

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

P: (845) 256-3054 | F: (845) 255-4659

[www.dec.ny.gov](http://www.dec.ny.gov)

August 26, 2021

Bradley Solmsen  
Surprise Lake Camp  
382 Lake Surprise Road  
Cold Spring NY 10516

RE: Surprise Lake Camp  
DEC ID: 3-3726-00040/00006  
Article 15 Protection of Water

## **PERMIT CORRECTION**

Dear Bradley Solmsen,

It has come to my attention that the above referenced permit, issue to you on August 25, 2021, contains an error. Natural Resource Condition #3 contained a document that was not part of the approved plans. This error has been corrected on the attached permit. Please note, the document titled "Timber Rattlesnake Education & Encounter Plan Requirements", dated 6/25/2021, is not an approved document. Rather, the document titled "Surprise Lake Camp Timber Rattlesnake Education & Encounter Plan", no date, is an approved document.

A corrected permit is enclosed. Please discard the previous permit and use this as the official permit.

If there are any questions, please feel free to contact Alysse Devine at [alysse.devine@dec.ny.gov](mailto:alysse.devine@dec.ny.gov).

Sincerely,



Tracey O'Malley  
Deputy Regional Permit Administrator

Ecc: Richard Williams, Insite Engineering  
Dawn McKenzie, Insite Engineering  
Justin Russo, Insite Engineering  
Sarah Pawliczak, NYSDEC  
Susan Booth-Binczik, NYSDEC  
Brian Orzel, USACE  
Town of Philipstown



Department of  
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## IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

*Alysse Devine*

Division of Environmental Permits, Region 3

Telephone (845) 240-7806

- Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505.



Department of  
Environmental  
Conservation



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
SURPRISE LAKE CAMP  
382 LAKE SURPRISE RD  
COLD SPRING, NY 10516  
(845) 265-3616

**Facility:**  
SURPRISE LAKE CAMP  
382 LAKE SURPRISE RD  
COLD SPRING, NY 10516

**Facility Location:** in PHILIPSTOWN in PUTNAM COUNTY

**Facility Principal Reference Point:** NYTM-E: 587.2      NYTM-N: 4589.876  
Latitude: 41°27'20.7"      Longitude: 73°57'21.4"

**Project Location:** 382 Lake Surprise Road, Philipstown NY

**Authorized Activity:** This permit authorizes disturbances to the bed and banks of Foundry Brook [Water Index Number H-83-P218-1, Class A(T)], associated with the removal of two undersized pipe culverts and the installation of an open bottom box culvert approximately 14 feet long by 13 feet wide. Riprap, stone check dams, swales, and drainage structures will be installed as part of the project.

Natural Resource Condition #1: Time of year restriction - All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the trout spawning and incubation period commencing October 1 and ending April 30.

**Permit Authorizations**

**Stream Disturbance - Under Article 15, Title 5**

Permit ID 3-3726-00040/00006

New Permit

Effective Date: 8/26/2021

Expiration Date: 12/31/2024

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: TRACEY L O'MALLEY, Deputy Regional Permit Administrator  
Address:                    NYSDEC Region 3 Headquarters  
                                  21 S Putt Corners Rd  
                                  New Paltz, NY 12561

Authorized Signature: \_\_\_\_\_

Date 8 / 26 / 2021



## Distribution List

Richard Williams, Insite Engineering  
Dawn McKenzie, Insite Engineering  
Justin Russo, Insite Engineering  
Sarah Pawliczak, NYSDEC  
Susan Booth-Binczik, NYSDEC  
Brian Orzel, USACE  
Town of Philipstown

## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

## Permit Attachments

Permit Sign

### **NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: STREAM DISTURBANCE**

- 1. Prohibition Period for Trout** All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the trout spawning and incubation period commencing October 1 and ending April 30.
- 2. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. and consist of the plans and documents listed in Natural Resource Condition #3.
- 3. Approved Plans** The approved plans, titled "Surprise Lake Camp Lakeside Improvements", consist of the following items:
  - Overall Plan, Drawing No. OP-1, dated 11/30/2017 and last revised 3/29/2019;
  - Existing Conditions Plan, Drawing No. EX-1, dated 11/30/2017 and last revised 3.29/2019;
  - Layout and Landscape Plan Lakeside Improvements, Drawing No. SP-1.1, dated 11/30/2017 and last revised 3/29/2019;
  - Layout and Landscape Plan Lower Road Improvements, Drawing No. SP-1.2, dated 11/30/2017 and last revised 3/29/2019;
  - Grading and Drainage Plan Lakeside Improvements, Drawing No. SP-2.1, dated 11/30/2017 and



- last revised 3/29/2019;
- Grading and Drainage Plan Lower Road Improvements Lakeside, Drawing No. SP-2.2, dated 11/30/2017 and last revised 3/29/2019;
- Erosion and Sediment Control Plan Lakeside Improvements, Drawing No. SP-3.1, dated 11/30/2017 and last revised 3/29/2019;
- Erosion and Sediment Control Plan Lower Road Improvements, Drawing No. SP-3.2, dated 11/30/2017 and last revised 3/29/2019;
- Details, Drawing No. D-1, dated 11/30/2017 and last revised 3/29/2019;
- Details, Drawing No. D-2, dated 11/30/2017 and last revised 4/24/2019; and
- Details, Drawing No. D-3, dated 11/30/2017 and last revised 3/29/2019.

The approved plans, titled "Surprise Lake Camp", consist of the following items:

- Grading and Drainage Plan Lower Road Improvements, Drawing No. SP-2.2.1, dated 3/11/2019 and last revised 7/29/2021.

The approved documents, titled "Timber Rattlesnake Education & Encounter Pamphlet for Surprise Lake Camp", no date; and "Surprise Lake Camp Timber Rattlesnake Education & Encounter Plan", no date.

**4. Timber Rattlesnake Monitor** A DEC licensed Timber Rattlesnake Monitor must be on site during any work that takes place between April 1 and October 31. The name of the monitor must be provided to Wildlife staff at [wildlife.R3@dec.ny.gov](mailto:wildlife.R3@dec.ny.gov) before commencement of project activities.

**5. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

**6. Notify DEC 48 Hrs Prior to Work** The permittee or a representative must contact by telephone Sarah Pawliczak, NYSDEC Bureau of Ecosystem Health, at 845-256-3050, or by email at [Sarah.Pawliczak@dec.ny.gov](mailto:Sarah.Pawliczak@dec.ny.gov) at least 48 hours prior to the commencement of the project authorized herein.

**7. No Work Other Than Authorized Herein** No other modifications to the bed or banks of the stream are authorized by this permit.

**8. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

**9. Restore Area Around Culvert** Upon completion of work, the areas of disturbed streambed adjacent to the culvert (both ends) shall be restored to approximate pre-existing conditions.

**10. Install Cofferdam** Prior to commencing the project, a temporary cofferdam made of clean gravel, sandbags and/or plastic liners shall be installed to isolate the work area from the rest of the stream. The cofferdam shall be entirely removed immediately upon completion of work.

**11. Maintain Water Flow During Work** During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

**12. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following



substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**13. No Equipment in the Water** Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.

**14. Install Erosion Controls** Before any soil is disturbed on the subject site, the permittee shall install erosion and sedimentation controls which are adequate to prevent erosion and sedimentation off-site. Such controls shall be maintained until the unpaved portions of subject site, if any, are stabilized by a self-sustaining cover of vegetation that is adequate to prevent erosion and sedimentation on and off such site. Before such controls are removed, the permittee shall remove all sediment that has accumulated at such controls.

**15. Water Clarity** Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.

**16. Disposal of Material** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

**17. Seed, Mulch Disturbed Areas** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first.

**18. No Turbidity from Dewatering** No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter Foundry Brook. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to Foundry Brook. All other necessary measures shall be implemented to prevent any visible increase in turbidity or sedimentation downstream of the work site.

**19. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**20. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**21. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



**22. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Stream Disturbance.



**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.





**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

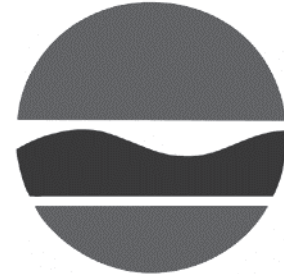
**Item E: SEQR Type II Action** Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.



New York State  
Department of Environmental Conservation



**NOTICE**



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department condition on it, contact the DEC at 845-256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Surprise Lake Camp

Permit No. 3-3726-00040/00006

Effective Date: 08/26/2021

Expiration Date: 12/31/2024

Applicable if checked. No instream work allowed between October 1 & April 30

**NOTE: This notice is NOT a permit.**