



Public Notice

Applicant: U.S. Army Corps of
Engineers, Buffalo District

U.S. Army Corps
of Engineers
Buffalo District

Published: 31 March 2014

Expires: 15 April 2014

Application No: Regional Permit (RP) 86-000-1 & 87-000-1
Section: New York (NY) 404 and 10

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Margaret Crawford)
7413 County House Road
Auburn, New York 13021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The District Commander, U.S. Army Corps of Engineers District, Buffalo, New York, is considering, on behalf of the general public, modification of Regional Permits 81-000-1 for minor dredging, 86-000-1 for the construction of timber crib docks (and other minor structures) and 87-000-1 for the installation and maintenance of open pile or floating docks (and other minor structures) in waters of the United States within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo. This modification is being taken in accordance with Title 33 of the Code of Federal Regulations Parts 320 thru 330 as published in the November 13, 1986 Federal Register, Volume 51, No. 219. RP 81-000-1 and 86-000-1 expire on November 4, 2016, and RP 87-000-1 expires on February 3, 2016. This action would not modify the current expiration dates.

The Corps is proposing to modify Table 1 within these permits, which identifies locations of Federally-listed threatened and endangered species and candidate species protected under the Endangered Species Act that may be affected by the use of Regional Permits. The table was recently modified for use in RPs 79-000-3 and 87-000-13. At that time, the U.S. Fish and Wildlife Service (USFWS) approved it for use for RPs 86-000-1 and 87-000-1, and the Corps would also like to incorporate it into RP 81-000-1. The proposed table is attached to this Public Notice. The current versions of RPs 81-000-1, 86-000-1 and 87-000-1 can be found at: <http://www.lrb.usace.army.mil/Missions/Regulatory/NYRegionalPermits.aspx>

Comments or questions pertaining to the work described in this notice should be directed to the attention of Margaret Crawford, who can be contacted at the above address, by calling (315) 704-0256, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine

whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.

Table 1. Locations of Federally-Listed Threatened and Endangered Species and Candidate Species that may be affected by Regional Permit 79-000-3, for the construction and maintenance of boathouses and Regional Permit 87-000-13 for the placement of fill in existing boat slips and boat wells that have been excavated into previously dry upland property that are located in waters of the U.S. within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo, under Section 404 of the Clean Water Act 1977 (33 U.S.C. 1344) and the Rivers and Harbors Act of 1899. This table is effective as of XXXXXX and expires on XXXX.

County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code1
Cattaraugus	HUCs 05010001 and 05010002 (Allegheny River, Cassadaga and Conewango Creek basin.)	Clubshell, Rayed bean (Endangered)	1
Cayuga	Projects in wetlands in all Towns where project is at elevation < 1,000 ft	Bog turtle (Threatened)	1
	All Towns, elevation under 900'	Indiana bat (Endangered)	2
Chautauqua	HUCs 05010001, 05010002, and 05010004 (Allegheny River, Cassadaga and Conewango Creek basin.)	Clubshell, Rayed bean	1
Genesee	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle, Houghton's goldenrod (Threatened), Eastern massasauga (Candidate)	1
Jefferson	All Towns, elevation under 900'	Indiana bat	2
	Town of Ellisburg, within 500 meters or 1,640 feet of the Lake Ontario Ordinary High Water line	Piping plover (Endangered) Great Lakes critical habitat	1
Lewis	All Towns, elevation under 900'	Indiana bat	2
Madison	All Towns, elevation under 900'	Indiana bat	2
Monroe	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
Oneida	All Towns within 40 miles of the Town of Dewitt and elevation under 900'	Indiana bat	2
	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
Onondaga	Projects in wetlands in all Towns where project is at elevation < 1,000 ft. In addition, all stream projects in Town of Cicero.	Bog turtle	1
	All Towns, elevation under 900'	Indiana bat	2

Ontario	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
Orleans	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
Oswego	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, elevation under 900'	Indiana bat	2
	Towns of Sandy Creek and Richland, within 500 meters or 1,640 feet of the Lake Ontario Ordinary High Water line	Piping plover Great Lakes critical habitat	1
St. Lawrence	All Towns within 40 miles of Watertown, and elevation under 900'	Indiana bat	2
Schuyler	Town of Dix, along west side of Seneca Lake	Leedy's roseroot (Threatened)	1
Seneca	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns within 40 miles of Town of Dewitt and elevation under 900'	Indiana bat	2
Tompkins	Projects in wetlands in all Towns where project is at elevation < 1,000 ft. In addition, all stream projects in Town of Ithaca.	Bog turtle	1
Wayne	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns within 40 miles of Town of Dewitt, elevation under 900'	Indiana bat	2
Yates	Town of Starkey, along west side of Seneca Lake	Leedy's roseroot	1

¹ Avoidance Action Codes:

- 1) The Corps will coordinate with the USFWS per the Standard Local Operating Procedures for Endangered Species.
- 2) The Corps will coordinate with the USFWS per the Standard Local Operating Procedures for Endangered Species for any project that includes tree removal.