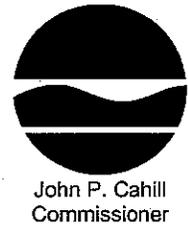


**New York State Department of Environmental Conservation
Division of Water**

Bureau of Flood Protection, Room 388
50 Wolf Road, Albany, New York 12233-3507
Phone: (518) 457-3157 • **FAX:** (518) 485-7786
Website: www.dec.state.ny.us



August 5, 1999

Mr. Takashi Inoue, President
Spy Lake Corporation
285 Greeley Avenue
Sayville, NY 11781-2303

Mr. Richard Amadan
Town Supervisor
Town of Arietta
Piseco, NY 12139

RE: Piseco Lake Dam: #156B-615

Dear Sirs:

Concerns have been raised with the installation of boards in the Piseco Lake Spillway. I have had recent conversations regarding this issue with Mr. Amadan and Mr. Inoue. I have received the enclosed letter dated July 29, 1999 from Mr. Inoue.

In response, I am providing this letter about the Piseco Lake Dam.

1. Our records indicate that the dam is a class "A", low hazard structure.
2. The dam was rehabilitated about 30 years ago. This Office has no record of the design or modification to the dam. A permit for construction of the dam at that time is not believed to have been obtained. Therefore, there is no "approved" configuration for the spillway.
3. Installation and removal of the timbers in the spillway is an operational feature which we do not regulate. Apparently, the process has been done for many years.

This Office does not make determinations about water rights in terms of disagreements between owners; that is a question for the Courts. I do recommend that a thorough operation and maintenance plan for the dam be developed.

An operations plan should include a schedule for inspection and monitoring of the dam. Routine maintenance activities should also be included. Dates and safe procedures for the installation and removal of the boards should be set. Enclosed is a copy of NYSDEC "An Owners Guidance Manual For the Inspection and Maintenance of Dams in New York State". The report contains information on developing an effective operations plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L", written in a cursive style.

Stephen Len
Senior Engineer
Bureau of Flood Protection

SL:jb
cc: Randy Galusha

Spy Lake Corporation

285 Greeley Avenue ~ Sayville, NY 11782-2303
Phone (516)563-1432 ~ Fax (516) 218-0896

July 29, 1999

Received
Flood Protection
Bur. NYS DEC

Mr. Stephen Len, Senior Engineer
Bureau of Flood Protection, Room 388
50 Wolf Road, Albany, NY 12233-3507

Dear Mr. Len,

Enclosed is a copy of the letter I wrote to Mr. Dominic Fontana regarding the Piseco Outlet Dam. I have some safety concern due to the current method of operation of the dam.

I was at the property in the summer of 1998. At that time I witnessed how recklessly the Town of Arietta operated the dam. There were rainy days on which the water level of Piseco Lake became too high for the people around the lake to keep their boats in place. The Town of Arietta responded to the complaints to adjust the water level by opening the dam. They, with a backhoe, lifted the I-beams that lie across to support the flash boards. This action opened the entire dam at one time. The flash boards were washed away and the water was gushing out of the dam at a tremendous rate. Looking at it, I was sure that if someone were downstream would have been washed away by the sudden strong current of the river. Northville which is located about thirty miles downstream, called the town of Arietta to find out what was causing the sudden high level of water. Please be aware that the dam controls about 1.5 billion gallons of water in the matter of bays. Common sense tells me that the dam operator must notify villages downstream before the dam is fully opened to let that amount of water go at once. It seemed to me that this event resulted from lack of dam operating knowledge and skills. I also noticed, through this experience, how difficult it is to control the flow of water in a gradual and safe manner using a flash board type dam in certain situations such as this. I do not think that it should be authorized to use flash boards to block the water not because of the strength, but because of its inferior capability in controlling the flow of water in a precise and controlled manner. I have two sons, 18 and 8 years old who often are downstream from the dam. I hate to think what would have happened to them if they were there at the time of the dam operation. It has been fortunate that there has not been any casualties in the past due to dam operation. It does not mean, however, that there might not be one in the future. As the owner of the dam and property

downstream, I don't believe the dam should be operated under current conditions. As we all know, safety and environmental issues should never be taken lightly. I am looking foreword to hearing from you soon. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Takashi Inoue', with a long horizontal flourish extending to the right.

Takashi Inoue, president

Spy Lake Corporation

285 Greeley Avenue ~ Sayville, NY 11782-2303
Phone (516)563-1432 ~ Fax (516) 218-0896

June 21, 1999

Mr. Dominic Fontana
Department of Environmental Conservation
PO Box 296 Rt. 86
Ray Brook, NY 12977

Dear Mr. Fontana,

Spy Lake Corporation, three years ago, acquired the property along Big Bay Piseco and the Piseco Outlet, about 1000 acres of land and water.

There is one dam on the company's property near the Piseco Outlet and Rt. 10. The dam is operated by the town of Arietta. The dam is open and shut every year to control the water level of Piseco Lake for the recreational purpose of the people who live around the lake.

It has been found that the Piseco Outlet dam shuts off the flow of water completely until the water flows over the wooden boards in the dam. It takes about two weeks for water to flow again. During the two week period the water is still on both sides of the dam, upstream and downstream. As a matter of fact, there is very little water downstream without the flow which results in unnaturally elevated water temperature. It is also noticed that this practice of operating the dam creates a hostile environment for some fish to live. It is believed that this repeated assault to the natural environment each and every year should draw the immediate attention and action of the DEC. Please be aware that directly downstream of the dam is 400 acres of environmentally sensitive wetlands and the head waters of the West Branch Sacandaga River, Classified as a wild river.

It is understood that, according to local people familiar with the dam, that the existing dam was built by the Piseco Fish and Game Club around 1969 without a permit. It is also understood that the use of wood boards is not authorized as part of the dam to block water.

Please investigate the matter regarding the dam from an environmental point of view as well as a legal one. Please make a written report of the findings about the dam. Also please include in the report what must be done to the dam itself and its operation to meet the regulations and requirements of New York State. Thank you for your cooperation.

Please send the report to:

Spy Lake Corporation
285 Greeley Avenue
Sayville, NY 11782.

Sincerely,

Takashi Inoue, President