

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3**

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Alexander B. Grannis
Commissioner

March 9, 2009

Janet Anderson
Three Lakes Council, Inc
5 Orchard Drive
South Salem, NY 10590

Re: Lake Waccabuc Brazilian Elodea removal
DEC Application # : 3-5530-00175/00001
Town of Lewisboro, Westchester County
Determination of Jurisdiction

Dear Ms. Anderson:

The Department of Environmental Conservation (DEC) has reviewed the above referenced proposal, received December 22, 2008, to remove the invasive species Brazilian Elodea, *Egeria densa*, from a cove on the north side of Lake Waccabuc, NYS Waters Index # H-31-P 44-35-P 109-6-P 117, Class A. Based on the information in the submitted, DEC has determined the following jurisdiction under the Environmental Conservation Law (ECL):

Article 24, Freshwater Wetlands

This site is not within a wetland regulated by New York State under Article 24. Although NYS wetland L-13, Class 2, extends onto the eastern fringe of the lake, this site is over 2000 feet from the mapped wetland and is fully separate from it. Therefore no permit is needed pursuant to Article 24.

Article 15, Use and Protection of Waters

Under Article 15, an in-stream pond or lake of Class A or B or designated for trout is a protected stream only if it is less than 10 acres in size. Lake Waccabuc is a navigable waterbody but under Article 15, only excavation or fill is regulated in navigable waters. As Lake Waccabuc is not less than ten acres size nor is a significant amount of sediment proposed for removal, no permit is needed pursuant to Article 15.

Article 11, Threatened and Endangered Species

And according to the DEC's Master Habitat Database, there are no Threatened or Endangered species in Lake Waccabuc, therefore no permit is necessary pursuant to Article 11.

This determination is predicated on no deviation from the referenced plans. In addition, the following procedures must be observed:

1. This determination applies only to manual disturbance of sediment by divers and removal by suction harvesting. The operator must make every effort to insure a minimal amount of

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sediment is removed with the vegetation. Any substantial removal of sediment would constitute a violation of the ECL.

2. The suction nozzle must not be used to directly remove vegetation from the bottom sediments or to remove bottom sediments, stones, shells or woody debris. The nozzle head position must have adequate separation distance from the waterbody bottom to prevent direct suction of sediments and to minimize the entrainment of suspended solids resulting from vegetation removal.
3. The dispersion of turbidity must be minimized. No visible contrast in turbidity is allowed outside of the immediate work area including the plant pulling area and the suction discharge location. Turbidity curtains or siltation curtains should be utilized to isolate areas from the rest of the waterbody.
4. Dispersion of vegetation fragments must be avoided to prevent the spread of vegetation to other areas of the waterbody. If any fragments do occur in the open water, every effort should be made to remove them prior to the relocation of the turbidity curtains.
5. Any dewatering shall be performed so as to minimize siltation and turbidity. All material must be surrounded by a silt fence or hay bale barrier during dewatering to prevent erosion.
6. All vegetation removed shall be immediately and completely removed from the waterbody and its bed and banks, and placed in an appropriate upland area for disposal.
7. According to the information provided, the disposal site for the vegetation has not yet been determined. All areas of vegetative composting must be located more than 100-feet from any water body, stream, or wetland and must be effectively stabilized so that it cannot re-enter any water body, stream, or wetland area.
8. You are responsible for ensuring that work does not pollute any stream or waterbody. All necessary precautions must be taken to prevent contamination of the waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project. Enforcement can be taken against you and your operators if there is a contravention of water quality standards.
9. **Equipment must be cleaned before leaving the project site to prevent the spread of invasive (non-native) species into uncontaminated aquatic locations.**

This jurisdictional determination is valid for two years from the date of this letter. If you have any questions, please feel free to contact me at (845) 256-3014.

Sincerely yours,



Rebecca Crist
Environmental Analyst

Cc: Town of Lewisboro Supervisor
Jack Isaacs, DEC Bureau of Habitat