

A G E N D A
ORANGE COUNTY SOIL AND WATER CONSERVATION DISTRICT
Monday, May 18, 2020
9:00 AM

Note: There will be no ‘in-person’ meeting location. Participants may either log on or call in: <https://us02web.zoom.us/j/87987921897>

+1 929 205 6099 US (New York)

Meeting ID: 879 8792 1897

1. CALL TO ORDER

2. Approval of April MINUTES

3. ACTIONS TAKEN BETWEEN MEETINGS

4. CORRESPONDENCE

- a) Bank statements/Collateral Agreement
- b) Misc. newsletters

5. FINANCIAL REPORTS and BILL PAYMENT APPROVAL

6. AG GRANT REPORT UPDATE

7. SWCD STAFF REPORTS

8. INTERAGENCY REPORTS

- a) CCE
- b) FSA
- c) NRCS
- d) NYSS&WCC

9. OLD BUSINESS

- a) Wallkill Flood Projects Update
- b) Tire Project Update
- c) State and Municipal Facilities Capital Program (SAM Grant)
- d) NYS Retirement
- e) Carbon Farming Project Update
- f) New Hire Update
- g) AGNPS Round 26 Proposal Update
- h) Board Appointments
- i) Office Procedures

10. NEW BUSINESS

- a)
- b)

11. NEXT MEETING DATE

12. ADJOURNMENT



April 30, 2020

Via Electronic Mail

Ms. Elise Anderson
Senior Environmental Permitting Specialist
Enel Green Power North America, Inc.
100 Brickstone Square, Suite 300
Andover, MA 01810

Re: Updated Signature for Comments on Walden Falls (P-4428) Draft License Application

Dear Ms. Anderson:

On April 24, 2020, Riverkeeper submitted comments on the Draft Licensing Application (DLA) submitted by Walden Hydro, LLC (Walden Hydro), a subsidiary of Enel Green Power North America, Inc., for the Walden Hydroelectric Project (the Project) located on the Wallkill River in Orange County, New York.

In the Wallkill River Watershed, Riverkeeper has worked closely with the Wallkill River Watershed Alliance (WRWA) since its inception in 2015. WRWA contributed to Riverkeeper's comments on the DLA, but we were not able to obtain a signature from WRWA ahead of the April 24, 2020 comment deadline.

Please accept the attached letter, which is endorsed by WRWA, for the relicensing application. The letter is identical to our April 24, 2020 submission, with the exception of the added signature.

Riverkeeper and WRWA appreciate the opportunity to participate as stakeholders in the Walden Hydroelectric Project relicensing process. If you have questions, please contact Jennifer Epstein at jepstein@riverkeeper.org.

Sincerely,

Jennifer Epstein
Riverkeeper Water Quality Program Scientist



April 30, 2020

Via Electronic Mail

Ms. Elise Anderson
Senior Environmental Permitting Specialist
Enel Green Power North America, Inc.
100 Brickstone Square, Suite 300
Andover, MA 01810

**Re: Walden Hydroelectric Project (Project No. 4428)
Comments on Draft License Application**

Riverkeeper has reviewed the January, 2020 Draft Licensing Application (DLA) submitted by Walden Hydro, LLC (Walden Hydro), a subsidiary of Enel Green Power North America, Inc., for the Walden Hydroelectric Project (the Project) located on the Wallkill River in Orange County, New York, and submits the following comments.

The available data show that the Walden Hydroelectric Project causes violations of NYS Water Quality Standards, discharges water that does not meet New York State Water Quality Standards downstream, and that the project exacerbates the impacts of phosphorus over enrichment in the Wallkill River, increasing the risk of Harmful Algal Bloom formation. The project also impacts flow, recreation, and fisheries. Mitigations are needed for those impacts.

The Wallkill River Has Recurrent Harmful Algal Blooms and Is Impaired for Phosphorus

Riverkeeper appreciates that Walden Hydro completed two years of water quality data collection during the relicensing process. Riverkeeper previously reviewed and commented on the 2018 Water Quality Study Report.¹ The DLA also includes the 2019 water quality monitoring report.

¹ Riverkeeper, Walden Hydroelectric Project (Project No. 4428) Comments on Initial Study Reports, June 21, 2019.



The Wallkill River is included on the NYS 303(d) List of Impaired Waters, for recreation and aquatic life uses, due to phosphorus.^{2,3} In 2016 a Harmful Algal Bloom affected up to 30 miles of the Wallkill River, lasting for 60 days.⁴ The bloom was classified by NYSDEC as “Confirmed with High Toxins,” defined as a bloom where “water sampling results confirmed that there were toxins present in quantities to potentially cause health effects if people or animals came in contact with the water.”⁵

Of 16 water samples collected by Riverkeeper and Wallkill River Watershed Alliance at seven locations from August 26, 2016 to October 11, 2016, and analyzed by a DEC-approved lab, the highest chlorophyll (22,919 ug/L) and Microcystin (1,723 ug/L) concentrations occurred in Walden at River Road, on 9/12/16.⁶ This is the closest public access point upstream of the Project impoundment. In late August through September, the Wallkill HAB extended into the Rondout Creek, the Wallkill River’s receiving water, downstream of the confluence.⁷ Localized blooms have been documented by NYSDEC in the Wallkill River in other years, although with lesser extent, duration and severity than the 2016 bloom.⁸ In 2019 NYS DEC initiated development of a Total Maximum Daily Load to reduce phosphorus inputs and ultimately alleviate the phosphorus impairment to the river.⁹ The DEC has identified both farm runoff and wastewater treatment effluent as major sources of the river’s phosphorus impairment.¹⁰

The Walden Hydroelectric Project Causes Violations Of New York State Water Quality Standards

The 2018 and 2019 Water Quality Studies included continuous measurements of dissolved oxygen and temperature at locations within the impoundment and downstream of the dam,

² New York State Department of Environmental Conservation, Draft 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy, June 20, 2018.

https://www.dec.ny.gov/docs/water_pdf/303dlistdraft18.pdf

³ New York State Department of Environmental Conservation, Lower Hudson River Waterbody Inventory/Priority Waterbodies List Fact Sheets,

https://www.dec.ny.gov/docs/water_pdf/wilhudsmidwallkill.pdf

⁴ New York State Department of Environmental Conservation, Harmful Algal Blooms by County, 2012-2018, https://www.dec.ny.gov/docs/water_pdf/habsextentsummary.pdf

⁵ *Ibid.*

⁶ Riverkeeper data, unpublished.

⁷ Riverkeeper data, unpublished.

⁸ NYS DEC, *supra* note 4.

⁹ Dunne, Allison, “Wallkill River Summit: NYS DEC To Begin Clean Water Plan,” WAMC, May 16, 2019, <https://www.wamc.org/post/wallkill-river-summit-nys-dec-begin-clean-water-plan>

¹⁰ New York State Department of Environmental Conservation, “Wallkill Watershed, Water Quality Monitoring - 2017 and Beyond,” Presentation at Wallkill River Watershed Alliance Summit, April, 2018.



and in 2019, continuous dissolved oxygen and temperature monitoring were added at a site upstream of the project impoundment (site WD-3).¹¹

At the impoundment sampling station in 2018, daily average dissolved oxygen fell below the NYS minimum of 5.0 mg/L on seven consecutive days, and 2.4% of the total dissolved oxygen records were below the NYS instantaneous minimum of 4.0 mg/L. In 2019, the impoundment station reported daily average dissolved oxygen below the NYS minimum of 5.0 mg/L on five days (four consecutive) and 4.1% of total dissolved oxygen records below the instantaneous minimum of 4.0 mg/L.

Dissolved oxygen was recorded at a sampling station downstream of the impoundment in 2018 only. The downstream data logger was lost from July 12 through August 21, a time when dissolved oxygen was depleted in the impoundment, so downstream data are missing for some of the period of worst water quality in the project area. At the downstream sampling station in 2018, daily average dissolved oxygen fell below the NYS minimum of 5.0 mg/L on July 10, two days before the logger was lost. At this station in 2018, 0.4% of the total dissolved oxygen records were below the NYS instantaneous minimum of 4.0 mg/L. These measurements were all recorded on July 10 and July 11, before the sampler was lost on July 12. Dissolved oxygen measurements were not reported for this site in 2019.

The 2018 and 2019 Water Quality Studies at Walden Falls also included depth profiles of dissolved oxygen and temperature in the impoundment every two weeks.¹² The 2018 study lasted from June to October, and the 2019 study from July to October.

The depth profile data show that waters in the impoundment stratified.¹³ In both years, multiple consecutive measurements showed evidence of stratification, indicating that the impoundment was stable for extended periods of time. The depth profile data show that dissolved oxygen decreased with depth, and was at times below the NYS instantaneous standard of 4.0 mg/L lower in the water column in both years.

Although the depth profiles provide some understanding of conditions in the impoundment, they provide relatively few dissolved oxygen measurements taken at depth, compared to the amount of information gathered by the continuous sensor. If a continuous sensor had been deployed in the benthic zone of the impoundment, it is likely that it would have documented extensive periods of severe dissolved oxygen depletion.

¹¹ Enel Green Power, Draft Application for New License Major Water Power Project Less than 5 MW - Existing Dam, Volume 1 - Public, Walden Hydroelectric Project, FERC Project Number 4428, January 2020. *Hereinafter*, "Walden Dam DLA"

¹² *Ibid.*

¹³ *Ibid.* See Appendix B, 2018 Water Quality Report, pages 21-22, and Appendix B, 2019 Water Quality Report, pages 23-24.



Both the continuous and depth profile data show that the dam causes changes in water quality that result in frequent violations of New York State Water Quality Standards.

Water Discharged From the Walden Hydroelectric Project Violates New York State Water Quality Standards

The continuous monitoring sensor in impoundment was deployed at a depth of 5 ft, whereas the sensors upstream and downstream were deployed at 2-ft depths.¹⁴ Data recorded upstream of and within the impoundment are not directly comparable information about conditions due to the difference in sensor deployment depth. However, the continuous dissolved oxygen data can be analyzed alongside power generation data to draw some conclusions about the project's impact on downstream water quality.

Dissolved oxygen in the impoundment showed large diurnal fluctuations in both years, particularly during periods of low flow and warmer temperatures.¹⁵ When the hydroelectric facility was generating power, dissolved oxygen at the downstream site also showed a diurnal pattern that was strongly coupled with the impoundment site. When the turbines ceased operating, the two sites quickly decoupled, and the downstream location exhibited a more typical riverine pattern, with fairly stable dissolved oxygen. This coupling/decoupling occurred several times during the 2018 season.¹⁶

The two sites were coupled from the start of data collection on June 1, 2018 until June 21, 2019, except for a 48-hour period near the start of the study. The project was generating power continuously during this time. On June 21, 2018, power generation stopped, and diurnal fluctuations continued at the upstream monitoring location while the dissolved oxygen at the downstream site immediately became relatively stable. On June 28, 2018, generation resumed, and the two sites immediately became coupled. Generation again ceased on July 1, 2018, and the sites immediately became decoupled.

Power generation remained at zero until the downstream sensor was lost. The downstream sensor was reinstalled on August 23, 2018, near peak stormflow, and during a period of ongoing power generation. The upstream and downstream sites were weakly coupled until August 27, when the relationship became stronger. On September 4, 2018, power generation stopped, and flow increased, apparently breaking the diurnal fluctuation pattern in the impoundment. At this point, dissolved oxygen at both the impoundment and downstream site returned to more typical riverine patterns. Power generation remained at zero through the end of the water quality study.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.* See Appendix B, 2018 Water Quality Study Report, pages 31-41.



In 2019, power generation was too limited to allow a similar analysis.

The generation-dependent coupling-decoupling pattern between impoundment and downstream dissolved oxygen shows that the project at times controls downstream water quality. During periods of poor water quality in the impoundment, the project discharge may violate NYS water quality standards. This should be accounted for in a 401 Water Quality Certification.

The Walden Hydroelectric Project Exacerbates the Impacts Of Nutrient Enrichment In the Wallkill River and Increases Risk of Harmful Algal Bloom Formation

Dams and their impoundments create conditions that promote HAB formation and persistence by slowing the flow of water and allowing formation of a stable surface water layer that is exposed to sunlight.¹⁷ The chlorophyll and dissolved oxygen data collected in the Walden Falls impoundment during 2018 and 2019 documented eutrophic to hypereutrophic conditions during the majority of the study period in both years.¹⁸ *Microcystis*, a HAB-forming cyanobacterium, is ubiquitous in the Wallkill River, including upstream of the Walden Falls Dam, based on samples collected in collaboration with the Wallkill River Watershed Alliance and SUNY Rockland at Riverkeeper's long-term *Enterococcus* monitoring stations.^{19,20} *Anabaena*, also a HAB-forming cyanobacterium, has also been identified in samples from the station upstream of the Walden Falls Dam.²¹ Upstream locations can act as sources of these two HAB-forming cyanobacterial genera to downstream locations, such as the impoundment of the Walden Falls Dam.²²

The high chlorophyll concentrations and large diurnal dissolved oxygen fluctuations in the Walden Falls impoundment show that the impoundment clearly supports high densities of phytoplankton by increasing the residence time of cells in the vicinity of the impoundment. The Wallkill phytoplankton community often includes *Microcystis*; it is, at times, the dominant genus based on total cell density comparisons.²³ The Water Quality Studies conducted by Enel show that the Walden Falls impoundment acts as an incubator for HAB-forming cyanobacteria, especially during periods of low flow and warm weather. The project may transport this cyanobacteria-rich water downstream, seeding blooms in other areas. High densities of other,

¹⁷ NOAA Great Lakes Environmental Research Laboratory, undated, "Harmful Algal Blooms - Frequently Asked Questions," https://www.glerl.noaa.gov/res/HABs_and_Hypoxia/faq.html

¹⁸ Walden Falls DLA, Appendix B, Water Quality Studies

¹⁹ Riverkeeper, "Tributary and Waterfront Data: Wallkill River," <https://www.riverkeeper.org/water-quality/citizen-data/wallkill-river/>

²⁰ Decker, J. Pers. Comm. April 20, 2020.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*



commonly benign, algal genera can also have negative effects on aquatic ecosystems in high densities.

Mitigation For Water Quality Impacts

Given the Wallkill River's history of recurrent HABs, water column stratification in the impoundment, and eutrophic to hypereutrophic conditions, are highly significant. These conditions promote formation of HABs, increasing risk to human health and aquatic ecosystem stability. Yet, Enel proposes no mitigation for water quality impacts in the DLA.²⁴ Enel must provide mitigation for water quality impacts. While the water quality impacts of the project were documented to a degree in 2018 in 2019, it's reasonable to expect that the project has been impacting water quality in similar ways under the project's current license granted in 1982, and likely since the dam's construction. Without mitigation, these impacts will continue for any license term. Therefore, we believe the applicant should be required to reduce upstream pollution sources to address the unmitigatable impacts of operating the project for a new license term.

There is a need for recurring annual funding to support the implementation of agronomic practices, such as cover cropping and conservation tillage at farms in the Wallkill River Watershed upstream of the project. These practices currently cost \$55-60 per acre for cover cropping and closer to \$20 per acre for conservation tillage.²⁵ Each practice can reduce nutrient runoff affecting downstream water quality by increasing soil retention of nutrients and reducing erosion of nutrient-rich soil. Other potential mitigations include supporting the "Wallkill Watershed Farm Runoff Control Project," which would implement Best Management Practices (BMPs) at seven Wallkill River Watershed farms, reducing sources of nutrients upstream of the project.²⁶

Flow Impacts and Mitigation for Flow Impacts

Since at least June 2016, Riverkeeper has been aware of, and raised concerns about, unnatural fluctuations in the flow of the Wallkill River as measured at the U.S. Geological Survey (USGS) stream gage at Gardiner. These flow fluctuations are particularly apparent during low-flow conditions, and are presumed to have significant impact on aquatic life in the river. While we have not independently analyzed the data gathered by the applicant relevant to flow, we believe that U.S. Fish and Wildlife Service and DEC have sufficient evidence to

²⁴ Walden Falls DLA.

²⁵ Orange County Soil and Water Conservation District, Pers. Comm., April 21, 2020

²⁶ Orange County Soil and Water Conservation District, application for Round 25 Agricultural Non-Point Source Pollution Abatement and Control, 2019



understand the project's contribution to these flow fluctuations, and we believe that the applicant should be required to eliminate the project's contributions to these flow fluctuations.

Recreational Impacts and Mitigations for Recreational Impacts

In 2018, Orange County Water Authority, funded by the Hudson River Valley Greenway Conservancy's Hudson River Valley Trail Program, began developing a Wallkill River water trail.²⁷ The project has included mapping of existing²⁸ and potential²⁹ boating access sites, including sites in and near the project. The trail will promote through-paddling of the Wallkill River, linking existing and new public access points for recreational non-motorized boating. The Walden Falls project represents an obstacle and a hazard for paddlers. The applicant has not identified any recreational mitigation. We believe that the applicant should be required to provide a portage route, improve signage consistent with the Wallkill River Water Trail at access sites in and near the project area, and make other access improvements in consultation with the Orange County Water Authority to promote use of the Wallkill River water trail. These access improvements should be made consistent with goals of the Hudson River Estuary Action Agenda to "expand the use of the principles of universal design so that people of all abilities are better able to use river access sites."³⁰

Fisheries Impacts and Mitigations for Fisheries Impacts

American eel were once abundant in the Wallkill River, and the river was once noted for its diversity of freshwater mussels. Dams, including the dam for the project, have greatly reduced populations. The applicant has proposed insufficient mitigation for its impact on fish and aquatic resources. The mitigation should include protections for adult eels migrating downstream, and fish passage for eels migrating upstream, as well as a mussel protection plan.

Conclusion

Riverkeeper urges FERC to recognize the Walden dam's significant ongoing impact to water quality and ensure proper mitigation measures are included within the DLA. To supplement FERC's efforts in developing these measures, Riverkeeper has entered settlement negotiations

²⁷ Wallkill River Water Trail, "Paddle the Wallkill," <https://paddlethewallkill.org/>

²⁸ Orange County Department of Planning, "Wallkill River Access Points," http://waterauthority.orangecountygov.com/PROJECTS/WALLKILL_RIVER/WallkillRiver_PublicAccessPoints.pdf

²⁹ Orange County Department of Planning, "Wallkill River Water Trail: Public Lands Adjacent to the Wallkill River," http://waterauthority.orangecountygov.com/PROJECTS/WALLKILL_RIVER/WRWT_PublicLands.pdf

³⁰ NYS DEC, "Hudson River Estuary Action Agenda, 2015-2020," https://www.dec.ny.gov/docs/remediation_hudson_pdf/dhreaa15.pdf



with the applicant, and will pursue addressing these recommended mitigations through that negotiation. Riverkeeper appreciates the opportunity to review and comment on the Walden Hydroelectric Project DLA. If you have questions, please contact Jennifer Epstein at jepstein@riverkeeper.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jepstein".

Jennifer Epstein
Riverkeeper Water Quality Program Scientist

A handwritten signature in black ink, appearing to read "Kyle Sitzman".

Kyle Sitzman
Walkkill River Watershed Alliance Chair of the Board of
Directors

C. DeGroot Board Meeting

Activities April 18, 2020 – May 14, 2020

- We have currently earned \$392 cash awards with the new credit cards.
- Typed last month's Board Meeting transcript. Discussed a free online transcript service with the District Manager of Hamilton County SWCD.
- I am working on an Annual Report that highlights some of the projects completed by the District in 2019.
- Sent required paperwork to the County for hiring R. O'Dell. Requested and received a new credit card for him.
- Finished up with the 2019 audit paperwork and we are now waiting for hard copies of the audit to be sent to us. They emailed me a copy.
- Searched around to find a notary for the NYS Retirement paperwork. The M&T Bank Manager (the bank next to our office) said he would do it for us if we call ahead.

Monthly Activities for Travis Ferry

- Coordinated no-till equipment moves with Ron, no-till rentals are picking up.
 - One seeder and both corn planters are out.
 - Fertilizer augers appear to be worn down and are not putting out the rate of fertilizer they are set for. Currently recommending users set the rate higher than they would like it to be at. Looking at replacing augers.
- AEM visits to several farms for the Round 16 implementation projects and Carbon farming project.
 - Worked on AEM plan for multiple farms.
- Generated Carbon Farming Contracts between the farmer and the District, mailed out. None have come back yet.
- Straightened tree tubes at Gold Minds, Monhagen Brook trees for tribs site. A lot more tubes to be straightened there.

May, 2020 Board Meeting Report

Old Business

- a) Wallkill Flood Control Projects Update - Bench Phase 3 request for contractor proposals due Friday, May 15. Results to be discussed. Soil utilization plan requires new permits from Town of Wawayanda. Floodplain Development Permit application submitted to Wawayanda on 5/12. Waiting on B&L to submit revisions to SWPPP in conjunction with FPDP application.

Nothing new to report on Celery Ledge project.

CRF 5 results still not officially available (funding for Bench Phase 4).

Sent update to Flood Committee, invited new Planning Commissioner to participate.

- b) Tire Project Update - Nothing new from last month
- c) SAM grant for Bench Phase 3 – no word on when we will see a contract. This could potentially delay hiring contractor this summer.
- d) NYS Retirement - New offer letter received. Requires Board action. See proposed resolution and affidavit.
- e) Carbon Farming Project – Contract cleared all relevant State agencies, but execution is on hold. Ferry had field meeting with Southway to progress planning of their project. Sumner is working on engineer proposals for Southway's compost facility design. Landowner-District contracts are being pursued. Design for Stewart's aerated static pile composting project has been prepared, and landowner is ready to implement, but we are delaying issuing approval to begin due to funding delays.
- f) New Hire Update - New hire is in place. County OK'd provisional hire. Approved by email/phone by SWCD Board. Ron O'Dell was hired and has been moving equipment and performing other tasks from list provided to him.
- g) AGNPS Round 26 Proposal Update - The due date for AgNPS Round 26 proposals was extended from 5/18 to June 15. We put the proposal on the back burner until closer to due date. It is close to complete.
- h) Board Appointments

There has been correspondence and discussion regarding the Farm Bureau-nominated seat on the SWCD Board. The SWCD Board has expressed its desire to retain John Wright in that seat to both the County and the County FB Board. As of the writing of this report, we are not aware of any official action on the part of the County with regard to this seat.

Director Keeton has officially submitted his resignation, effective May 31. Keeton's exemplary service on the Board has been recognized via the office's Facebook page, with the same write-up submitted to local media outlets. A 'thank you' package of gifts assembled via a group effort of staff and directors has been prepared for Keeton, who is moving to Maine. Keeton held the 'at large' seat on the Board.

Ruszkiewicz has been working on a new County Legislator to replace Kulisek. Paul indicates that the County desires to address all needed appointments to the SWCD Board at the same time.

These matters require additional discussion and action from the Board.

- i) Office Procedures – The office continues to keep the doors locked, but has been able to operate with staff working from the office. The space available for four staff (3 SWCD and 1 NRCS) is large enough to allow for meeting social distancing guidelines. NRCS is aware of the current office operating plan. Many times, one or more staff is out of the office, either on official leave or doing fieldwork, further reducing social distancing concerns.

Funding delays are emerging as a major concern. We have been notified by the County Budget office that the County is "looking at cuts throughout our departments of 15%". This amounts to \$36,449 for us, based on our approved County appropriation amount of \$242,991. Our second quarter appropriation payment, received last year in early April, has not been received. When questioned about this, the County Budget department issued the following reply, "For the moment the second quarter is on hold and we will reevaluate in early June and I will update you." From what we are hearing, payments on NYS contracts are largely on hold as well. Given these uncertainties, a discussion with the Board regarding how to approach near-term budgeting and spending is requested at the May meeting.

- j) Year 16 AEM – Contract received, Claim for Payment of 25% submitted. SWCD-Landowner contracts being pursued with three Moodna Watershed farms receiving implementation funding. Timing of advance payment is unknown. Ferry met with Windfall to progress planning. Sumner is working on Windfall stream crossing design and seeking engineer proposals for compost facility design (Windfall and Southway[CFP]). Edgwick has requested that their project be put on hold due to economic concerns resulting from coronavirus situation.

New Business

- a)

KS Staff Report – As usual, most of my time was spent on the items described under Old Business. I'll note these other few items:

Received a call from Dan Shapley at Riverkeeper. They are involved in review of permit renewal for Walden Hydro plant. It appears that applicant will be required to mitigate some unavoidable impacts to the Wallkill. He thought of us, and RK has formally promoted that OCSWCD be recipient of recurring mitigation funding. We discussed logical framework for use of the funding, I suggested a focus on agronomic practices (cover crop, conservation tillage). This might afford us the ability to cost-share these low cost/high benefit practices without a long lead time for farms requesting assistance. The amount is not clear, Dan suggests it will probably be modest. But if this becomes a model for other permit renewals/mitigation options, it could be a significant conservation practice support mechanism going forward. RK also mentions possible financial support of BMP construction projects in the Watershed. See relevant letter in correspondence.

I contacted stakeholders regarding a serious streambank erosion issue on the Moodna Creek just downstream of Route 32 in Cornwall. This site has been eroding into the Creek for many years, but became significantly worse after 2011. There seems to be a good level of local interest in renewing efforts to address the issue. Timing is not great in terms of seeking funding, but I am trying to encourage planning/conceptual design work at minimal cost to prepare for seeking funding when opportunity presents itself. There is a County road at the top of eroding bank. Seeking active involvement of the County is, therefore, one of the early planning goals.

Continuing to do weekly SWPPP inspections on the Bench P3 site, at least until the site is fully vegetated/stabilized after the disturbance that resulted from the March tree clearing operations. There are no concerning erosion or sedimentation issues at the site.

I spent some more time this past month on close-out of three grant contracts that expired at the end of 2019. The coronavirus situation is slowing these efforts as it is many other functions.

I spent some time developing mapping and landowner/parcel spreadsheet for the proposed P4 Bench project. I also roughly over-laid the federal flood control project easements with the preliminary P4 bench footprint. I want to discuss with the Board options for how we approach the easement issues that will associated with this project.

I have been unable to connect with the P3 Bench landowner Brozdowski after two letters and a phone message left on their machine. Board input on how to proceed is requested.

There was another issue with the Bench P2N easement. I staked the easement limit a few weeks ago to protect the bench plantings and the catch basin/culverts installed to drain the edge of the adjacent farm field. Workers from the renter of the adjacent field disked over the stakes – burying the catch basin inlet. We experienced similar abuses of the easement last year and I spoke with both the landowner and the renter at that time. This year I only spoke with the landowner who then spoke to the renter. On a

related issue, I would like to pay a sign company to make easement marker signs to reduce the chance of similar abuses on this and other bench easement locations, but also have concerns about any discretionary spending at this time.

I was contacted by an organization named OneTreePlanted. They are seeking partnerships to organize volunteer tree planting functions. They also indicate they have potential funding for tree purchases. I replied with descriptions of projects for which we could use funding assistance. It turns out they fund seedling purchases at \$.75 per seedling, not larger planting stock. This is of limited usefulness since the cost of the seedlings is generally a minor portion of the full costs of an effective seedling planting project.



Received Date

Please type or print clearly
in blue or black ink

Employer
Location Code

Affidavit of Chief Fiscal Officer of _____ pursuant to Section 430
of the Retirement and Social Security Law.

STATE OF NEW YORK,)
) SS:
COUNTY OF _____)

I, _____ being duly sworn, deposes and says:

1. That (s)he is the chief fiscal officer of the Orange County Soil and Water Conservation District.
2. That the regular fiscal year of said employer begins on _____ and ends on _____.
3. That the governing body of said participating employer has elected to make the following retirement benefit(s) available to its employees: **Participation in the NYS & Local Employees' Retirement System.**
4. That (s)he has been advised by the Retirement System that the estimated annual cost to the System of all obligations created by such benefit(s) is \$ 20,198.
5. That said sum has been appropriated in the budget for said fiscal year, and is available for such payment.
6. That payment of said sum will be made to the Retirement System during said fiscal year.

Signature of Chief Fiscal Officer _____

ACKNOWLEDGEMENT TO BE COMPLETED BY A NOTARY PUBLIC

State of _____ County of _____ On the _____ day of _____ in the

year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC (Please sign and affix stamp)





ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT

225 Dolson Avenue, Suite 103, Middletown, NY 10940

PHONE: (845) 343-1873

kevin.sumner@ocsoil.org

Keeton to Retire From Soil and Water Board

After fifteen years of service, Gary Keeton is retiring from the Orange County Soil and Water Conservation District Board of Directors, effective May 31st, 2020.

Gary's varied and often fascinating careers and life experiences served not only to provide endless entertainment to staff and other directors, but contributed greatly to sound decision-making of the Board.



His careers and interests have included crop farming in the mid-west, managing thoroughbred horse farms, conducting biological research and becoming a respected local expert in archeology. Perhaps the greatest positive impact Gary has had on the world has been as a result of his immeasurable contribution to conservation education efforts. These efforts have taken place on behalf of various groups and agencies, and simply as a result of Gary's individual commitment to the cause. The number of children (not to mention

adults) who have been enthralled by his encyclopedic knowledge of wildlife and natural history is probably impossible to calculate. In his role as a presenter at the Conservation District's annual Conservation Field Days for 6th graders alone, we estimate that over 5,000 students were the beneficiaries of his humble yet sophisticated presentation style that imparted a uniquely engaging understanding of our natural world. Who knows how many of these students' lives and career choices were influenced in part by the joy and passion he exhibited in these presentations.

His stories ranged from all-night boating expeditions on the Hudson studying creatures of all shapes and sizes, to forays into local secluded mountain locations to capture rattlers in burlap sacks for research purposes, to spotting Mastodon tusks while floating down the Wallkill. He and his wife once rode horses from Maryland to New York. His telling of how his son's slim girlfriend and science partner was lowered into a cave upside down through an opening that practically

BOARD OF DIRECTORS

Gary Keeton
360 County Route 48, Apt. A
Thompson Ridge, NY 10985

Paul Ruskiewicz
255 Main Street
Goshen, NY 10924

Paula DeBlock
133 Whitford Road
Westtown, NY 10998

John Wright
329 Kings Hwy.
Warwick, NY 10990

James Kulisek
26 Memorial Drive
Newburgh, NY 12550

required her to grease her shoulders was enough to make your knees weak. Want to know the history of the Basha Kill wetlands, including its former use as a rich agricultural area? Set aside a good amount of time for Gary to fill you in.

In addition to fulfilling his basic role of attending monthly Board meetings, Gary was always willing to pitch in when called upon. He commonly accompanied staff on Wallkill River inspections to maintain the functioning of the 1980's Army Corps flood control project. When an archeological study was needed in advance of 2016 Black Dirt flood mitigation work, Gary met our consultant in the field to help facilitate completion of the study so as to not delay the project. He often showed up at riparian restoration projects, rain garden plantings, and stream clean-ups, sometimes to set up an educational station but more often just to pitch in and be part of the solution.

Gary and his wife Sue will be retiring to an old farmhouse in Maine. It will without a doubt be Maine's gain and New York's loss. We wish him all the best and thank him for his years of service to science, conservation and the mission of the Conservation District. Some of us will think of him often and with great envy – far from tail-gaters, big box stores and McMansions.

