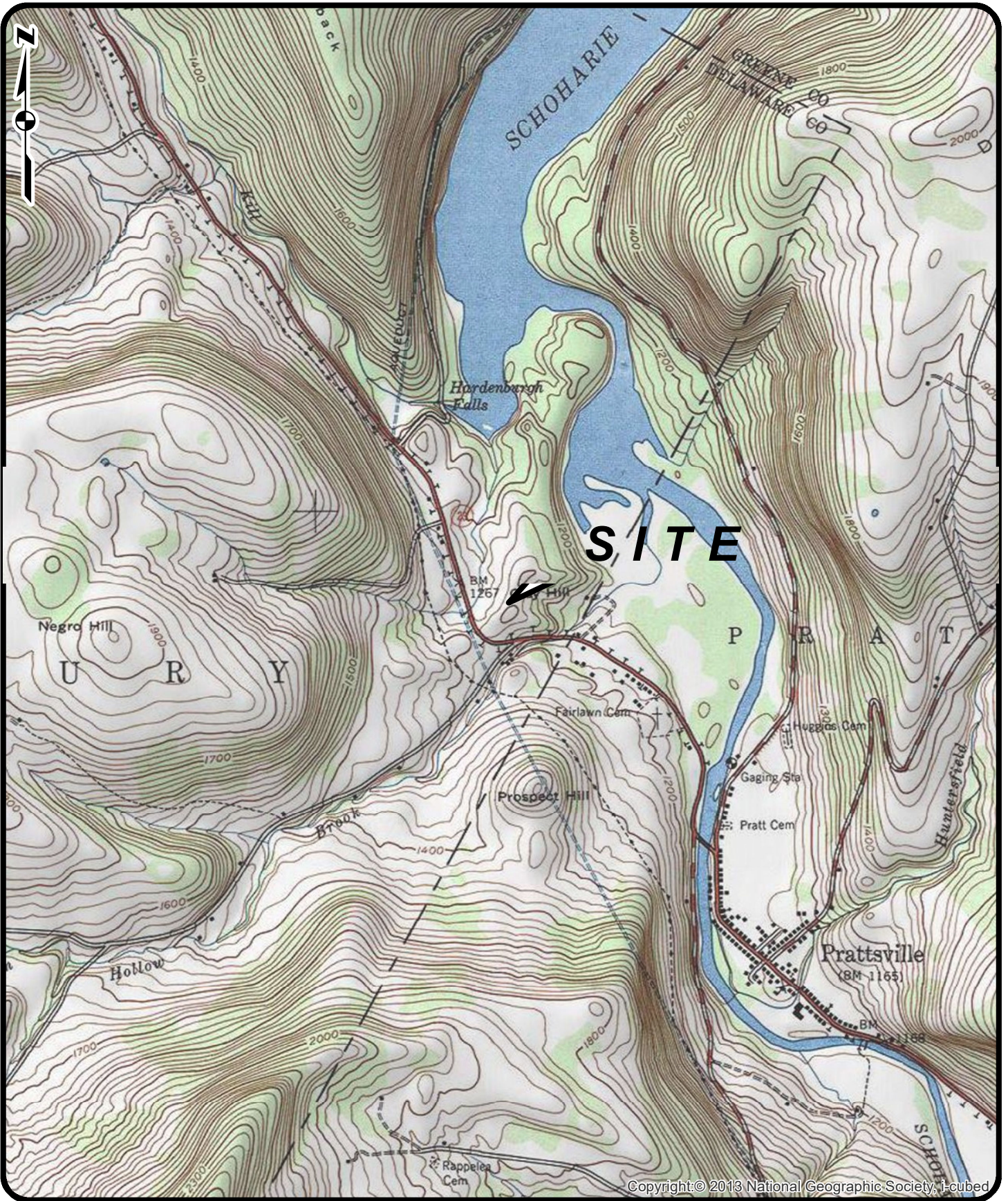
Part E – Site and Setting of Proposed Action

- Part E.2.h – The property contains a Federal wetland and an unnamed minor tributary to the Schoharie Reservoir in the western portion of the property, which is identified as Class A Stream. As a watercourse tributary to a NYC drinking water reservoir (i.e., Schoharie Reservoir), a 100-foot setback from the watercourse centerline is required for any development creating an impervious surface. The Proposed Action will not encroach on the buffer surrounding the unnamed minor tributary except for improvements to an existing farm road crossing. Wetland crossings constructed with a valid permit from appropriate regulatory agencies are exempt from the 100-foot watercourse setback.
- Part E.2.o – The New York State Environmental Resource Mapper identified the property as being within identified habitat for the Bald Eagle, which is a listed endangered or threatened species. The proposed development will take precautions to limit the potential threat or encroachment on the existing bald eagle habitat consistent with the National Bald Eagle Management Guidelines established by the U.S. Fish and Wildlife Service dated May 2007 (attached for reference)
- Part E.3.e, f, and g – The NYSDEC EAF Mapper identified the location of the Proposed Action to be in the vicinity of an archaeological site. The NYS Cultural Resource Information System (CRIS) was reviewed indicating no historic places and/or sensitive archaeological sites at the property. A consultation was initiated with OPRHP who issued a letter dated October 16, 2020, indicating no impact. A copy of the letter is attached.

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FIGURE 1
SITE LOCATION

S:\Sterling\Projects\2020 Projects\Hughes Energy - 2020-14\Drawings-Maps-Figures\GIS\2020-14003G- FIG 1 SITE LOC MAP.mxd



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STERLING

Sterling Environmental Engineering, P.C.
24 Wade Road • Latham, New York 12110

SITE LOCATION MAP
HUGHES ENERGY, LLC.
TAX PARCEL 113.-1-25

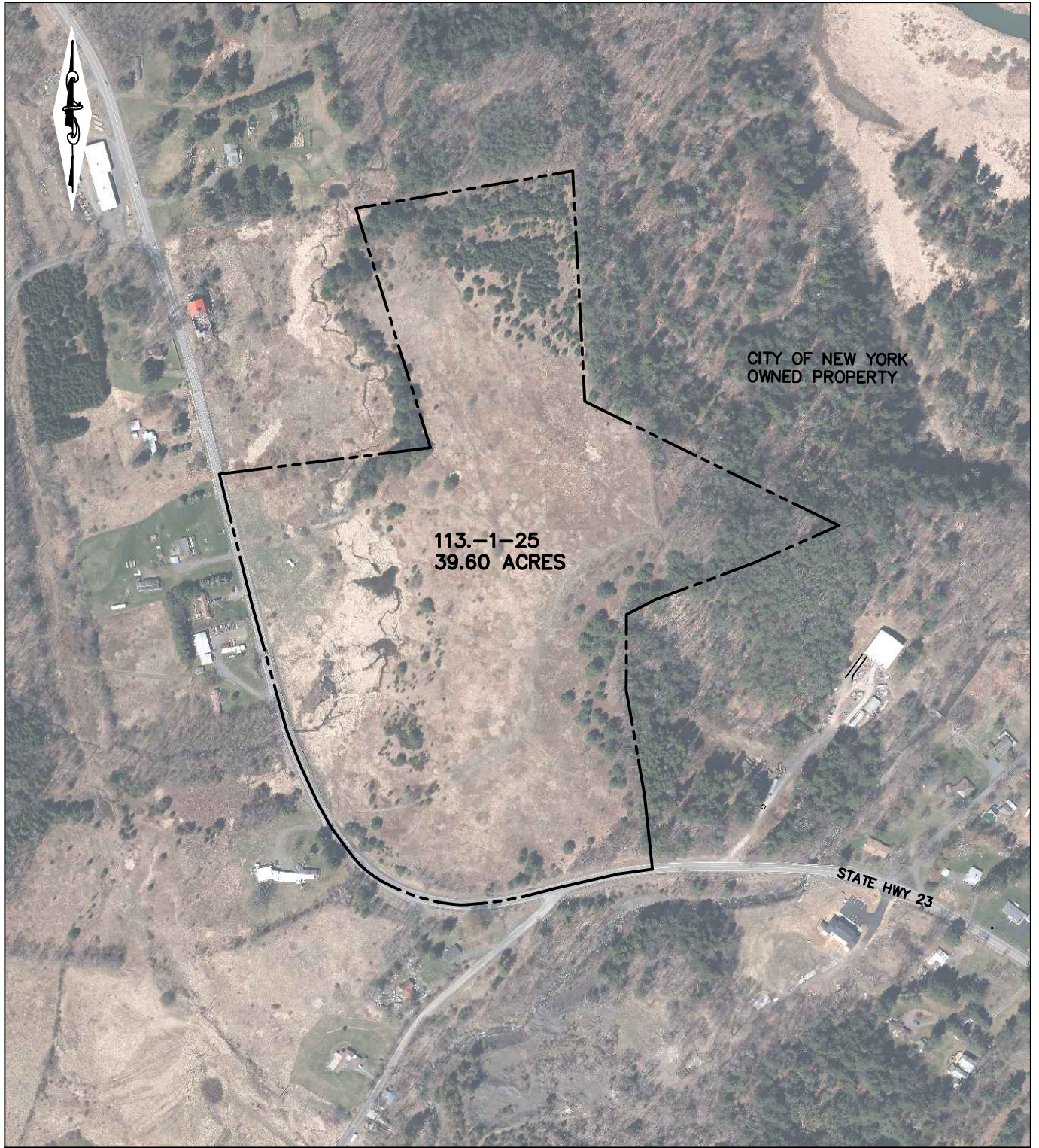
TOWN OF ROXBURY

DELAWARE CO., NY

PROJ.NO. 2020-14	DATE: 1/6/2021	SCALE: 1" = 2,000'	DWG.NO. 2020-14003G	FIGURE 1
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FIGURE 2
SITE VICINITY

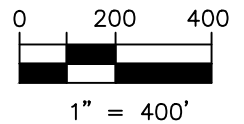
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MAP REFERENCE: DISCOVER GIS DATA NY ORTHOIMAGERY, 2016.

LEGEND:

----- APPROXIMATE PARCEL BOUNDARY



STERLING

Sterling Environmental Engineering, P.C.

24 Wade Road ♦ Latham, New York 12110

SITE VICINITY MAP
HUGHES ENERGY, LLC.
TAX PARCEL 113.-1-25

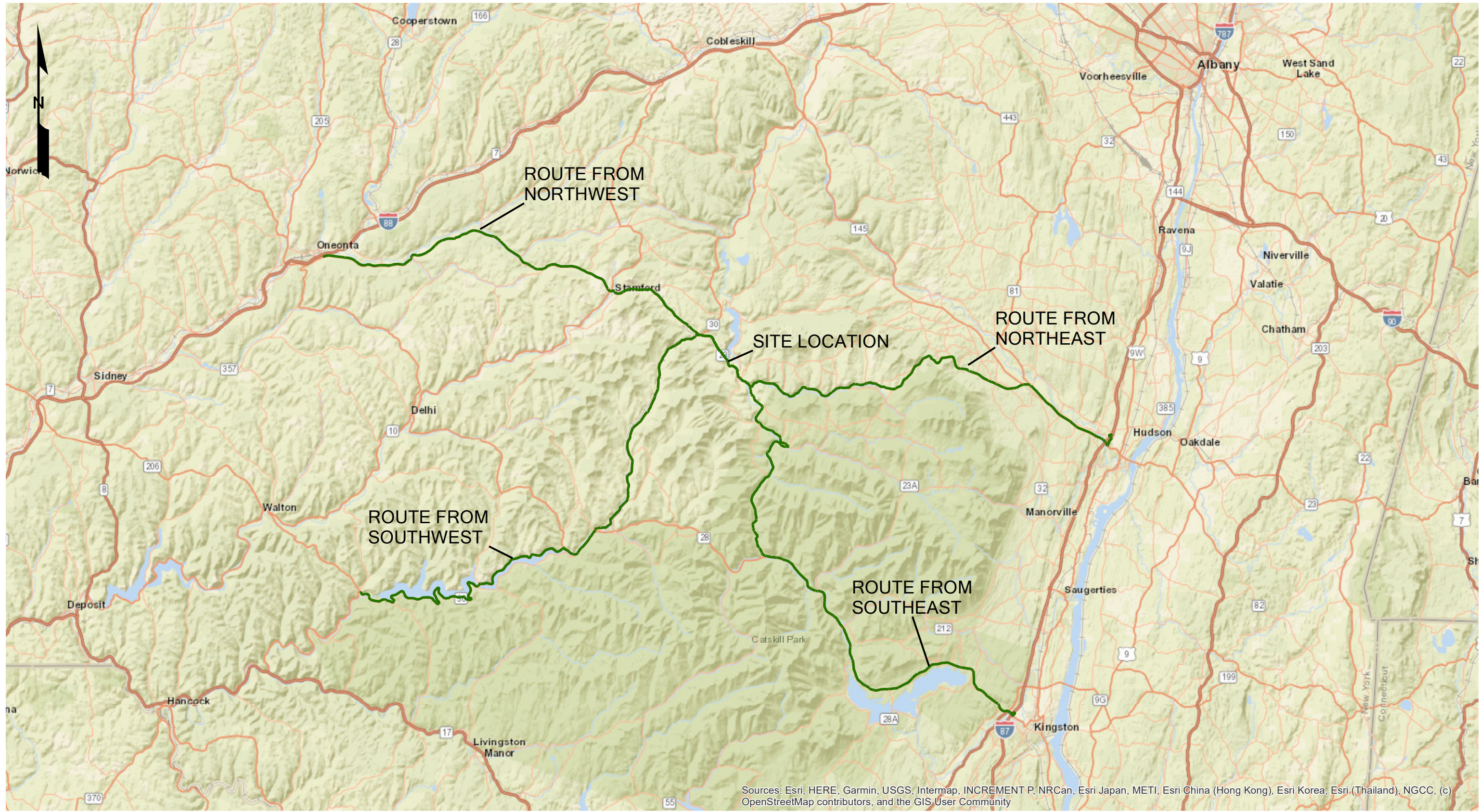
TOWN OF ROXBURY

DELAWARE CO., NY

PROJ. No.: 2020-14	DATE: 1/6/2021	SCALE: 1" = 400'	DWG. NO. 2020-14019	FIGURE 2
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FIGURE 3
PRIMARY TRAFFIC ROUTES MAP

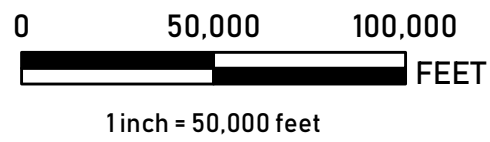
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LEGEND

 PRIMARY TRAFFIC ROUTE



STERLING
 Sterling Environmental Engineering, P.C.
 24 Wade Road • Latham, New York 12110

PRIMARY TRAFFIC ROUTES MAP
 HUGHES ENERGY, LLC.
 100 GREEN-DEL LANE
 TOWN OF ROXBURY DELAWARE CO., NY

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. FISH AND WILDLIFE SERVICE

MAY 2007

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. Fish and Wildlife Service

May 2007

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INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the Eagle Act.

The Guidelines are intended to:

- (1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,
- (2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and
- (3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.

The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if “take” of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental “take” of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

LEGAL PROTECTIONS FOR THE BALD EAGLE

The Bald and Golden Eagle Protection Act

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” means:

"Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

A violation of the Act can result in a criminal fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

The Migratory Bird Treaty Act

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define “take” under the MBTA as “pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect.”

Copies of the Eagle Act and the MBTA are available at: <http://permits.fws.gov/ltr/ltr.shtml>.

State laws and regulations

Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state. Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

NATURAL HISTORY OF THE BALD EAGLE

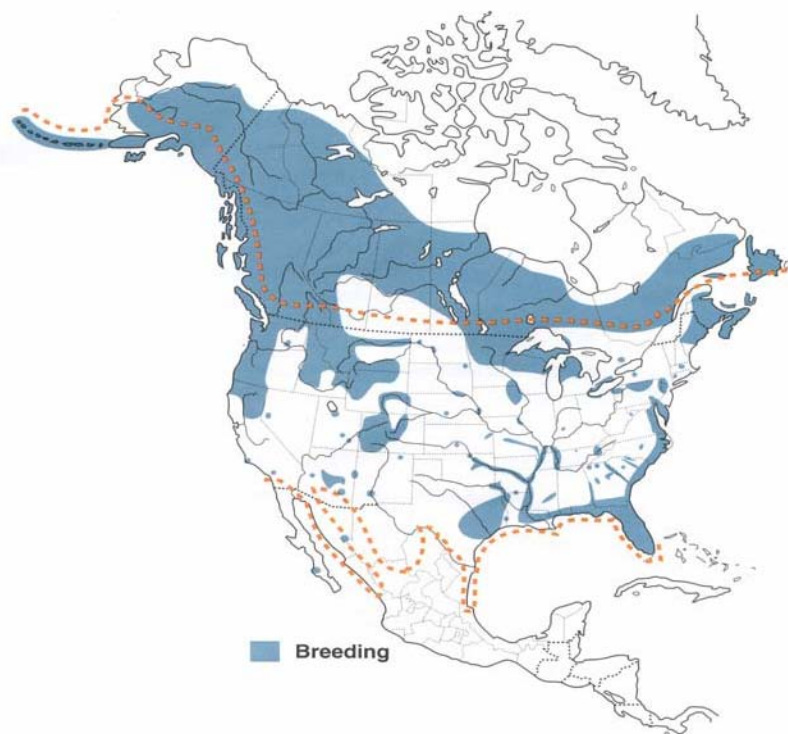
Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

Where do bald eagles nest?

Breeding bald eagles occupy “territories,” areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.



Copyright *Birds of North America*, 2000

The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle’s wintering range.

When do bald eagles nest?

Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.

Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
SOUTHEASTERN U.S. (FL, GA, SC, NC, AL, MS, LA, TN, KY, AR, eastern 2 of TX)											
	Nest Building										
		Egg Laying/Incubation									
			Hatching/Rearing Young								
				Fledging Young							
CHESAPEAKE BAY REGION (NC, VA, MD, DE, southern 2 of NJ, eastern 2 of PA, panhandle of WV)											
		Nest Building									
				Egg Laying/Incubation							
					Hatching/Rearing Young						
								Fledging Young			
NORTHERN U.S. (ME, NH, MA, RI, CT, NY, northern 2 of NJ, western 2 of PA, OH, WV exc. panhandle, IN, IL, MI, WI, MN, IA, MO, ND, SD, NB, KS, CO, UT)											
			Nest Building								
				Egg Laying/Incubation							
					Hatching/Rearing Young						
									Fledging Young		
PACIFIC REGION (WA, OR, CA, ID, MT, WY, NV)											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
									Fledging Young		
SOUTHWESTERN U.S. (AZ, NM, OK panhandle, western 2 of TX)											
		Nest Building									
				Egg Laying/Incubation							
					Hatching/Rearing Young						
								Fledging Young			
ALASKA											
				Nest Building							
						Egg Laying/Incubation					
									Hatching/Rearing Young		
											Fledging Young
Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.

How many chicks do bald eagles raise?

The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

What do bald eagles eat?

Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets. After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

The impact of human activity on nesting bald eagles

During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair. The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

Nesting Bald Eagle Sensitivity to Human Activities

	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
III	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to ¼ mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

The impact of human activity on foraging and roosting bald eagles

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles

from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer and observing seasonal restrictions. For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

Existing Uses

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area. Therefore, in most cases ongoing existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some intermittent, occasional, or irregular uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

ACTIVITY-SPECIFIC GUIDELINES

The following section provides the Service's management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A – H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A – H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended distance from the nest) you should follow to help ensure that your activity will not disturb the eagles.

Alternate nests

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

Temporary Impacts

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

Category A:

- Building construction, 1 or 2 story, with project footprint of ½ acre or less.
- Construction of roads, trails, canals, power lines, and other linear utilities.
- Agriculture and aquaculture – new or expanded operations.
- Alteration of shorelines or wetlands.
- Installation of docks or moorings.
- Water impoundment.

Category B:

- Building construction, 3 or more stories.
- Building construction, 1 or 2 story, with project footprint of more than ½ acre.
- Installation or expansion of marinas with a capacity of 6 or more boats.
- Mining and associated activities.
- Oil and natural gas drilling and refining and associated activities.

	<i>If there is no similar activity within 1 mile of the nest</i>	<i>If there is similar activity closer than 1 mile from the nest</i>
<i>If the activity will be visible from the nest</i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i>If the activity will not be visible from the nest</i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Category C. Timber Operations and Forestry Practices

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.
- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.
- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

Category D. Off-road vehicle use (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

Category E. Motorized Watercraft use (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

Category F. Non-motorized recreation and human entry (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

Category G. Helicopters and fixed-wing aircraft.

Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

Category H. Blasting and other loud, intermittent noises.

Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES

1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.
2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.
3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.
4. Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.
5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.
3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.
4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.
5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.
7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.
8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.
9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

<u>Alabama</u>	Daphne	(251) 441-5181	<u>New Hampshire</u>	Concord	(603) 223-2541
<u>Alaska</u>	Anchorage	(907) 271-2888	<u>New Jersey</u>	Pleasantville	(609) 646-9310
	Fairbanks	(907) 456-0203	<u>New Mexico</u>	Albuquerque	(505) 346-2525
	Juneau	(907) 780-1160	<u>New York</u>	Cortland	(607) 753-9334
<u>Arizona</u>	Phoenix	(602) 242-0210		Long Island	(631) 776-1401
<u>Arkansas</u>	Conway	(501) 513-4470	<u>North Carolina</u>	Raleigh	(919) 856-4520
<u>California</u>	Arcata	(707) 822-7201		Asheville	(828) 258-3939
	Barstow	(760) 255-8852	<u>North Dakota</u>	Bismarck	(701) 250-4481
	Carlsbad	(760) 431-9440	<u>Ohio</u>	Reynoldsburg	(614) 469-6923
	Red Bluff	(530) 527-3043	<u>Oklahoma</u>	Tulsa	(918) 581-7458
	Sacramento	(916) 414-6000	<u>Oregon</u>	Bend	(541) 383-7146
	Stockton	(209) 946-6400		Klamath Falls	(541) 885-8481
	Ventura	(805) 644-1766		La Grande	(541) 962-8584
	Yreka	(530) 842-5763		Newport	(541) 867-4558
<u>Colorado</u>	Lakewood	(303) 275-2370		Portland	(503) 231-6179
	Grand Junction	(970) 243-2778		Roseburg	(541) 957-3474
<u>Connecticut</u>	(See New Hampshire)		<u>Pennsylvania</u>	State College	(814) 234-4090
<u>Delaware</u>	(See Maryland)		<u>Rhode Island</u>	(See New Hampshire)	
<u>Florida</u>	Panama City	(850) 769-0552	<u>South Carolina</u>	Charleston	(843) 727-4707
	Vero Beach	(772) 562-3909	<u>South Dakota</u>	Pierre	(605) 224-8693
	Jacksonville	(904) 232-2580	<u>Tennessee</u>	Cookeville	(931) 528-6481
<u>Georgia</u>	Athens	(706) 613-9493	<u>Texas</u>	Clear Lake	(281) 286-8282
	Brunswick	(912) 265-9336	<u>Utah</u>	West Valley City	(801) 975-3330
	Columbus	(706) 544-6428	<u>Vermont</u>	(See New Hampshire)	
<u>Idaho</u>	Boise	(208) 378-5243	<u>Virginia</u>	Gloucester	(804) 693-6694
	Chubbuck	(208) 237-6975	<u>Washington</u>	Lacey	(360) 753-9440
<u>Illinois/Iowa</u>	Rock Island	(309) 757-5800		Spokane	(509) 891-6839
<u>Indiana</u>	Bloomington	(812) 334-4261		Wenatchee	(509) 665-3508
<u>Kansas</u>	Manhattan	(785) 539-3474	<u>West Virginia</u>	Elkins	(304) 636-6586
<u>Kentucky</u>	Frankfort	(502) 695-0468	<u>Wisconsin</u>	New Franken	(920) 866-1725
<u>Louisiana</u>	Lafayette	(337) 291-3100	<u>Wyoming</u>	Cheyenne	(307) 772-2374
<u>Maine</u>	Old Town	(207) 827-5938		Cody	(307) 578-5939
<u>Maryland</u>	Annapolis	(410) 573-4573			
<u>Massachusetts</u>	(See New Hampshire)				
<u>Michigan</u>	East Lansing	(517) 351-2555			
<u>Minnesota</u>	Bloomington	(612) 725-3548			
<u>Mississippi</u>	Jackson	(601) 965-4900			
<u>Missouri</u>	Columbia	(573) 234-2132			
<u>Montana</u>	Helena	(405) 449-5225			
<u>Nebraska</u>	Grand Island	(308) 382-6468			
<u>Nevada</u>	Las Vegas	(702) 515-5230			
	Reno	(775) 861-6300			

National Office

U.S. Fish and Wildlife Service
 Division of Migratory Bird Management
 4401 North Fairfax Drive, MBSP-4107
 Arlington, VA 22203-1610
 (703) 358-1714
<http://www.fws.gov/migratorybirds>

State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies' website at http://www.fishwildlife.org/where_us.html

GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

Communal roost sites – Areas where bald eagles gather and perch overnight – and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

Disturb – To agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Fledge – To leave the nest and begin flying. For bald eagles, this normally occurs at 10-12 weeks of age.

Fledgling – A juvenile bald eagle that has taken the first flight from the nest but is not yet independent.

Foraging area – An area where eagles feed, typically near open water such as rivers, lakes, reservoirs, and bays where fish and waterfowl are abundant, or in areas with little or no water (i.e., rangelands, barren land, tundra, suburban areas, etc.) where other prey species (e.g., rabbit, rodents) or carrion (such as at landfills) are abundant.

Landscape buffer – A natural or human-made landscape feature that screens eagles from human activity (e.g., strip of trees, hill, cliff, berm, sound wall).

Nest – A structure built, maintained, or used by bald eagles for the purpose of reproduction. An **active** nest is a nest that is attended (built, maintained or used) by a pair of bald eagles during a given breeding season, whether or not eggs are laid. An alternate nest is a nest that is not used for breeding by eagles during a given breeding season.

Nest abandonment – Nest abandonment occurs when adult eagles desert or stop attending a nest and do not subsequently return and successfully raise young in that nest for the duration of a breeding season. Nest abandonment can be caused by altering habitat near a nest, even if the alteration occurs prior to the breeding season. Whether the eagles migrate during the non-breeding season, or remain in the area throughout the non-breeding season, nest abandonment can occur at any point between the time the eagles return to the nesting site for the breeding season and the time when all progeny from the breeding season have dispersed.

Project footprint – The area of land (and water) that will be permanently altered for a development project, including access roads.

Similar scope – In the vicinity of a bald eagle nest, an existing activity is of similar scope to a new activity where the types of impacts to bald eagles are similar in nature, and the impacts of the existing activity are of the same or greater magnitude than the impacts of the potential new activity. Examples: (1) An existing single-story home 200 feet from a nest is similar in scope to an additional single-story home 200 feet from the nest; (2) An existing multi-story, multi-family dwelling 150 feet from a nest has impacts of a greater magnitude than a potential new single-family home 200 feet from the nest; (3) One existing single-family home 200 feet from the nest has impacts of a lesser magnitude than three single-family homes 200 feet from the nest; (4) an existing single-family home 200 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the roost but 40 feet from the eagles' foraging area. The existing activities in examples (1) and (2) are of similar scope, while the existing activities in example (3) and (4) are not.

Vegetative buffer – An area surrounding a bald eagle nest that is wholly or largely covered by forest, vegetation, or other natural ecological characteristics, and separates the nest from human activities.

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OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

CONSULTATION REVIEW LETTERS

OCTOBER 16, 2020



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 16, 2020

Paul Scholar
Geologist
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, NY 16239

Re: DEC
Hughes Energy, LLC Thermal Treatment Facility Relocation
Town of Roxbury, Delaware County, NY
20PR06327

Dear Paul Scholar:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

APPENDIX B
FULL EAF PARTS 2 AND 3

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency: *Kate Kornak*

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Hughes Energy, LLC. Solid Waste Management Facility
DEC # 4-1248-00321
FULL ENVIRONMENTAL ASSESSMENT FORM
Part 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS
9/16/2021

Part 3 evaluates those impacts identified in Part 2 of the EAF which were determined to have a potentially large impact.

POTENTIAL LARGE IMPACTS

Description of Impact

IMPACT ON WATER RESOURCES- The application indicates that Fanny Brook, a Class A stream (Water Index Number H-240-82-113A) will be impacted by the proposed project. Fanny Brook is classified as a federally-regulated wetland (R3UBH – Riverine, Upper Perennial, Unconsolidated Bottom, Permanently Flooded). The Class A stream is a direct tributary to the Schoharie Reservoir, a drinking water source within the New York City watershed. The application indicates that stormwater will be directed to this stream which may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation, turbidity or other degradation of the receiving waterbody. The project proposes an increase in impervious surface near the above-noted waterbodies and over a primary aquifer. The proposed action onsite may affect the water quality onsite or downstream of the proposed action.

How Potential Impact will be Mitigated or Reduced

A stormwater pollution prevention plan (SWPPP) must be prepared, reviewed and approved by the New York City Department of Environmental Protection (NYCDEP). The total proposed impacts to wetlands have been reduced from 0.3 acres to 0.076 acres, and linear footage of proposed streambank impact has been reduced from 118' to 40' as a result of changes to the proposed plans.

Importance

The proposed facility location is a rural setting within the New York City watershed, and within 2,000-feet of the Schoharie Reservoir which provides drinking water to New York City residents. The site contains a Class A stream (Water Index Number H-240-82-113A) which is also classified as a federally-regulated wetland (R3UBH – Riverine, Upper Perennial, Unconsolidated Bottom, Permanently Flooded). The property falls within the 100-year floodplain. The new facility is proposed to operate 24-hours per day and has the expected operation duration of decades. The potential for contamination and environmental degradation to these waterbodies must be more fully evaluated to avoid potential impacts to a drinking water source.

Description of Impact

IMPACT ON NOISE, ODOR, AND LIGHT- The proposed action may result in routine odors for more than one hour per day. The proposed action may result in noise impacts that exceed Part 360 regulation thresholds and do not meet Department standards for a rural setting.

How Potential Impact Will be Mitigated or Reduced

The applicant is proposing to utilize automatic high-speed roller doors to reduce the escape of odors, keep the building under negative-pressure to reduce the escape of odors, and proposes use of a biofilter to reduce odors in air exhausted to the environment. As indicated in the Noise Assessment revised July 21, 2021, mitigation of a minimum of 3.5 dBA is required to achieve the Part 360 daytime noise standards at the closest facility property line, and mitigation of a minimum of 1.8 dBA is required to achieve Department Noise Guidance standards for daytime screening levels to limit the projected noise increase above ambient levels. The applicant proposes mitigation through standard construction techniques, and construction of an earthen berm with vegetative plantings which has not been submitted to the Department on engineered drawings.

Importance

The proposed facility location is a rural setting. The facility is expected to operate 24 hours per day with a duration of decades. The probability of the proposed action producing noticeable odors is high, whether at the facility itself, or from vehicles moving waste or other materials to or from the facility. The Noise Assessment revised July 21, 2021 provides that the facility will generate noise from both stationary and mobile sources including the process building which will operate 24 hours per day, employee vehicles entering and exiting for standard shift-work, and other noise sources from the maintenance shop, administrative office, and delivery trucks operating 7am to 4 pm. Noise levels from mobile noise sources were projected to exceed applicable Part 360 and Department Noise Guidance screening levels without mitigation. These potential significant noise and odor impacts require further evaluation.

Description of Impact

IMPACT ON TRANSPORTATION- The proposed action may alter the present pattern of movement of people or goods. The application indicates the proposed new facility will process 176,400 tons of municipal solid waste (MSW) per year. Per the application material, MSW will be transported directly to the facility by semi-trailers and other large vehicles; recovered recyclables will be transported to an authorized recyclables handling facility; non-fibrous, non-recyclable material will be transported to an authorized solid waste management facility; fuel pellet products will be transported from the facility for use and sale; water trucks will access the facility; fuel trucks will access the facility; wastewater tankers may access the facility; maintenance trucks will access the facility; and employee vehicles will enter and exit the facility for accommodation of 24-hour shift work in addition to 7am-4pm standard hour employees.

How Potential Impact Will be Mitigated or Reduced

The proposed new commercial access road from State Route 23 has been reviewed by NYS Department of Transportation (NYSDOT) for a Highway Work Permit (PERM 33-COM). The outcome of Stage 1 of NYSDOT review required installation of W2-2 intersection warning signs with “trucks” subpanel. This mitigation measure is intended to notify traffic on State Route 23 of trucks entering and exiting the proposed commercial driveway. Stage 2 of the NYSDOT review for Highway Work Permit (PERM 22-COM) includes designing the final driveway dimensions for conformance to NYSDOT standards and has not been submitted to the Department on engineered drawings.

Importance

The proposed facility location is a rural setting. The new facility is proposed to operate 24-hours per day, accommodate 24-hour shift work for employees, and has the expected operation duration of decades. Increased traffic will potentially have a moderate to large impact along the truck routes which includes areas identified as potential environmental justice communities. Traffic impacts include noise, odors, air quality from vehicle emissions, and overall decrease in ability to move through the area as a result of increased traffic flow. These potential impacts could occur while vehicles are in motion (en route to the facility or departing from) or idling. These potential significant traffic impacts require further evaluation.

APPENDIX C

POSITIVE DECLARATION, DATED SEPTEMBER 20, 2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

September 20, 2021

Via e-mail (dane.mcspedon@hughesenergygroup.com) and US Mail

Dane McSpedon, CEO

Hughes Energy, LLC

56 Briar Hill Drive

Yonkers, NY 10710

RE: SEQR Positive Declaration

Hughes Energy, LLC. – Solid Waste Management Facility

State Route 23, Town of Roxbury, Delaware County

DEC Application No. 4-1248-00321

Dane McSpedon,

The New York State Department of Environmental Conservation (DEC) has determined that the proposed Hughes Energy, LLC. Solid Waste Management Facility has the potential for at least one significant adverse environmental impact. Accordingly, DEC has prepared a Positive Declaration pursuant to the requirements of the State Environmental Quality Review Act (SEQR). A Draft Environmental Impact Statement is required for the project.

Enclosed please find a copy of the Positive Declaration that has been issued. The Department will use public scoping procedures outlined in the SEQR regulations (6 NYCRR § 617.8). This will include opportunity for the public to provide written comments on the scope. It will be necessary for you to submit a proposed scope which contains the items identified in paragraphs 6 NYCRR § 617.8 (e)(1) through (5) of the SEQR regulations. In short, these items include a description of the proposed action, the potential significant adverse impacts, the extent and quality of information needed to address each impact (including the methods for obtaining and analyzing this information), an initial identification of mitigation measures, and the reasonable alternatives to be considered.

Please submit one electronic copy and 5 hard copies of the draft scope for our review. Upon our receipt of the draft scope, we will review it and provide any necessary revisions prior to its acceptance for public review.

By copy of this letter and enclosure, we are also notifying all involved parties of the Department's issuance of the Positive Declaration.

Sincerely,



Kate Kornak

Regional Permit Administrator

Enclosure – SEQR Positive Declaration
Distribution List Attached



Distribution List (all w/enclosure):

Supervisor, Town of Roxbury
Supervisor, Town of Prattsville
Delaware County Planning Department
New York City Department of Environmental Protection
NYS Department of Transportation
NYS Department of Environmental Conservation
NYS OPRHP State Historic Preservation Office
US Army Corps of Engineers
Sterling Environmental

SEQR

617.21
Appendix E
State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance

Project Number 4-1248-00321

Date September 20, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The New York State Department of Environmental Conservation, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action: Hughes Energy, LLC – New Solid Waste Management Facility

SEQR Status: Type 1 – Part 617.4(b)(6)

Note: Public scoping will be scheduled at a later date following the receipt of a draft scope of issues. The public scoping process will help to ensure that the required Draft Environmental Impact Statement focuses on relevant issues.

Description of Action:

The applicant proposes to construct and operate a new ~115,000-sq.ft. solid waste management facility on a 39.6-acre parcel in the Town of Roxbury (Parcel ID 113.-1-25). As proposed, the facility will thermally treat municipal solid waste (MSW) in a steam autoclave process to create a marketable pelletized fuel product. According to the application, the facility can process a maximum of 176,400 tons of MSW per year. The applicant also proposes to construct a new ~9,500-sq.ft. administrative office and maintenance shop on the parcel.

Location:

State Route 23, Town of Roxbury, Delaware County, New York. Tax Parcel ID 113.-1-25

Reasons Supporting this Determination:

Potential for significant traffic impacts – The project will require use of delivery trucks to transport MSW to the facility, and to carry non-usable recyclables and other materials to appropriate disposal locations. Additionally, employee vehicles, liquid tanker trucks, and other vehicles will access the facility. Potential impacts on traffic volumes, routes, and flow must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.

Potential for significant noise impacts – The project will generate noise from both stationary and mobile sources. The stationary equipment will operate 24-hours per day. In accordance with the noise assessment revised 7/21/2021, the project as proposed will not meet noise threshold requirements in Part 360 regulations, nor will the project meet Department noise guidance standard requirements. Potential noise impacts must be further evaluated and, if necessary, mitigation measures must be developed to reduce or minimize such impacts.

Potential for significant odor impacts – The operation of this facility will produce odors from transporting, receiving and processing of putrescible solid waste in addition to handling other waste and recyclable materials. Potential odor impacts must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.

Potential impact on water resources - The facility and ancillary impervious surfaces will be constructed within the 100-year flood zone, near a drinking water reservoir within the New York City Watershed, with additional proposed impacts to a state-protected Class A stream and federal wetland. Potential impacts to these water resources must be evaluated and, if necessary, mitigation measures developed to reduce or minimize such impacts.

For Further Information:

Contact Person: Kate Kornak, Regional Permit Administrator

Address: NYS DEC Region 4
1130 North Westcott Road
Schenectady, NY 12306

Telephone Number: (518) 357-2170

A Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 625 Broadway, Albany, New York 12233

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located

Applicant

Other involved agencies