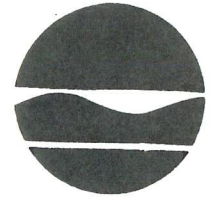



New York State Department of Environmental Conservation

Flood Control Field Office
180 Clemens Center Parkway
Elmira, New York 14901
Telephone: (607) 734-6289



Thomas C. Jorling
Commissioner

MEMORANDUM

TO: Richard Konsella
FROM: Allan Buddle AFB 
SUBJECT: Penn Yan Flood Protection Project
DATE: September 26, 1990

The inspection of the Penn Yan Project in June revealed a deposit of gravel in Keuka Outlet at the mouth of Kimball's Gully that must be removed. While in Penn Yan, we also discussed the desirability of a debris basin in Kimball's Gully someplace upstream from the mouth. The Outlet is a regulated wetland requiring both wetland and Article 15 permits.

This morning a meeting was held on site of the gravel removal project at the mouth of Kimball's Gully, to discuss permit conditions. There doesn't appear to be any problem, however, there will be an indication from both the Village and the Department that a debris basin is needed to reduce the need for dredging the wetland.

I have located a potential site for the debris basin and the property owner is willing to consider it, however, a site plan and preliminary design is needed before we proceed with the property owner.

There will be several tasks in this project and we need to determine, at this point, which of the tasks we can do and which will be the responsibility of the Perimeter Committee.

- o Composite property map
- o Site topography and improvements survey
- o Site plan
- o Proposed debris basin, plan profile and cross-sections
- o Estimate of quantities
- o Construction drawings and specifications
- o Contract documents for construction or for equipment rental and materials
- o Land acquisition and monumentation
- o Construction supervision
- o Debris basin maintenance

My feeling is that we can justify everything but maintenance being a State expense. This project is outside the scope of the typical R&I project, however it is a project improvement that will reduce the environmental impact of routine maintenance activities.

Please let me know how I should proceed.

Thanks.

AFB:jb

cc: Bill Weber

032890-1

OCT 25 1990

Continuing Authorities and
Flood Plain Management Services Section

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

Mr. James F. Kelley
Director, Flood Protection Bureau
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

Dear Mr. Kelley:

I am pleased to inform you that the addendum to the April 23, 1990 Section 205 form Local Cooperation Agreement (LCA) regarding the obligation of future appropriations has been approved by our higher headquarters in Washington, D.C. They are also processing the construction approval request and I expect approval before the end of 1990.

When we receive construction approval, the LCA with attached Certificate of Authority, Right-of-Entry, Attorney's Certificate as to Right-of-Entry, and Attorney's Certificate will be sent to you for execution, as well as, a request for the non-Federal cash contribution.

As you requested, I have enclosed an informational copy of the above documents.

You will note that the LCA requires that all lands, easements, rights-of-way, and relocations (LERR) necessary for construction and maintenance of the project be provided by the sponsor to the Federal Government prior to any solicitation of contractor proposals. Enclosed is a real estate drawing depicting the limits of the easements.

An information copy of this letter, without enclosures, is being sent to Mr. William Weber of the Keuka Lake Perimeter Committee.

Continuing Authorities and
Flood Plain Management Services Section
SUBJECT: Keuka Lake Outlet Section 205, Flood Control Project,
Village of Penn Yan, Yates County, New York

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,
FTS 292-4144, or by writing to his attention at the above
address.

Sincerely,

SIGNED

George B. Brooks, P.E.
Chief, Engineering & Planning Division

Enclosures

DRAFT FOR REVIEW ONLY

A G R E E M E N T B E T W E E N

THE STATE OF NEW YORK
AND THE
KEUKA LAKE COMPACT, COMPRISED OF THE
TOWNS OF BARRINGTON, JERUSALEM, MILO, PULTENEY,
URBANA AND WAYNE AND THE
VILLAGES OF HAMMONDSPORT AND PENN YAN

F O R L O C A L C O O P E R A T I O N
B E T W E E N T H E S T A T E A N D C O M P A C T
R E L A T I N G T O T H E O P E R A T I O N O F
T H E K E U K A L A K E O U T L E T S T R U C T U R E
A T P E N N Y A N , N E W Y O R K

This Agreement entered into this _____ day of _____, 199_ 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, Pulteney, Urbana and Wayne and the Villages of Hammondsport and Penn Yan, within Steuben and Yates Counties, which form and shall act as and through The Keuka Lake Compact (hereinafter referred to as the "MUNICIPALITY") with offices at 5 Maiden Lane, Penn Yan, New York,

W I T N E S S E T H T H A T

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 "UNITED STATES"), 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 UNITED STATES in order to cause initiation of construction of the PROJECT to be constructed in substantial accordance with the Detailed Project Report, dated October 1987 and approved by the Chief of Engineers on _____; and

WHEREAS, the STATE is authorized under Article 16 of the Environmental Conservation Law, as amended, to enter into such an agreement with the UNITED STATES; and

WHEREAS, the STATE is prepared to execute such an agreement once it received from the MUNICIPALITY a formal Agreement for Local Cooperation; and