

CHAPTER FOUR--CONSTRUCTION OF THE NEW GATES AND OPERATION CONTROLS

orig
6/87
DRAFT

Supervisor or Mayor

Re: Keuka Outlet Control Structure

Dear :

We appreciate your interest in the proposed Keuka Outlet Control Structure which was described by Ed Gustek of the U. S. Army Corps of Engineers at the meeting in Penn Yan on June 29. Ed indicated that prior to the Corps going the next step with the project they needed a letter of intent from the Department of Environmental Conservation. That letter which has been provided many times in the past for other projects is a statement of continued interest by the Department in development of the project.

Project development takes so long and circumstances and community policies change over time. Therefore staff in the Department's Flood Protection Bureau like to go back to the municipalities involved at this stage of development and confirm continuing interest in the project. It would not be prudent to expend additional funds on construction drawings and specifications if interest did not exist.

The resolutions that Allan Buddle discussed at the meeting will provide sufficient evidence of interest by the municipalities and do not obligate the municipalities in any way. Formation of a compact of municipalities will be the next step if there is sufficient interest in proceeding. The compact alone will not obligate the municipalities either. It will establish the formula and structure for sharing the proportion of the cost of development operation and maintenance that will be the responsibility of the municipalities.

The municipalities will become obligated at the time that a contract agreement is signed by the Department and all parties of the compact. This is still at least two years in the future.

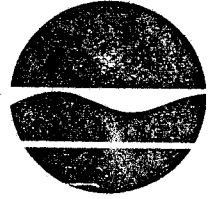
We hope this provides sufficient additional information to allow the leaders of your municipalities to reach a conclusion regarding continuing interest in the Keuka Lake Outlet Control Structure.

Sincerely,

Richard Konsella

cc: Allan Buddle
Ed Gustek
bc: John Andrews

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Thomas C. Jorling
Commissioner

07/19

JUL 19 1989

Mr. Bill Weber
Town of Pulteney
Box A
Pulteney, New York 14874

Re: Aid to Localities
Keuka Lake Outlet Control Structure
Yates County

Dear Mr. Weber:

The Legislature has enacted "Aid to Localities" for the Keuka Lake Outlet Control Structure in the amount of \$67,000 as defined in Chapter 53, Section 1 of the Laws of 1989. This Agency has been instructed to coordinate disbursement of the aid to you.

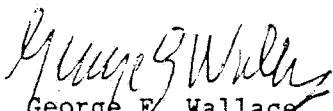
In order to begin the program review and payment process, please complete a Program Narrative and a Program Budget in accordance with the enclosed outline. Submit an original and four (4) copies of the completed documents to my attention:

George E. Wallace, Director
Bureau of Construction Grants Administration
NYS Department of Environmental Conservation
Room 432
50 Wolf Road
Albany, New York 12233-3750

Upon receipt of your submission, my staff will review it and, if found acceptable, will incorporate it into a local assistance contract which will be returned to you for signing.

If you have any questions, please call Mr. Philip M. Gallagher at (518) 457-3859.

Sincerely,


George E. Wallace
Director

Bureau of Construction Grants Administration

Enclosure

cc: Dennis Tamburrelli, Senate Finance Committee

1977-1978 Regular Sessions

SENATE-ASSEMBLY

March 21, 1977

 Compliments of
JAMES L. EMERY
 ASSISTANT MINORITY LEADER OF THE ASSEMBLY

IN SENATE—Introduced by Sen. WARDER—read twice and ordered printed, and when printed to be committed to the Committee on Conservation and Recreation

IN ASSEMBLY—Introduced by M. of A. LEE—read once and referred to the Committee on Environmental Conservation

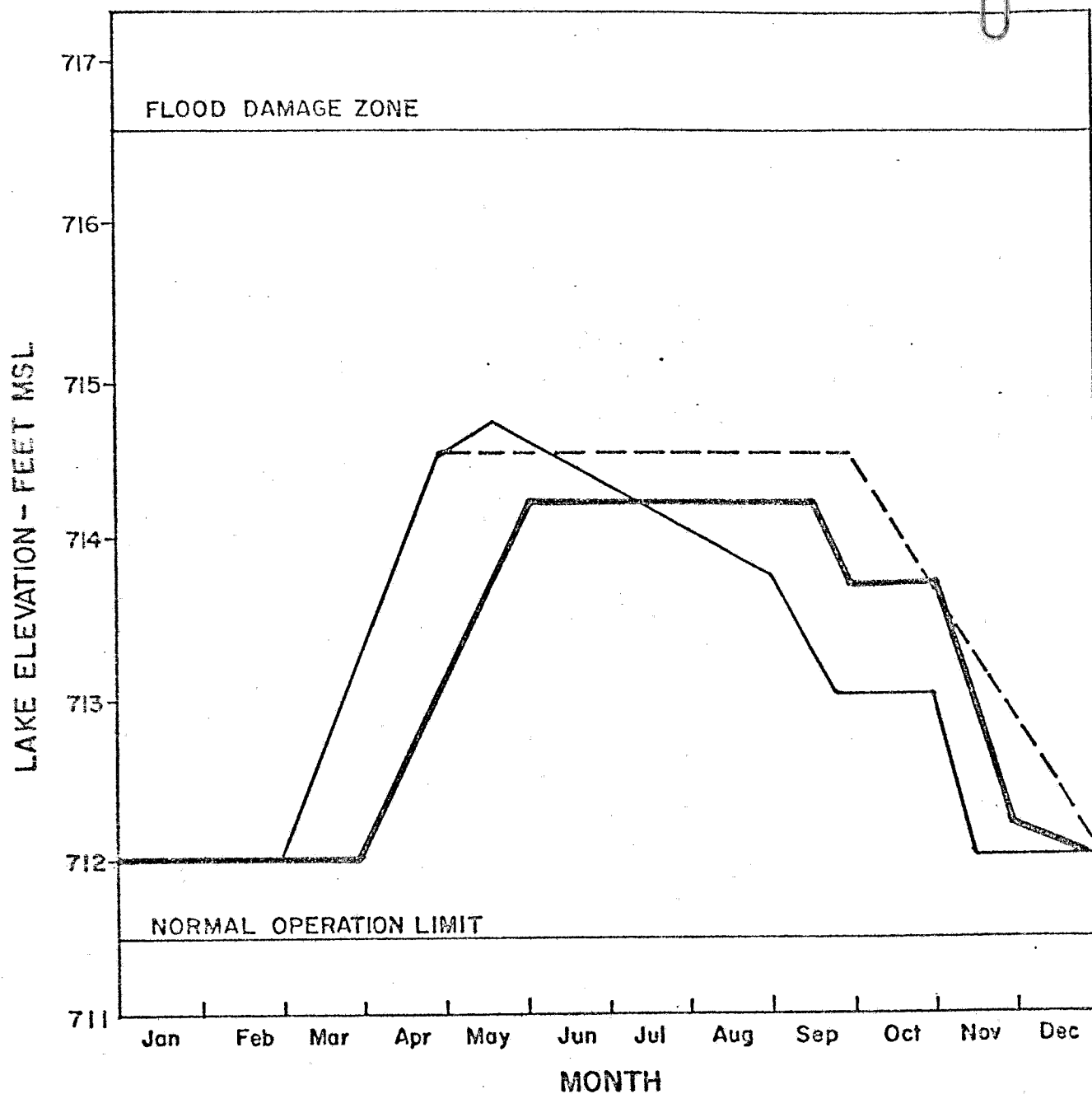
AN ACT to amend the environmental conservation law, in relation to regulation of lake, river and stream levels of the Oswego river basin, and making appropriations therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The legislature hereby finds and declares that variations in the
- 2 water surface elevations of the lakes, rivers and streams within the greater
- 3 Oswego river basin can cause adverse effects on the health, safety, welfare and
- 4 property of the people of the state, within the boundaries of the basin, including
- 5 potential loss of life, damage to public and private property, disruption of
- 6 commerce, transportation, communication and government services, and
- 7 undesirable environmental conditions. The regulation of lake and stream levels
- 8 with due consideration to the desires of the people within the regulated area and
- 9 those downstream from same is a matter of state concern as such coordinated
- 10 regulation can eliminate or alleviate the disastrous effect of flash and other
- 11 types of flooding on public and private property. In the matter of lakes which
- 12 receive chlorinated effluent from sewage disposal plants and serve as sources of
- 13 public water supplies are of constant concern to the state as such conditions can
- 14 generate carcinogens (cancer producing chemical compounds) which are a most
- 15 serious menace to public health and must always be under the surveillance of
- 16 competent authority.
- 17 A Finger Lakes regulatory board should be established to regulate levels of
- 18 the lakes by manipulating water control structures so as to control or alleviate
- 19 the ravages of floods, and to promote the recreational use of same and to
- 20 maintain water quality in critical areas by having the appropriate agency of
- 21 state government perform all technical analyses in the general public interest
- 22 and recommend standards.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is old law to be omitted.

EX-9



- Old Rule Curve
- - - Proposed By Interboard Committee
- 1980 Rule Curve

EXHIBIT 7

Village of Penn Yan, New York
KEUKA LAKE OUTLET HYDROELECTRIC PROJECT

KEUKA LAKE REGULATION POLICIES



CHAPTER FOUR

CONSTRUCTION OF THE NEW GATES AND OPERATION CONTROLS

PROJECT HISTORY 1972-1994

CONTROL MANUALS

GATE CONSTRUCTION DETAILS

GATE DEDICATION CEREMONY MAY 21, 1994

THE READER IS DIRECTED TO THE MAIN FILE ARCHIVED IN THE VILLAGE OF PENN YAN
MUNICIPAL OFFICES AND THE GATE MANAGER

Ex-6

AGREEMENT BETWEEN
THE STATE OF NEW YORK
AND THE
TOWNS OF BARRINGTON, JERUSALEM, MILO, PULTNEY,
URBANA AND WAYNE
AND THE
VILLAGES OF HAMMONDSPORT AND PENN YAN
FOR LOCAL COOPERATION FOR
THE KEUKA LAKE OUTLET STRUCTURE
AT PENN YAN, NEW YORK

This Agreement entered into this _____ day of _____, 198
by and between the State of New York (hereinafter referred to as the
"STATE"), represented by and through the Commissioner of Environmental
Conservation and the Towns of Barrington, Jerusalem, Milo, Pultney,
Urbana and Wayne and the Villages of Hammondsport and Penn Yan, within
Steuben and Yates Counties, and which form and shall act through Keuka
Lake Compact (hereinafter referred to as the "MUNICIPALITY") with
offices at _____, New York,

WITNESSETH THAT

WHEREAS construction of the Keuka Lake Outlet Control Structure
at Penn Yan, New York (hereinafter referred to as the "PROJECT") was
approved by the Chief of Engineers under authority of Section 205 of
the 1948 Flood Control Act as amended, and is contingent upon the
execution of a formal agreement for local cooperation between the
STATE and the United States of America, acting through the Department
of the Army (hereinafter referred to as the "GOVERNMENT") acting
through the Buffalo District Commander; and

WHEREAS, the STATE hereby expresses its intent to enter into a
formal agreement of local cooperation with the GOVERNMENT in order to

Detailed Project Report And Environmental Assessment

Keuka Lake Outlet

COPY

MAY 21 1987

Penn Yan, New York

Section 205 Of The 1948
Flood Control Act As Amended

Main Report

EX-1



**US Army Corps
of Engineers**

Buffalo District

MAY 1987



DEPARTMENT OF THE ARMY
 BUFFALO DISTRICT, CORPS OF ENGINEERS
 1776 NIAGARA STREET
 BUFFALO, NEW YORK 14207

519

NCBED-PS

25 June 1979

DON A. SMITH EXECUTIVE DIRECTOR
 KEUKA LAKE ASSOCIATION
 1186 E BLUFF DRIVE
 BLUFF POINT NY
 14417

033K0006

This is to inform you that a preliminary study of the Oswego River Watershed has been completed by the Buffalo District. The results of the preliminary study are contained in the Executive Summary and described in more detail in the Preliminary Feasibility Report (PFR) for the Oswego River Watershed, Central New York State.

Target is 10/1/83
 The PFR recommended detailed study be undertaken to improve existing water management plans. It is anticipated that this detailed study will take approximately four years to complete with expected future funding. During that time, development of detailed plans will be based on the plans identified for further study in the PFR.

Enclosed for your information and comment is a copy of the Executive Summary which summarizes the information contained in the PFR. Any pertinent information or specific comments you may have at this time would be appreciated.

If you should desire more specific information regarding this study, copies of the PFR have been distributed to local libraries throughout the watershed. A listing of libraries that have copies of the PFR or other information regarding the study can be obtained by contacting Mr. John Koller, Special Studies Section at (716) 876-5454 Ext. 2262. Also, if for some reason you no longer wish to remain on our mailing list, please contact the above and your name will be removed from further mailings.

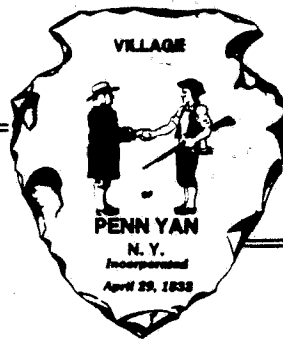
Sincerely yours,

Donald M. Lidell

DONALD M. LIDDELL
 Chief, Engineering Division

1 Incl
 as stated

*change address to
 Smith A
 Pharmacian
 10 6th E. Lehigh
 Dundee N.Y
 14837
 a.d.l.
 317 Clinton
 maybe
 Mrs A. W. G.
 148 5854
 Consulting Eng.
 14830
 John E. Kelly
 111 2nd St
 14830*



COPY

4 August 1989

To: Keuka Lake Channel Perimeter Committee
Anne Parker - Congressman Amo Houghton
Dan Farand - State Senator J. R. Kuhl
Walt Scott - Keuka Lake Association
John Andrews - Keuka Lake Association

cc: NYS DEC

Subject: Minutes of 21 June 1989 meeting in Penn Yan and update of Gate Project

The meeting was called to order by Mayor Hull at 7:30 p.m. who in turn asked Supervisor Weber to bring the group up to date on the project as follows:

- Senator Kuhl's \$67,000.00 "member item" in the 1989/90 State Budget to pay for the originally estimated non-Federal share of the Gate Project; total cost estimated to be \$267,000.00 a few years ago.
- NYS DEC's request to have a Compact in hand by 1 October 1989. This compact must be agreed to by all six towns and two villages of the Keuka Lake Channel Perimeter Committee. The DEC draft Compact has been distributed to all members for the 21 June meeting and represents an agreement as to how to spend money and in what percentages should the project proceed. It is not a contract binding the municipalities to spend money on the project should the \$67,000.00 be insufficient to meet the non-Federal portion of the project cost.
- This draft compact may need modification and an addendum to these minutes describes some of the changes requested by the Committee at the 21 June meeting. These requested changes are being sent to Allan Buddle, DEC, Elmira, for transmission to DEC, Albany.
- Mayor Hull's question as to compensation to the Village of Penn Yan for property and easements has been answered by DEC: There is to be no compensation. In a conversation with the Mayor, he indicated to me that Penn Yan might well be able to trade the value of the property for its percentage of additional costs downward from 17% (see enclosed sheet on 1957 percentages).

Action Plan

1. Questions on wording of Compact sent to DEC for comment - Weber.
2. Up-to-date plans, specs and estimates of project - Buddle, DEC.
3. Meeting called to consider revised Compact, costs and time table. Weber to call meeting during month of September, if not sooner.

W. Weber
Acting Secretary

KEUKA LAKE OUTLET COMPACT

Five Maiden Lane
Penn Yan, New York 14527
315-536-3015

KEUKA LAKE

John Payne, Sr., Chairman
William Weber, Secretary
Joyce Benedict, Clerk/Treasurer
William Mayer, Esq., Counsel

Edward J. Balsley, Manager
315-536-3374

SPRING 1997

Water Level Control for Keuka Lake

In November of 1994 the new flood control gates for Keuka Lake became operational.

These gates were the result of a project funded by the U.S. Army Corps of Engineers, the New York State D.E.C. and the Keuka Lake Outlet Compact.

The Keuka Lake Outlet Compact is the municipal corporation formed in 1990 as a successor to the Keuka Lake Perimeter Committee which came about in 1957 after the 1956 flood. The Compact's Commissioners are the Chief Executive Officers of the eight municipalities of Keuka Lake. The Compact owns and operates the gates via the Gate Manager who is the operations manager of the Penn Yan Municipal Utilities Board.

The new gates enable the Gate Manager to release as much as 1300 cubic feet of water per second from Keuka Lake, which translates to nearly two inches of level per day when there is no inflow to the Lake.

The Lake level is determined by the modified rule curve attached. This curve is nearly identical to the one used from 1957, but has a peak for the summer set at 714.5' rather than 714.7'.

The Gate Manager selects gate settings which will produce the correct level for the curve at the particular time of the year.

Factors governing the matching of gate settings and the curve are:

- 1) 712' is set as the winter low in order to compromise the need for spring time fill up capacity and prevention of water intake line freeze-ups.
- 2) The summer high of 714.5' comes about as a result of snow melt and rainfall occurring in the spring of each year. The Gate Manager makes a judgement call on gate settings as the snow melt occurs. If the drainage basin has measurable snow on the ground on March 1st, the gates will be opened to attempt to match the Lake level with the curve. Should there be no snow on the ground (as in 1997), the Lake will be allowed to rise to 714.5' anytime after March 1st and then kept at that level until the end of June when the slow drift down to 714' occurs on September 1st.

KEUKA LAKE OUTLET COMPACT

Five Maiden Lane
Penn Yan, New York 14527
315-536-3015



KEUKA LAKE

John Andersen, Chairman
William Weber, Secretary
Dwight Rogers, Treasurer
William Mayer, Esq., Counsel

Edward J. Balsley, Manager
315-536-3374

DISCUSSION OF KEUKA LAKE WATER LEVEL CONTROL

The Keuka Lake Outlet Compact is an Intermunicipal Agency comprized of the Keuka Lake municipalities; it owns and operates the gates in Penn Yan according to the enclosed Water Control Plan issued by The US ARMY CORPS of ENGINEERS and the Keuka Lake Level Guide. In 1999 the KLOC Commissioners authorized the Gate Manager to operate the gates in such a fashion as to meet the criteria set forth in the 3-27-00 graph enclosed and reported in the CHRONICLE EXPRESS on a weekly basis.

Also enclosed are exerpts from the Pulteney LAND USE AND ZONING REGULATIONS AS Local Law no.1, 1996. The accepted definitions are taken from the references cited in this local law.

I would like to point out that mean low and high water marks are moving targets in that they are the results of calculations based on actual Keuka Lake high and low water measurements over a given period of time. However, the Low Water mark is an absolute measurement based on the elevation of the Andrews Gates sill, which was developed on 1963 at the time NYSEG turned the ownership of the gates to the Village of Penn Yan. The gates became the property of KLOC in 1990. The LOW WATER MARK for Keuka Lake is 709.1 feet above mean sea level. The most recent data suggest that the mean low water level is 712 feet above mean sea level and the mean high is 715.15 feet.

It is interesting to note that on a 10% sloped beach/shore the shoreline difference from the Lake's edge would be about 30 feet between the 712 mark and the absolute low of 709.1.

As the question was posed to me about structures in the waters of Keuka Lake and the relationship of Lake Levels, I would refer the reader to the MOORING LAW of the Town of Jerusalem and to other published laws and documents relating to Riparian Law and the rights of Upland Owners on NYS waters West of the Pre-Emption Line created by the Treaty of Hartford in 1787.

William A. Weber, Secty
3 July 2000



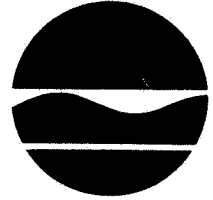


DRAFT COPY

**KEUKA LAKE OUTLET GATE
OPERATION MANUAL**

KEUKA LAKE OUTLET GATE COMPACT

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Thomas C. Jorling
Commissioner

AUG 3 1 1989

Mr. Bill Weber
Village of Penn Yan, Inc.
P. O. Box 214
Pulteney, New York 14874

Re: Aid to Localities
Contract No. C890047
Keuka Lake Outlet Control Structure
Yates County

Dear Mr. Weber:

Enclosed is a copy of the proposed contract between the New York State Department of Environmental Conservation and the Village of Penn Yan, Inc. for the Keuka Lake Outlet Control Structure. The contract covers the period April 1, 1989 through March 31, 1991, with the second year conditioned upon the funds being reappropriated in the 1990/91 Budget. Please note that securing the reappropriations is not a NYSDEC responsibility. The contract requires the notarized signature of the authorized representative and a certified resolution authorizing execution of this contract.

Please return the original signed and notarized document and the accompanying resolution within thirty (30) days of receipt of this letter to:

Mr. Philip M. Gallagher, Chief
Programs Accounting and Administration Section
Bureau of Construction Grants Administration
Division of Construction Management
N.Y.S. Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-3750

The contract will then be executed by representatives of the Commissioner of Environmental Conservation, the State Attorney General and the State Comptroller. An executed and approved copy of this contract will be returned to you for your records.

We are also transmitting a copy of the Division of Construction Management's Administrative Guidelines and a New York State "State Aid Voucher". The guidelines explain the accounting and fiscal records which must be maintained for the project and submitted before final payment can be made. The voucher should be completed for 95% of the contract amount and returned with the signed contract so that initial payment may be made upon execution and approval of the agreement.

MAY 18 1994

Continuing Authorities and
Flood Plain Management Services Section

SUBJECT: Keuka Lake Outlet, Section 205 Flood Control Project,
Village of Pen Yan, New York

Mr. Frank Dwyer
Director, Flood Protection Bureau
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

Dear Mr. Dwyer:

Enclosed are two copies of the draft Operation and Maintenance Manual for your review for the subject project. Please note that the as built drawings and the regulation manual are not complete at this time. When these documents are complete they will be forwarded by separate correspondence.

A copy of this letter with one enclosure is being sent to Mr. Bill Weber, Secretary, Keuka Lake Compact.

My point of contact pertaining to this matter is Mr. Michael Smith of my Continuing Authorities and Flood Plain Management Services Section, who can be contacted at (716) 879-4144 or by writing to his attention at the above address.

Sincerely,

SIGNED

Jan M. Kozlowski
Major, U.S. Army
Acting District Commander

Enclosure