



**US Army Corps  
of Engineers®**  
Buffalo District

## **SCOPING INFORMATION**

**SPRINGVILLE (SCOBY) DAM FISH PASSAGE PROJECT  
Great Lakes Fishery And Ecosystem Restoration  
Section 506, Water Resources Development Act of 2000**



**February 7, 2013**

**U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207-3199**

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## 1.0 INTRODUCTION

The National Environmental Policy Act (NEPA) directs Federal agencies to initiate "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action." The U.S. Army Corps of Engineers (USACE)-Buffalo District has prepared this scoping information to elicit public and agency concerns and comments, clearly define the environmental issues and alternatives that should be examined, and identify any Federal, state and local requirements that may need to be addressed in this study regarding the options for possible ecosystem restoration at the Springville (Scoby) Dam along Cattaraugus Creek near the village of Springville, Erie County, New York.

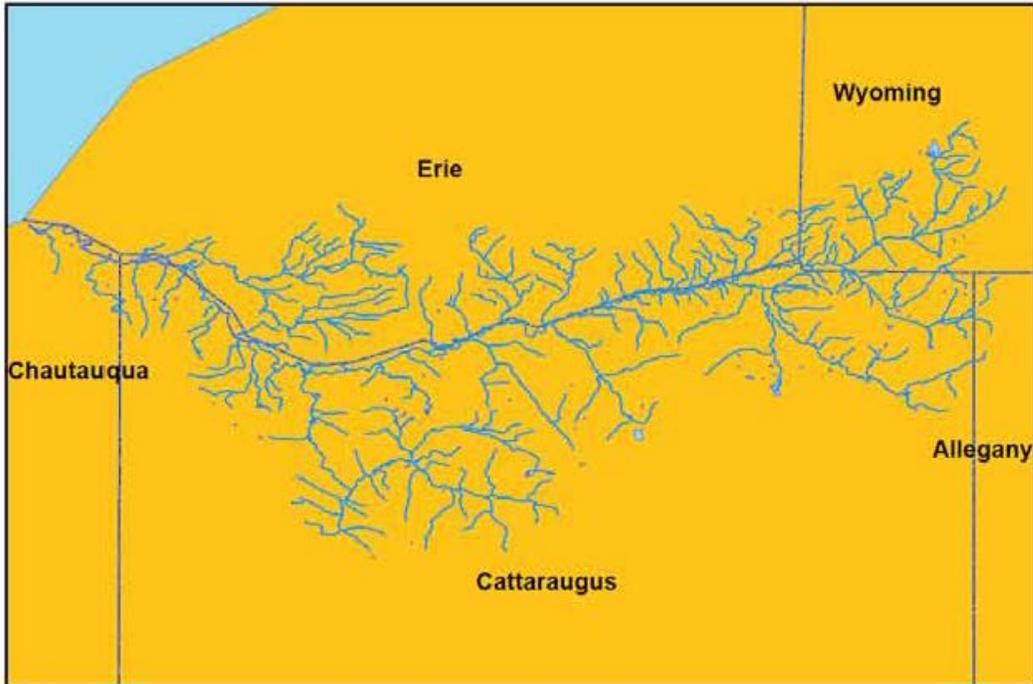
## 2.0 PURPOSE AND NEED FOR THE PROJECT

### 2.1 Overview

The Cattaraugus Creek watershed is located in western New York and has a drainage area of approximately 550 square miles covering portions of southern Erie County, northern Cattaraugus County, and smaller sections of Chautauqua, Wyoming, and Allegheny Counties (Figure 1). Cattaraugus Creek flows from its headwaters at Java Lake in Wyoming County approximately 70 miles west to Lake Erie. The Springville (Scoby) Dam is located on Cattaraugus Creek, approximately 34 miles upstream of Lake Erie, near the village of Springville, Erie County, New York (Figure 2). The dam was built in 1925 for hydropower purposes and produced electricity until 1997. When electrical production ceased, it was subsequently purchased by Erie County and is now used as a small riverside park. Due to the presence of the 40 foot high and 338 foot long dam, native fish species and migratory steelhead trout are currently blocked from gaining access to the upstream reaches of Cattaraugus Creek and its tributaries. In addition to serving as a barrier to upstream movement of native and/or sport fish, the Springville Dam also acts as a barrier to aquatic nuisance species, particularly the sea lamprey (*Petromyzon marinus*) which migrates into Cattaraugus Creek to spawn. This parasitic species has been responsible for significant declines of native fish species in the Great Lakes. The USFWS treats Cattaraugus Creek below Springville (Scoby) Dam with the lampricide TFM.

### 2.2 Need for Action

The purpose of this Section 506 study at Springville (Scoby) Dam is to evaluate an array of measures which will provide fish passage above the dam to the upstream reaches of Cattaraugus Creek and its tributaries while at the same time prohibiting upstream migration of sea lampreys. The Springville Dam currently blocks all upstream movement of fish to the upper reaches of Cattaraugus Creek and its tributaries. The New York State Department of Environmental Conservation (NYSDEC) estimated that there are approximately 70 miles of suitable spawning habitat for steelhead trout upstream of Springville Dam. The majority of this high quality habitat is located in the tributaries upstream of the dam, notably on Clear Creek, Elton Creek, Hosmer Brook, and the Lime Lake Outlet. These were all determined to have higher quality habitat than



**Figure 1. Location of Cattaraugus Creek Watershed within Erie, Cattaraugus, Chautauqua, Wyoming and Allegany Counties.**

any of the tributaries downstream of Springville Dam with regards to water quality and spawning habitat. Thus, providing fish passage at Springville Dam could increase populations of naturally reproduced steelhead trout in the watershed as well as improve populations of native resident fish species, and possibly help restore or increase freshwater mussel populations upstream of the dam.

Other negative effects of this existing impoundment above Springville Dam include altered sediment transport dynamics and loss of riverine hydraulics. These disturbances have caused fish, mussel, and macroinvertebrate species richness and abundance to decline.

There is also growing concern that the Springville Dam is deteriorating and could begin to fail sometime in the future and it is currently in non-compliance with NYSDEC's dam safety regulations. Erie County is currently assessing alternatives for compliance which may include dam repair, alteration, or breach. The investigation of this project is being done in close coordination with Erie County and NYSDEC and thus is taking the existing condition of the dam into consideration in the generation and evaluation of project alternatives to restore fish passage upstream of the dam.

### 2.3 Proposed Project

The main objectives of this study are to:

- Create fish passage for native and high priority fish species at Springville (Scoby) Dam which would allow access to high quality spawning waters located in the upper portions of the Cattaraugus Creek watershed during the planning period of 2014 – 2064.

- Restore the natural hydraulic sediment transport flow of Cattaraugus Creek in the area where this is currently inhibited by Springville (Scoby) Dam.
- Continue to restrict the range of the invasive sea lamprey to those areas of Cattaraugus Creek located downstream of Springville (Scoby) Dam.

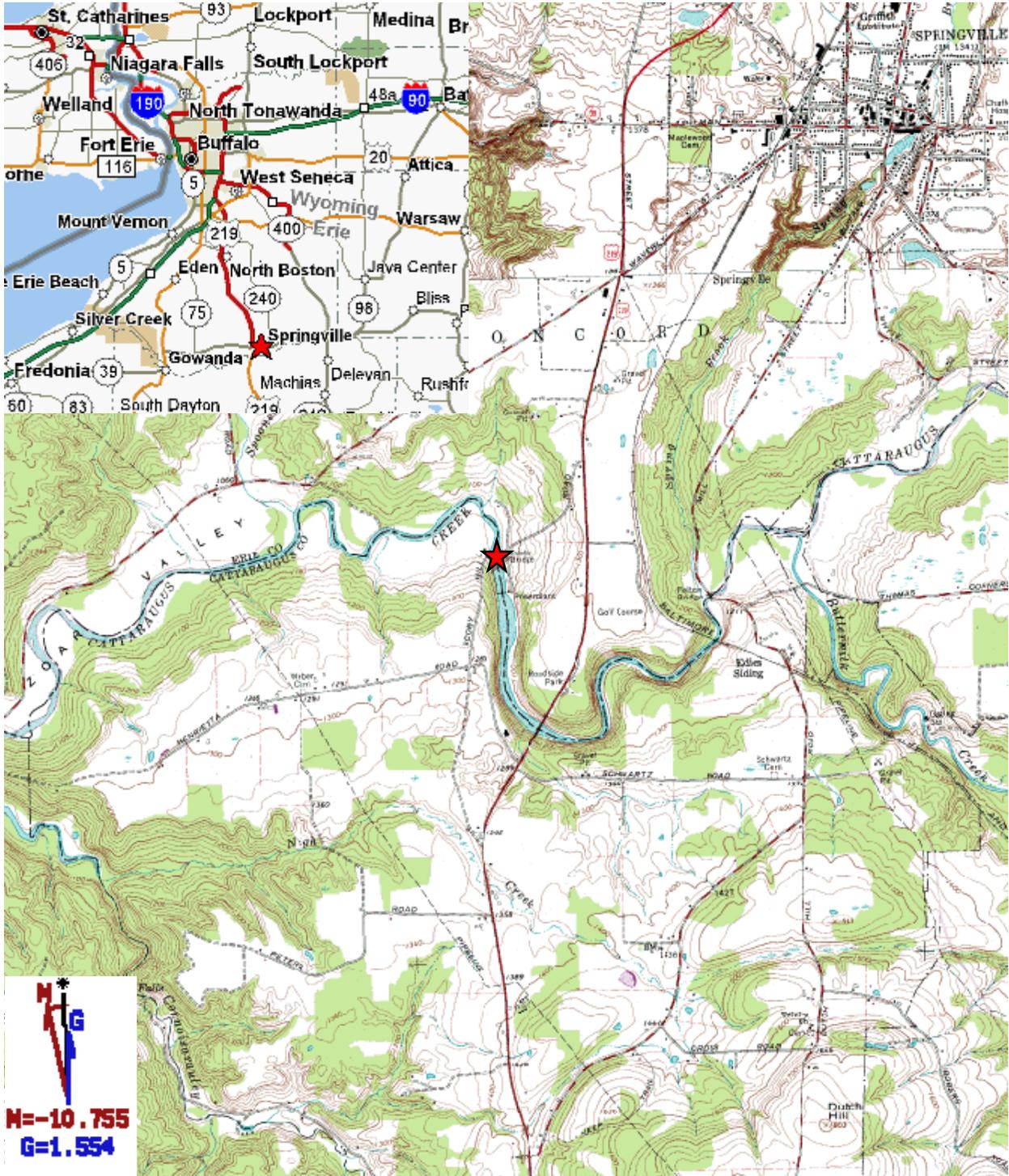


Figure 2. Location of Springville (Scoby) Dam in Western NY.

## 2.4 Study Authority

**Great Lakes Fishery And Ecosystem Restoration, Section 506 of the Water Resources Development Act of 2000 (§ 1962d-22).**

## 3.0 ALTERNATIVE PLANS

Water resource studies conducted by the USACE typically cover a 50-year period of analysis to evaluate anticipated benefits, costs and other impacts for project alternatives under consideration. It is also USACE planning policy to consider any and all practicable and relevant alternative measures, including the no action alternative.

### 3.1 Alternatives Considered

While the preferred alternative has not yet been established, the alternative plans considered during the study will consist of an array of structural and non-structural measures within the Cattaraugus Creek watershed, and in particular at the Springville (Scoby) Dam site to allow fish passage and maintain a lamprey barrier. Structural measures may include, but are not limited to, modification or removal of the Springville (Scoby) Dam, construction of a new lamprey barrier at the existing dam site, construction of a new lamprey barrier downstream from dam, installation of a denil fishway, a pool and weir fishway, a fish elevator, a rock riffle ramp, or a bypass channel to pass fish upstream of the dam. There are no nonstural measures available for fish passage. However, there are some technologies currently used elsewhere or that are being evaluated for control of lamprey which include, but are not limited to, the use of lampricides, chemical repellants, stocking of sterile males, and pheromone attractants.

All of the measures under consideration were initially screened based on a number of factors including cost, effectiveness in passing fish while serving as a sea lamprey control, real estate requirements, and public acceptability. Based on this initial screening, the measures that will be carried forward include no-action, lowering of the spillway to 30% probable maximal flood (PMF), removal of the spillway, a denil fishway, a bypass channel, a new lamprey barrier at dam site, and a trap and sort option. A total of four alternatives have been identified for the existing Springville (Scoby) Dam site, including the no action plan.

A brief summary of the alternative plans are listed below:

- a. **Alternative #1 (No Action).** The USACE is required to consider the option of “No Action” as one of the alternatives in order to comply with the requirements of the National Environmental Policy Act (NEPA). The No Action alternative assumes that no project would be implemented by the federal government to achieve the planning objectives. Under this alternative, it is assumed that no measures would be implemented to allow for fish passage at the dam. The dam would remain in place and would continue to serve as a barrier to sea lamprey, pending any dam safety and stability issues in the future. It is expected that current treatment of the river by USFWS with TFM to control the sea lamprey will continue. In general, it is assumed that the existing hydrology and

hydraulics, geomorphology and habitat structure will remain in place over the next 50 years. Approximately 70 miles of suitable habitat in Cattaraugus Creek and its tributaries located above the dam will remain isolated from the lower 35 miles of Cattaraugus Creek and Lake Erie. No other significant federal or local efforts to establish fish passage at this dam are anticipated at this time. Accordingly, it is expected that leaving Springville (Scoby) Dam in place would continue to maintain the existing functions, aquatic community biodiversity, and aquatic habitat structure into the foreseeable future.

- b. **Alternative #2. Dam Breached with New Lamprey Barrier** – This alternative would consist of removing a portion of the existing 182 foot long concrete dam spillway and replacing it with a new lamprey barrier and constructing a fish passage channel (Figures 3 and 4). At the east and west existing dam abutment walls, an approximately 10 foot length of the existing dam spillway would remain in place to provide structural support for the remaining existing abutment walls and prevent any disturbance to these walls. The middle section of the existing dam spillway would be removed down to the existing streambed elevation.

The new lamprey barrier would be constructed between the two remaining sections of the existing dam spillway. The overall length of the new lamprey barrier approximately 121 feet and consist of three different sections. The first section is an approximately 65 foot long fixed crest concrete barrier with a 25 foot long concrete apron. The second section is an approximately 30-foot long adjustable height steel gate with a 25 foot long concrete apron. For the Feasibility Study, the steel gates are assumed to be a pneumatically operated type as manufactured by Obermeyer Hydro, Inc. or equal. The air bladders for the steel gates would be filled using a computer and manually controlled dual air compressors. During the detailed design phase, other types of adjustable steel gates will be considered. Maintenance stoplogs and immediate metal posts would be provided just upstream of the steel gates.

The third section is a fish passage channel which would consist of an approximately 15 foot wide concrete U-structure with stone and gravel embedded into its base slab to imitate a natural stream bottom. The bottom of the fish passage channel would have a maximum five percent slope to allow the greatest percentage of fish species to pass. At its upstream end, the fish passage channel would have a stoplog weir, a jump pool, and a lamprey trap. In March, prior to the lamprey spawning season (usually April to July), the top of the adjustable steel gates would be raised level with the top of the fixed crest barrier and the stoplogs installed at the upstream end of the fish passage channel. These would be maintained until after the spawning season when no live adult lamprey remain downstream of the dam. The top elevation of the lamprey barrier is set at 18 inches above the 10 year tailwater elevation, which is the minimum height recommended by USFWS for sea lamprey barriers. Jumping fish species such as steelhead would use the jump pool to jump over the stoplog weir at the end of the fish passage channel while non-jumping fish species and other aquatic life would enter the lamprey trap where they would be trapped and sorted by fisheries personnel. Desirable species would be released upstream of the barrier while any lamprey would be removed and disposed. During the non-lamprey spawning season (September to March), the adjustable steel gate would be

fully lowered allowing unrestricted open stream flow through the barrier. When the steel gates are fully lowered there would not be a retained pool behind the barrier during normal low flow periods. At this time, all fish species and aquatic life would be able to freely pass up and downstream of the barrier. Silt carried by creek waters would also be freely able to pass downstream.

Implementation of Alternative #2 would include removal of approximately 20,400 cubic yards of sediment located upstream of the dam as well as an old timber crib dam and various debris. Between 50 to 500 feet upstream of the barrier, sediment removal would be in the shape of a trapezoidal channel having a 30-foot bottom width and 1 vertical on 2 horizontal side slopes (Figure 5). The lower limit of sediment removal would be at the base of the new barrier and slope up at an approximately five percent slope in the upstream direction. The actual limits of sediment removal during construction will be based on preconstruction surveys and may vary slightly from that shown in this notice due to on-going changes in the creek bottom geometry. In addition, flushing of upstream sediments prior to construction may be attempted if the existing outlet valves are functional. Flushing of sediments would change the sediment removal limits shown in this report as significantly less material would be removed.

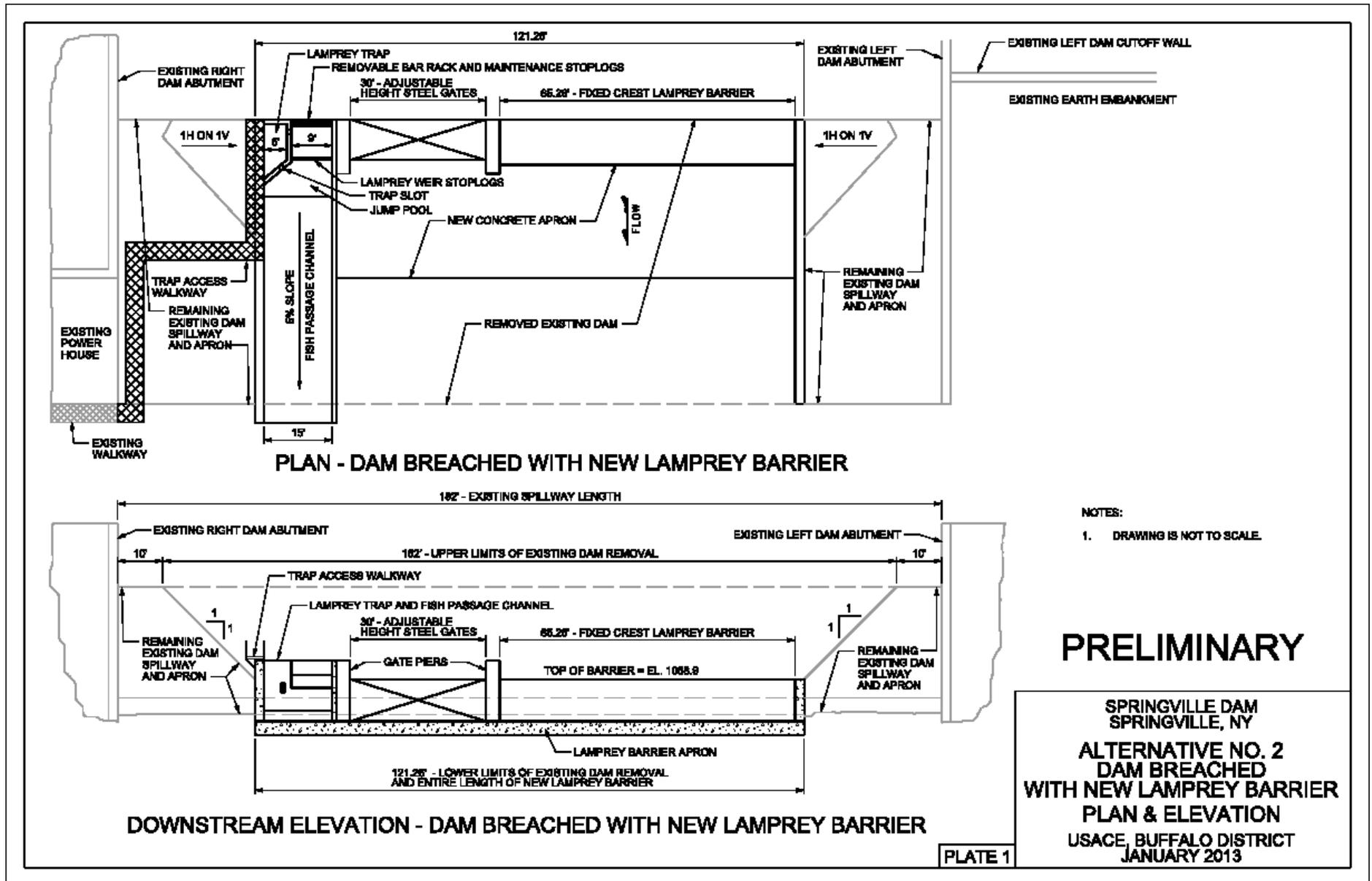


Figure 3. Plan view and elevation drawings for Alternative #2 - Dam breach with new lamprey barrier.

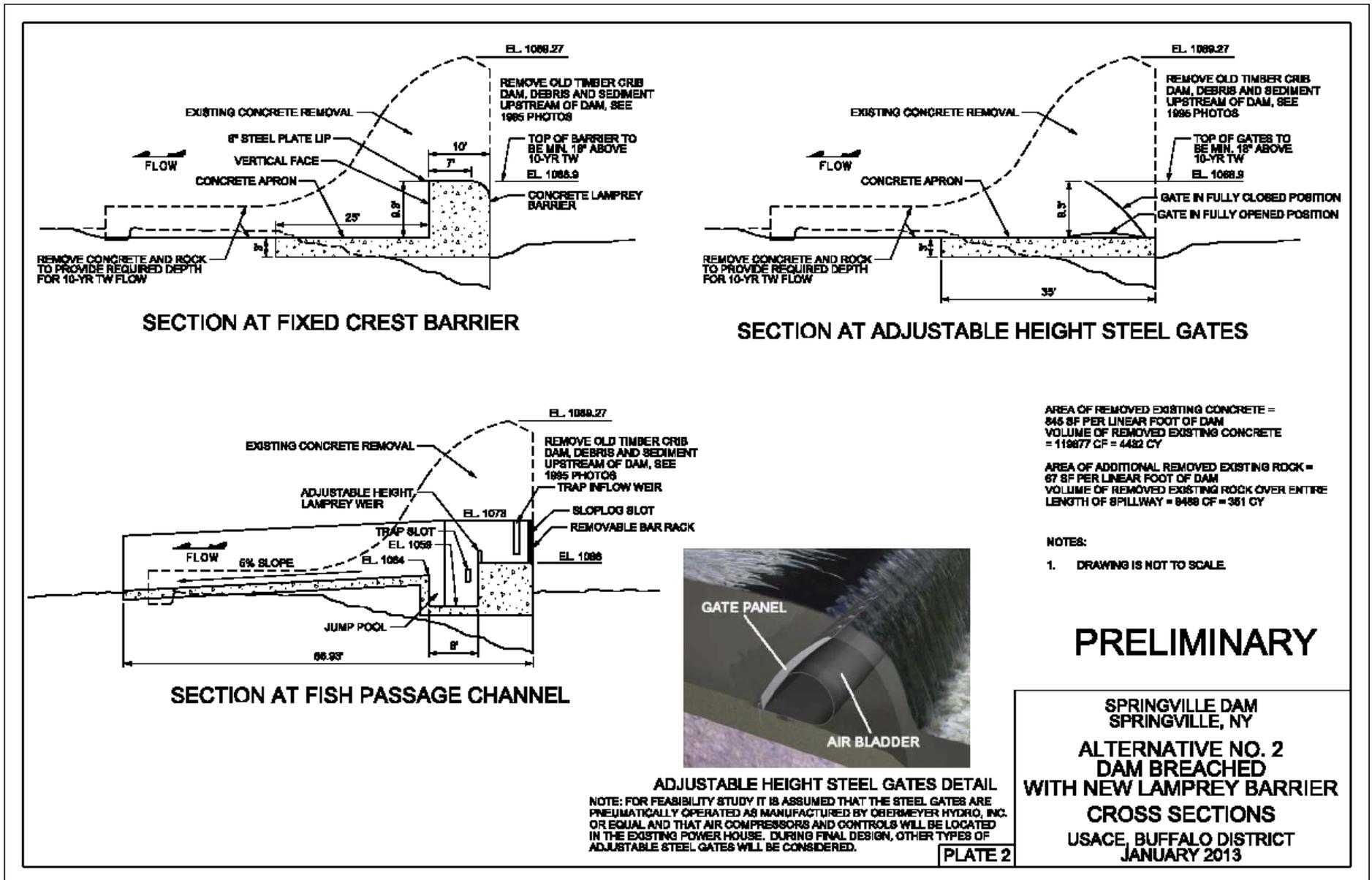


Figure 4. Cross section drawings for Alternative #2 - Dam breach with new lamprey barrier.

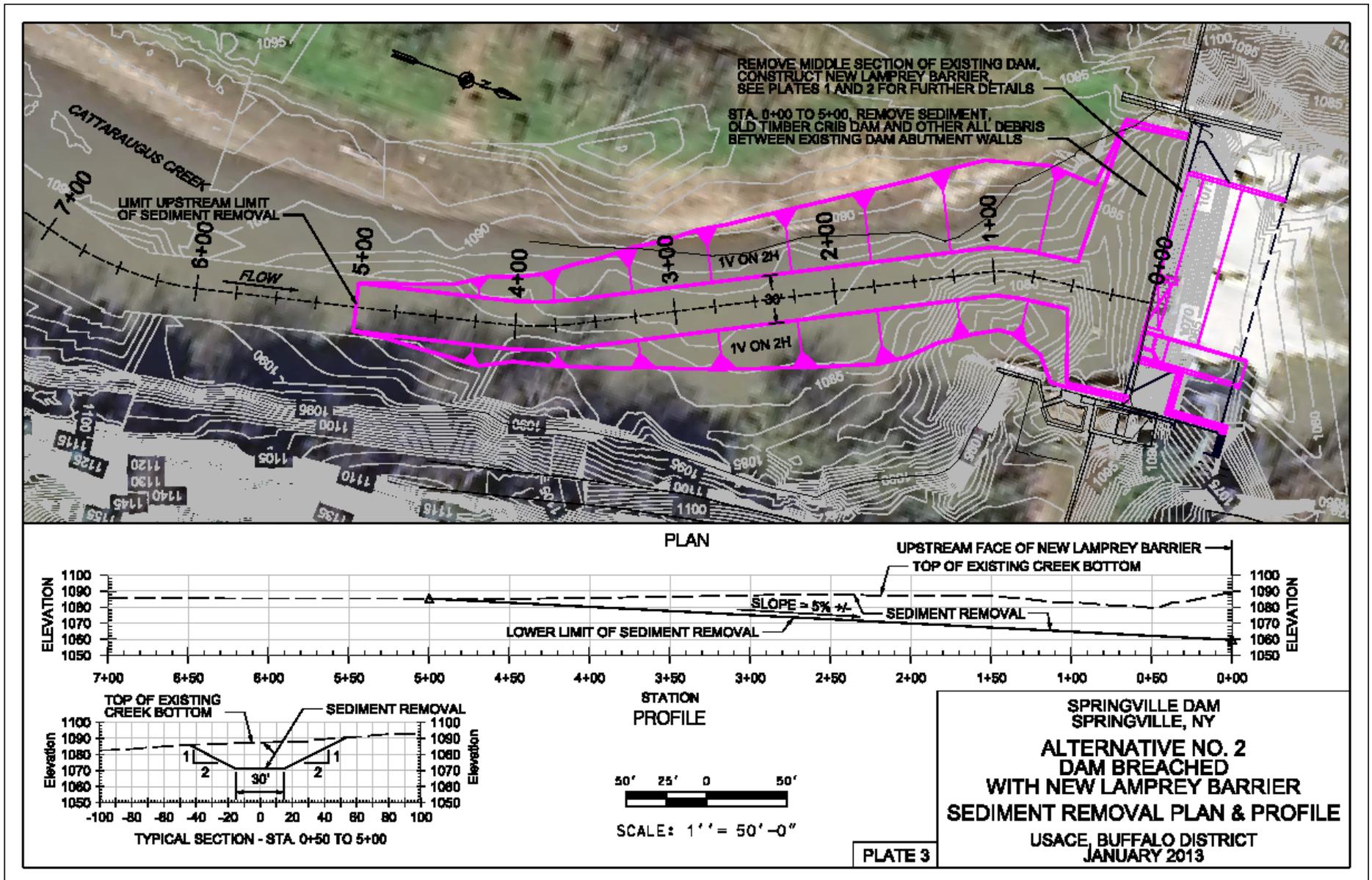


Figure 5 Sediment Removal Plan and Profile on upstream side of Springville Dam for Alternative #2 - Dam breach with new lamprey barrier..

- c. **Alternative #3. Dam Lowered Eight Feet with Denil Fishway** – This alternative would consist of lowering the middle 162 feet of the existing concrete dam spillway by eight feet (Figure 6). This would allow the dam to pass the 30% PMF but still allow the remaining dam spillway to function as a lamprey barrier. At the east and west existing dam abutment walls, a 10 foot length of the existing dam spillway would remain in place to provide structural support for the remaining abutment walls and prevent any disturbance to these walls.

A new 220 foot long reinforced concrete Denil fishway would be constructed on the left bank side of the lowered spillway (Figure 7). This fishway would be an elevated, pier-supported four foot wide concrete U-structure with a 1 vertical on 6 horizontal bottom slope, and angled V-shaped baffles spaced two feet six inches on center. At its upstream end, the fishway would have a stoplog weir, a jump pool, and a lamprey trap. In March, prior to the lamprey spawning season (usually April to July), stoplogs would be installed at the upstream end of the fishway. These would be maintained until after the spawning season when no live adult lamprey remain downstream of the dam. Jumping fish species such as steelhead would use the jump pool to jump over the stoplog weir. Non-jumping fish species and other aquatic life would enter the lamprey trap where they would be trapped and sorted by fisheries personnel. Desirable species would be released upstream of the dam while any lamprey would be removed and disposed. During the non-lamprey spawning season (September to March) the stoplogs could be removed to allow all fish species and aquatic life to pass freely up and downstream.

Implementation of Alternative #3 would require removal of approximately 2,500 cubic yards of sediment from upstream of the dam.

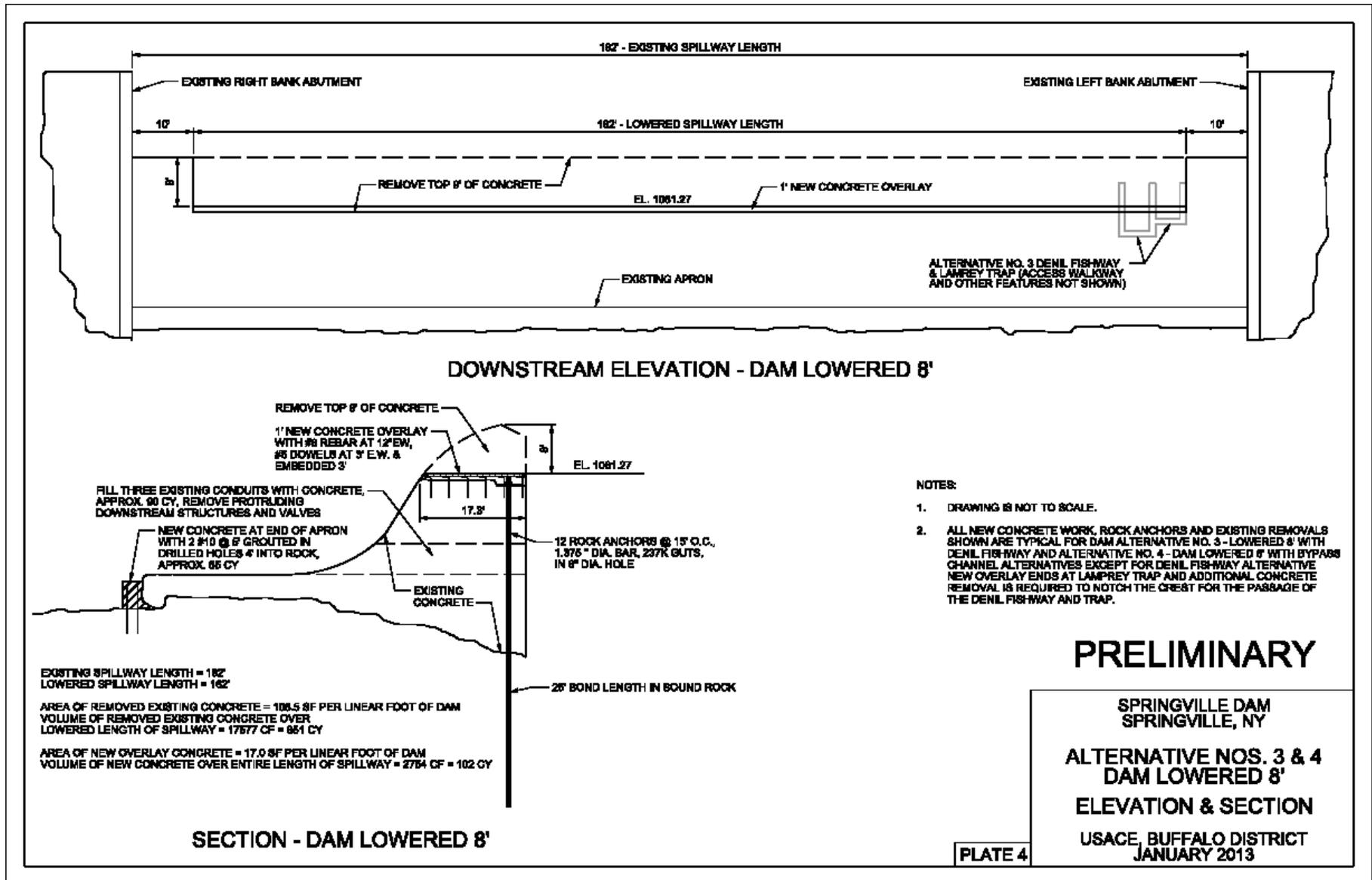


Figure 6. Elevation and cross section drawings for Alternatives #3 and #4 – Dam lowered eight feet.

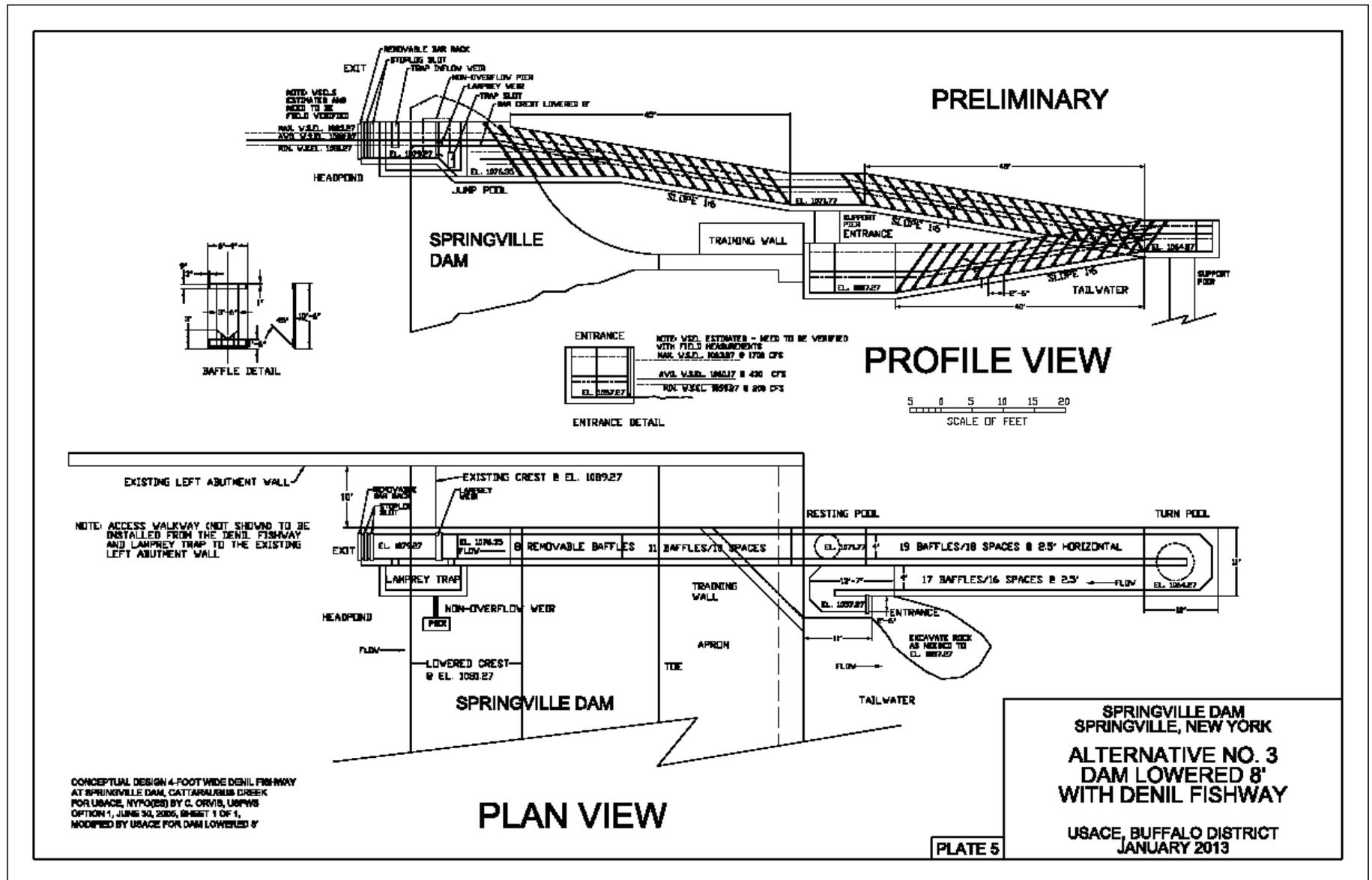


Figure 7. Plan and profile drawings for Alternative #3 – Dam Lowered eight feet with Denil Fishway.

- d. **Alternative #4. Dam Lowered Eight Feet with Bypass Channel** – This alternative would lower the middle 162 feet of the existing concrete dam spillway by eight feet (Figure 6). This would allow the dam to pass the 30% PMF but still allow the remaining dam spillway to function as a lamprey barrier. At the east and west existing dam abutment walls, a 10 foot length of the existing dam spillway would remain in place to provide structural support for the existing remaining abutment walls and prevent any disturbance to these walls.

A new 500 foot long reinforced concrete bypass channel would be constructed around the dam through the right bank (Figure 8). The bypass channel is a 15 foot wide concrete U-structure with stone and gravel embedded into its base slab to imitate a natural stream bottom. The bottom of the bypass channel would have a maximum five percent slope in order to allow the greatest diversity of fish species to pass. At its upstream end, the bypass channel would have a stoplog weir, a jump pool, and a lamprey trap. In March, prior to the lamprey spawning season (usually April to July), stoplogs would be installed at the upstream end of the fishway. These would be maintained until after the spawning season when no live adult lamprey remain downstream of the dam. Jumping fish species such as steelhead would use the jump pool to jump over the stoplog weir while non-jumping fish species and other aquatic life would enter the lamprey trap where they would be trapped and sorted by fisheries personnel. Desirable species would be released upstream of the dam while lamprey would be removed and disposed. During the non-lamprey spawning season (September to March) the stoplogs could be removed to allow all fish species and aquatic life to pass freely up and downstream.

Implementation of Alternative #4 would require removal of approximately 2,500 cubic yards of sediment from upstream of the dam.

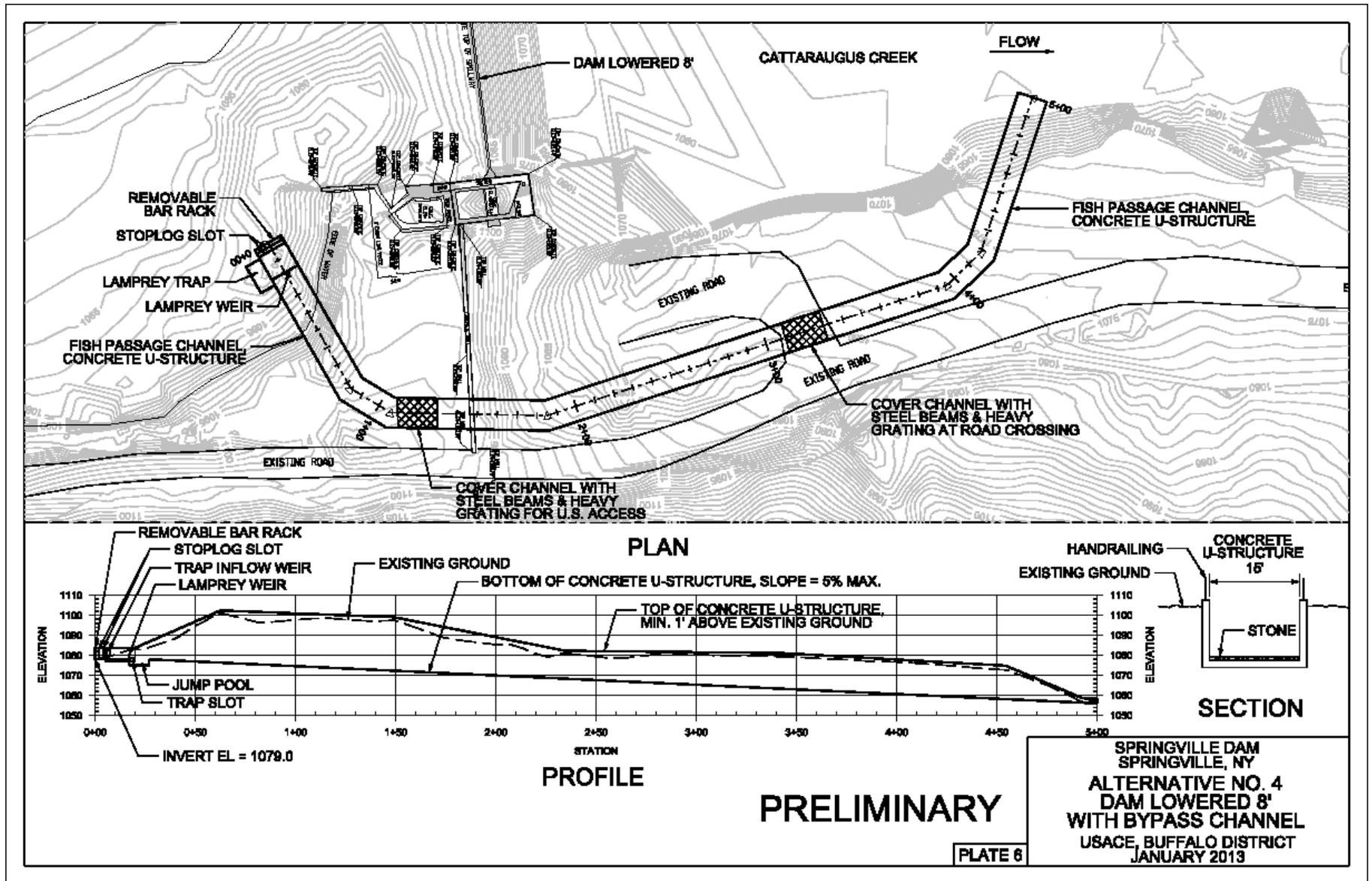


Figure 8. Plan and profile drawings for Alternative #4 – Dam lowered eight feet with bypass channel.

#### 4.0 PUBLIC PARTICIPATION AND INTERAGENCY COORDINATION

Throughout the scoping process, stakeholders and interested parties are invited to provide comment on this study. Potential social, economic and environmental benefits and adverse impacts that may result from each alternative that is selected for detailed analysis will be addressed in future documentation. Interested parties are welcome to contact USACE-Buffalo District to discuss their views and recommendations regarding this study. Comments will be accepted by mail/email until the close of this scoping period on March 8, 2013.

#### 5.0 IMPACT ASSESSMENT

The feasibility study and environmental assessment (EA) will be consistent with sound engineering practices and will be drafted concurrently with actions to achieve compliance with other applicable Federal environmental compliance requirements and consistent with any applicable State and local plans. Future conditions with the no action alternative and any potential impacts associated with the preferred alternative will be assessed in relation to several parameters, including but not necessarily limited to the following social, economic and environmental categories:

- Fish and Wildlife Resources
- Water Quality
- Dredged/Excavated Material Management
- Geology and Soils
- Contaminated Materials
- Air Quality
- Noise
- Recreation
- Historic Properties
- Property Values and Tax Revenues
- Employment
- Community Cohesion and Growth
- Transportation
- Public Facilities and Services
- Aesthetics
- Environmental Justice

#### 6.0 COMPLIANCE WITH ENVIRONMENTAL PROTECTION STATUTES

Federal environmental protection statutes that will be addressed are listed below, with additional potentially applicable public laws, executive orders, and policies listed in Table 1:

- *National Environmental Policy Act (NEPA)*. In accordance with the Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of the NEPA of 1969" (40 CFR 1500-1508) and Engineer Regulation 200-2-2 (Procedures for Implementing NEPA), USACE-Buffalo District will assess the potential environmental effects of the study alternatives on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts (including cumulative impacts) for each plan as determined by comparing the potential future with- and without-project conditions.

- *Clean Water Act.* If the recommended plan involves the placement of dredged or fill material into waters of the United States, USACE-Buffalo District will evaluate the discharge in accordance with the Clean Water Act Section 404(b)(1) Guidelines. Water quality and related information used in this evaluation will provide documentation to demonstrate that the recommended plan is in compliance with this Act. A Section 404(a) Public Notice would be circulated and an opportunity to request a public meeting will be afforded to all potentially affected parties. Section 401 Water Quality Certification for the discharge would be requested from the NYSDEC.

Under Section 402 of the Act, if the recommended plan disturbs greater than one acre of ground surface, then USACE-Buffalo District would develop a Stormwater Pollution Prevention Plan and submit it along with a Notice of Intent to the NYSDEC for coverage under their State Pollutant Discharge Elimination System general permit for construction activities.

- *Endangered Species Act.* In accordance with Section 7 of this Act, USACE-Buffalo District is requesting information from the U.S. Fish and Wildlife Service (USFWS) on any listed or proposed species, or designated or proposed critical habitat that may be present in the project area. If this consultation with USFWS identifies any such species or critical habitat, then USACE-Buffalo District will conduct a biological assessment to determine the proposed project's potential effect on these species or critical habitat.

On May 11, 2012, the USFWS- New York Field Office website revealed that except for occasional transient individuals, no known records of Federally-listed threatened, endangered, and candidate species occur in Erie, Wyoming, and Allegany Counties. However, the website listed the rayed bean (*Villosa fabalis*) and clubshell (*Pleurobema clava*) as endangered species known to exist within Chautauqua and Cattaraugus Counties. The rayed bean generally lives in smaller, headwater creeks, but it is sometimes found in large rivers and wave-washed areas of glacial lakes. It prefers gravel or sand substrates, and is often found in and around roots of aquatic vegetation. The clubshell also prefers clean, loose sand and gravel in medium to small rivers and streams. Known records of these species are confined to the Lake Chautauqua and Allegany River drainage basins located in the southern portion of these counties. While suitable habitat exists within the Cattaraugus Creek watershed for these species, there are no known records of these species existing in the Cattaraugus Creek watershed. Therefore, it is unlikely that any Federally-listed threatened, endangered, or candidate species exist within the Cattaraugus Creek watershed.

New York State listed species are protected under the state Environmental Conservation law and state regulations. Animals and plants listed under New York State regulations as Endangered, Threatened, or Special Concern are given special protection within the state. The New York Natural Heritage Program is a partnership between the NYSDEC and The Nature Conservancy and maintains a database of rare species and significant natural communities. The information provided is broken down by watershed and many listed species are known to occur within the Cattaraugus watershed. Unlisted species, while not under the same level of regulatory protection as listed species, are ranked by the New York Natural Heritage Program as rare in New York State, and therefore are a vulnerable

natural resource of conservation concern. On May 14, 2012 the New York Natural Heritage Program database for the Cattaraugus Creek watershed contained the following species (Table 1). A majority of these species that are listed in the database are plant species.

**Table 1. State Listed Species Found within the Cattaraugus Creek Watershed**

Group	Name	Latin Name	State Status
Animal	Appalachian Tiger Beetle	<i>Cicindela ancocisconensis</i>	Imperiled
Animal	Cobblestone Tiger Beetle	<i>Cicindela marginipennis</i>	Imperiled
Animal	Gray Petaltail	<i>Tachopteryx thoreyi</i>	Special Concern
Bird	Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Bird	Henslow's Sparrow	<i>Ammodramus henslowii</i>	Threatened
Bird	Northern Harrier	<i>Circus cyaneus</i>	Threatened
Bird	Upland Sandpiper	<i>Bartramia longicauda</i>	Threatened
Fish	Black Redhorse	<i>Moxostoma duquesnei</i>	Special Concern
Fish	Blackchin Shiner	<i>Notropis heterodon</i>	Imperiled
Fish	Channel Darter	<i>Percina copelandi</i>	Imperiled
Fish	Eastern Sand Darter	<i>Ammocrypta pellucida</i>	Threatened
Fish	Freshwater Drum	<i>Aplodinotus grunniens</i>	Imperiled
Fish	Mooneye	<i>Hiodon tergisus</i>	Threatened
Plants	Basil-Balm	<i>Monarda clinopodia</i>	Endangered
Plants	Bear's-foot	<i>Smallanthus uvedalius</i>	Endangered
Plants	Blunt-lobed Grape Fern	<i>Botrychium oneidense</i>	Endangered
Plants	Creeping Sedge	<i>Carex chordorrhiza</i>	Threatened
Plants	Downy Lettuce	<i>Lactuca hirsuta</i>	Endangered
Plants	Elk Sedge	<i>Carex garberi</i>	Endangered
Plants	Fairy Wand	<i>Chamaelirium luteum</i>	Threatened
Plants	Fernald's Sedge	<i>Carex merritt-fernaldii</i>	Threatened
Plants	Giant Pine-drops	<i>Pterospora andromedea</i>	Endangered
Plants	Golden-seal	<i>Hydrastis canadensis</i>	Threatened
Plants	Hooker's Orchid	<i>Platanthera hookeri</i>	Endangered
Plants	Lake-cress	<i>Rorippa aquatica</i>	Threatened
Plants	Lowland Fragile Fern	<i>Cystopteris protrusa</i>	Endangered
Plants	Mountain Watercress	<i>Cardamine rotundifolia</i>	Endangered
Plants	Nodding Pogonia	<i>Triphora trianthophora</i>	Endangered
Plants	Northern Bog Aster	<i>Symphotrichum boreale</i>	Threatened
Plants	Northern Wild Comfrey	<i>Cynoglossum virginianum</i>	Endangered
Plants	Pawpaw	<i>Asimina triloba</i>	Threatened
Plants	Prairie Wedgegrass	<i>Sphenopholis obtusata</i>	Endangered
Plants	Rough Avens	<i>Geum virginianum</i>	Endangered
Plants	Rough-leaf Dogwood	<i>Cornus drummondii</i>	Endangered
Plants	Scarlet Indian-paintbrush	<i>Castilleja coccinea</i>	Endangered
Plants	Schweinitz's Sedge	<i>Carex schweinitzii</i>	Threatened
Plants	Shrubby St. John's-wort	<i>Hypericum prolificum</i>	Threatened
Plants	Smooth Bur-marigold	<i>Bidens laevis</i>	Threatened
Plants	Southern Twayblade	<i>Listera australis</i>	Endangered
Plants	Sweet Coltsfoot	<i>Petasites frigidus</i>	Endangered
Plants	Wafer-ash	<i>Ptelea trifoliata</i>	Endangered
Plants	Woodland Agrimony	<i>Agrimonia rostellata</i>	Threatened
Plants	Woodland Bluegrass	<i>Poa sylvestris</i>	Endangered
Plants	Yellow Giant-hyssop	<i>Agastache nepetoides</i>	Threatened

- *National Historic Preservation Act.* Under Section 106 of this Act, this scoping document initiates consultation with the National Park Service, New York State Office of

Parks, Recreation, and Historic Preservation (NYSOPRHP), and local historic preservation organizations. Since this study may affect resources within the ancestral homelands of several Indian Nations, this scoping information has also been sent to these Nations along with a separate letter inviting them to consult on this project.

In compliance with Section 106 of the National Historic Preservation Act and 36 Code of Federal Regulations Part 800 (Protection of Historic Properties), a Phase 1 Cultural Resources Investigation Report was completed in February 2012 for the Springville (Scoby) Dam Area of Potential Effect (APE) (Figure 9). Copies of the reports for these areas have been provided to the NYSOPRHP Office and potentially interested Indian Nations.

This investigation included a reconnaissance survey (e.g., visual assessment, site walkover, and photo documentation); background research; archaeological site file searches at the NYSOPRHP Field Services Bureau; and systematic subsurface test excavations in the vicinity of Springville Dam. Archaeological site file searches confirmed that the dam, powerhouse, and surrounding 90 acres were listed on the National Register of Historic Places (NRHP) on September 20, 1996 (Scoby Power Plant and Dam, NRHP No. 96NR00942). The current dam was constructed in 1925, replacing earlier structures built in 1899 and 1924, elements of which still exist. The complex is a rare and intact example of a small hydroelectric generating facility in Western New York. The rarity is due to the large fluctuations in flow and seasonal freeze and thaw of area waterways. The power plant building is utilitarian in design and retains all of its historic machinery, including two General Electric 250 kilowatt AC generators and regulator/distribution equipment. The dam is an ogee concrete gravity dam with 24 foot head with three concrete drainage gates used to release water from the reservoir. Historically, the complex played an important role in bringing electricity to the rural municipality of Springville, thereby stimulating local growth and development. Alternatives 2 through 4 would have an adverse effect on this National Register site.

As part of the phase 1 cultural resources investigation, four shovel tests were excavated approximately 20 inches in diameter along a single transect in areas exhibiting the least amount of disturbance at intervals of no greater than 50 feet. No cultural material was recovered. Based on the results of this survey, no adverse effects on prehistoric or historic archaeological resources are anticipated.



Figure 9. Approximate location of combined Springville (Scoby) Dam architectural and archaeological area of potential effects (APE).

## 7.0 POINT OF CONTACT

Interested parties are encouraged to contact the USACE-Buffalo District Environmental Analysis Team with any comments regarding the Springville (Scoby) Dam Fish Passage Study. Questions or requests for additional information may be directed to:

Buffalo District Environmental Analysis Team

Telephone No.: 800-833-6390, Press 3

E-mail: [Springville.dam@usace.army.mil](mailto:Springville.dam@usace.army.mil)

Please review the study information and present any comments in writing within thirty (30) days to the attention of the Buffalo District Environmental Analysis Team to the email address listed above or at the following address:

U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207-3199

Thank you for your interest and review of this project.

**Table 2. Potentially Applicable Federal Environmental Protection Laws, Executive Orders, and Policies.****1. PUBLIC LAWS**

- a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- b. American Indian Religious Freedom Act, P.L. 95-341, 42 U.S.C. 1996, *et seq.*
- c. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- d. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- e. Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
- f. Archaeological Resources Protection Act, P.L. 96-95 as amended, 16 U.S.C. 470aa, *et seq.*
- g. Bald Eagle Protection Act; 16 U.S.C. 668.
- h. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- i. Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq.* (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
- j. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- k. Comprehensive Environmental Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. 9601, *et seq.*
- l. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- m. Energy Independence and Security Act, P.L. 110-140, 42 U.S.C. 15821, *et seq.*
- n. Energy Policy Act, P.L. 109-58, 42 USC 13201, *et seq.*
- o. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- p. Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, *et seq.*
- q. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- r. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- s. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- t. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- u. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- v. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- w. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- x. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- y. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- z. Native American Graves Protection and Repatriation Act, P.L. 101-601, 25 U.S.C. 3001, *et seq.*
- aa. Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- bb. Noise Control Act, P.L. 92-574, 42 U.S.C. 4901, *et seq.*
- cc. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- dd. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
- ee. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- ff. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- gg. Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

**2. EXECUTIVE ORDERS**

- a. Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1979
- b. Executive Order 11988, *Floodplain Management*, May 24, 1977
- c. Executive Order 11990, *Protection of Wetlands*, May 24, 1977
- d. Executive Order 11514, *Protection and Enhancement of Environmental Quality*, March 5, 1970, as amended by Executive Order 11991, May 24, 1977
- e. Executive Order 12088, *Federal Compliance with Pollution Control Standards*, October 13, 1978
- f. Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982
- g. Executive Order 12580, *Superfund Implementation*, January 23, 1987
- h. Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, August 3, 1993
- i. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994
- j. Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, April 21, 1997
- k. Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001

- l. Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, January 24, 2007
- m. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, October 5, 2009

### **3. OTHER FEDERAL POLICIES**

- a. Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act
- b. Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)