



COMMENTS BY PROTECT ORANGE COUNTY

Submitted July 25, 2022

1. TOW-PB MUST EXTEND THE COMMENT PERIOD BY AT LEAST 60 DAYS

The proposed development area in general and specifically the Marangi waste-treatment facility lies in close proximity to critical environmental resources, including but not limited to critical federal and state wetlands, endangered species habitat, farmland, The Heritage Trail, existing flood plains, The Monhagen Creek, The Walkill River, archeological resources, historic sites, migratory bird habitats, aquatic resources, vegetation, and wildlife; along with several residential communities, environmental justice communities, and apartment complexes. Both because of the sensitivity of the environmental resources requiring in depth analysis and surveys, and the high population density in the Dolsontown corridor, a vast majority of whom are still unaware of this project, the comment period should be extended by at least 60 days to. This would give members of the public to comment on the many critical resources that may be impacted by these projects as well as on their own person impacts.

2. ALL POTENTIAL IMPACTED RESOURCES MUST BE GROUND-TRUTHED

The entire region around the proposed site has historically been identified as a Critical Environmental Area therefore, all of these resources must be reassessed using ground-truthed methodology. Desk-top analysis are inadequate given the dramatic impact this may have on including but not limited to ground and surface waters, endangered species habitat, and cultural resources. We further note that the photographs presented to show the lack of threatened or endangered vegetation such as the Whorled Pagonia were taken in the winter when the plants would not be visible. An evaluation must be done in the summer.

3. VISUAL IMPACT ANALYSIS TO HERITAGE TRAIL MUST BE MADE AVAILABLE TO PUBLIC.

The Heritage Trail is a county wide public resource enjoyed by residents throughout Orange County. The visual changes along the Heritage Trail must be widely disseminated county wide to the public. The visual analysis should include pre and post construction visuals along with all proposed mitigation plans. These visuals should be released to all media with reach in Orange County, including digital media. In addition project sponsor should conduct an analysis of noise, odor, and pollution along the Heritage Trail.

4. CUMULATIVE ANALYSIS MUST BE CONDUCTED

Project sponsors must conduct a cumulative analysis including all past present and projects in the foreseeable future including but not limited to the CPV Plant, Schoonmaker Plant, and the Revere Smelting plant. The Cumulative analysis should evaluate air quality, traffic, environmental resources (impacts the aquatic resources, surface and ground water, endangered species habitat, and wild life)

5. HEALTH IMPACT ANALYSIS

The Marangi project proposes the use of almost 500 trucks per a day which will have an adverse impact on air quality and specifically increase the amount of PM 2.5 in the air. Marangi should consult with the NY State Department of Health and conduct an Health Impact Analysis. They further should disclose all chemicals and materials stored at the site, and identify all potential contaminants in their effluent and discharge waters. The Town should also identify all proposed to monitor the storage and containment of potential toxic materials and also identify fines and penalties for any violations of these protocols.

6. SECTION 7 ENDANGERED SPECIES HABITAT CONSULTATION.

The project sponsors should conduct a full section 7 consultation pursuant to the Endangered Species Act ESA to determine if there will be a taking of any endangered or threatened species. The project sponsors have identified the potential to impact the Indiana and Long Eared Bat habitats, however the proposed mitigation to protect these species is inadequate. The sponsor must conduct a full ground survey and identify all roosting or potential roosting trees (for both maternity and bachelor colonies) These would include all Shag Bark Hickory trees and all trees with loose bark and crevices. The entire preferred pipeline route is "occupied habitat" for Indiana bats. Occupied habitat includes areas within 2.5 miles of identified critical habitat features, including roost trees.. Of particular concern in the analysis of impacts to Indiana bat habitat is the percentage of forest cover present within 2.5 miles radius of known roosts/maternity colonies.

NYSDEC's management goal for Indiana bats includes a minimum 35% forest cover for these areas, a figure that is strongly associated with productive Indiana bat maternity colonies⁶.

Given the importance of the habitat along the Project and the potential for significant impacts to this habitat, the following information is required in order to make an impact determination for Indiana bats: 1-An assessment of the Project's indirect impacts to Indiana bats including an evaluation of temporary or permanent increases in noise, vibration, dust, chemical use, lighting, equipment use, and general levels of human activity. 2-A determination if the Project will result in temporary or permanent loss, degradation, and/or fragmentation of roosting, foraging, swarming and commuting degradation, and/or fragmentation of roosting, foraging, swarming and commuting or wintering habitat for Indiana bats. The existing percentage of forested cover within the occupied habitat area and, within this area, identification of the area considered suitable Indiana bat habitat 3-The percentage of suitable Indiana bat forested cover remaining within the occupied habitat post construction, considering the tree clearing proposed during both construction and maintenance operations. 4- The actual acreage of trees that will be removed along the project, access roads and laydown areas. 5-For any areas of the Project at or below 35% forested cover a detailed acreage of tree removal for the projects including associated access roads and laydown areas and an assessment of the quality of the forested Indiana bat habitat (age, species and diameter at breast height (DBH) of the trees) within the area planned for removal. 6- Identification of conservation measures to be implemented during construction and operation to minimize the likelihood of adverse indirect impacts to Indiana bats, such as preserving roost trees, minimizing clearing in suitable occupied habitat and maintaining forested connections; and mitigation measures to offset indirect impacts to bats.

The Applicant has not evaluated the indirect impacts from the proposed forest loss on Indiana bats. Until a full evaluation of the indirect impacts to Indiana bats is conducted and a comparison is made between the Project and the co-location alternatives regarding impacts to threatened and endangered species, NYSDEC staff finds it is premature to conclude that the Railroad and the Interstate 84 Alternatives do not show a significant environmental advantage.

7. **BOG TURTLES**

Bog Turtle habitat has been identified in nearby wetlands. Therefore a survey must be conducted to evaluate all impacted wetlands for potential bog turtle habitat. The Bog Turtle is a state listed endangered species and a federally listed threatened species.

8. **EAGLES NEST**

There has been no evaluation of potential bald eagle's nest in the area. The population of bald eagles has risen in the past decade and any disturbance of a nest is a violation of the federal Bald and Golden Eagle Protection Act.

9. The area is also known for numerous migratory birds that inhabit the area. There should be an evaluation of potential impacts to migratory birds.

10. The Orange County Planning Department has identified a potential burial ground near the project site. A thorough cultural resources survey should be conducted by an independent archeologist. We recommend Bill Sandy.

11. The sponsor should identify all 100 year and 500 year flood plains in the area.

12. FAILURE TO DEMONSTRATE NEED

Marangi specifically has failed to demonstrate the public need for this project.

13. FAILURE TO CONSIDER ALTERNATIVES

Marangi has failed to identify alternative sites for their proposed project, and without alternatives failed to identify why this site is the most suitable.