

Public Notice

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Applicant: Intergrow Greenhouses, Inc. Published: September 1, 2016
Expires: October 3, 2016

Application No: LRB-2015-00455
Section: NY

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Heather Adams
1776 Niagara Street
Buffalo, NY 14207

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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Intergrow Greenhouses, Inc.

WATERWAY & LOCATION: unnamed tributary to Fourmile Creek and wetlands, 887 Salt Road, Town of Webster, Monroe County, New York

LATITUDE & LONGITUDE: Latitude North: 43.20765
Longitude West: 77.39678

EXISTING CONDITIONS: The 114 acre site is currently used for farming.
Description of delineation of waters of the US, if applicable: 2,350 linear foot ephemeral channel and 2.19 acres of palustrine wetland.

PROPOSED WORK: The applicant proposes to place fill into 2.19 acres of wetland and relocate the 2,350 linear foot ephemeral stream in order to construct greenhouses and attendant features.

PROJECT PURPOSE
Basic: to construct a greenhouse

Overall: to construct 74 acres of hydroponic greenhouse space for the year-round production of tomatoes to be shipped throughout the east and Midwest

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): The proposed project is not water dependent, therefore alternatives with less adverse impacts on the aquatic environment are presume to exist.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has avoided impacts to waters of the U.S. by evaluating 12 different sites in the western New York area for a site large enough for the project. The proposed site has the least amount of wetlands and are wetlands that provide fewer functions and services compared to the other sites. Impacts to the ephemeral channel would be minimized by relocating it, constructing the new channel to be 12-inches deep, 24-inches wide and with 1:3 sloped banks. The channel would be sown with a FACW meadow seed mix and would provide functions to include groundwater recharge, water purification, flood protection, wildlife habitat, and water conveyance.

PROPOSED MITIGATION: The applicant proposes to provide permittee-responsible mitigation in the form of wetland creation along an existing stream within Finn Park in the Town of Webster. The park is located within the Irondequoit-Nine Mile Creek watershed, which is the same watershed as the proposed project. The applicant proposes mitigation at a 1:1 ratio due to the limited functions and services of the wetland proposed to be impacted.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Heather Adams, who can be contacted at the above address, by calling (716) 879-4308, or by e-mail at: Heather.L.Adams@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

The project permit area, as shown on Sheet 1 of 9, does not appear to be located within a archaeologically sensitive areas as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) or properties listed in, or eligible for listing in, the National Register of Historic Places based on preliminary findings. This notice constitutes initiation of consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP under project number 16PR05020. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to northern

long-eared bat and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

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.

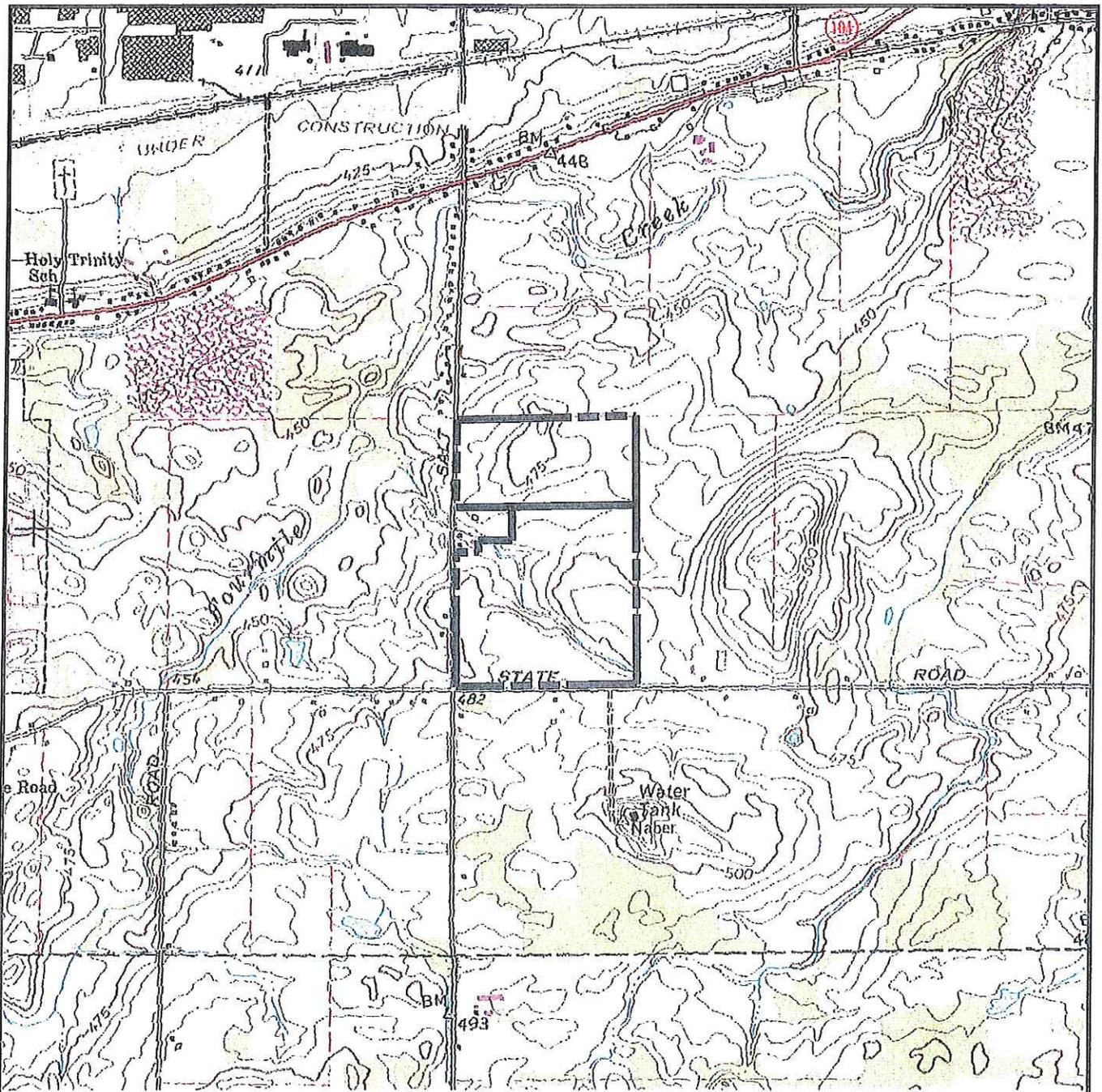
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

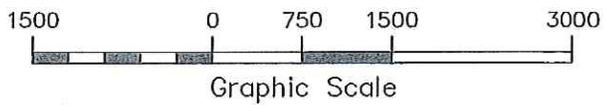
SIGNED

Heather Adams
Biologist

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.



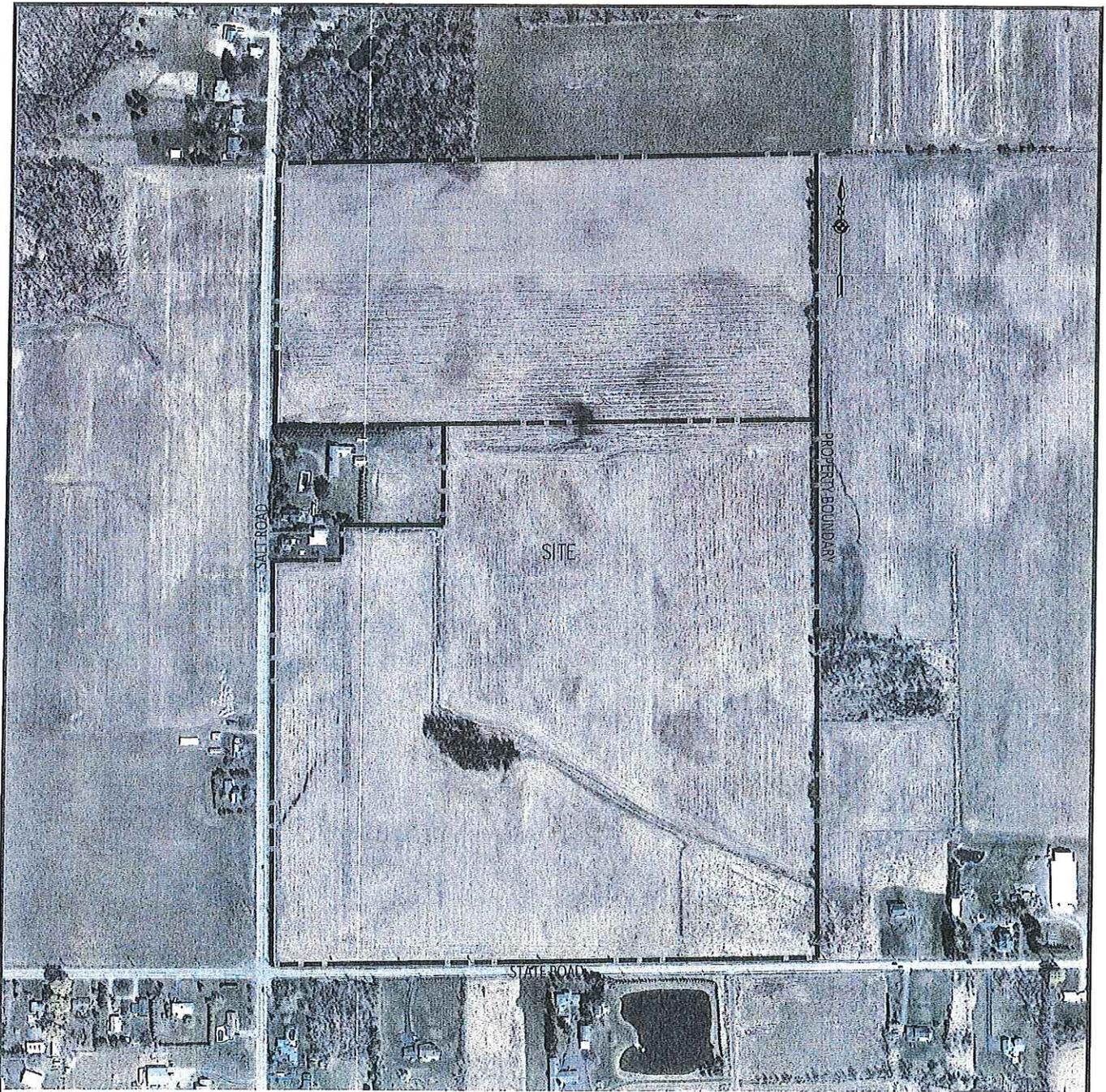
Site Boundary



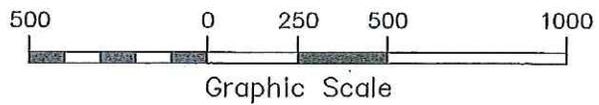
BME
ASSOCIATES

887 Salt Road
USGS Location Map (Webster Quadrangle)
Town of Webster, Monroe County, New York

Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 1 of 10



Site Boundary

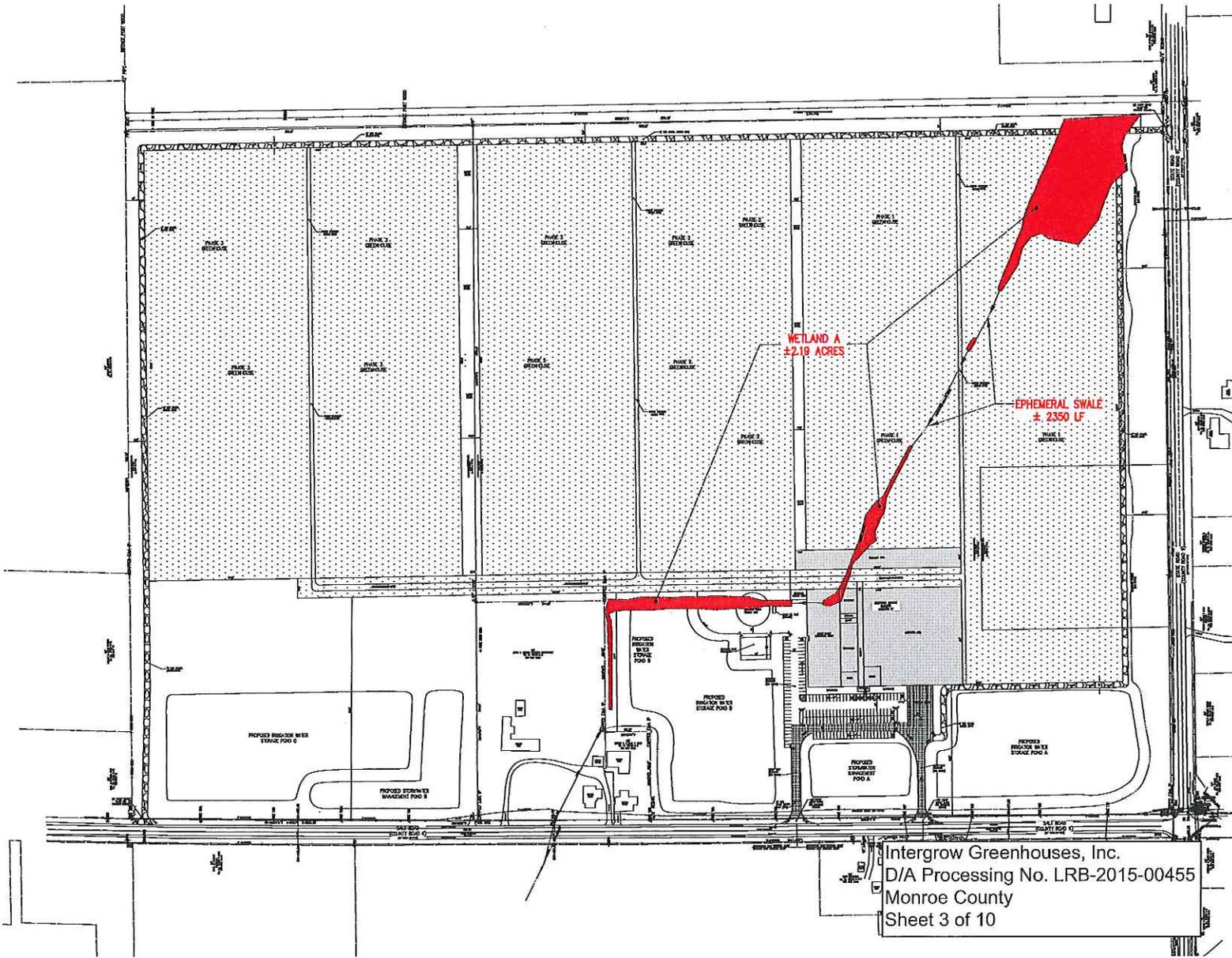


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887 Salt Road
Aerial Photograph
Town of Webster, Monroe County, New York

Scale:
1"=500'

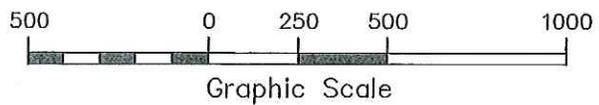
Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 2 of 10



Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 3 of 10



Site Boundary

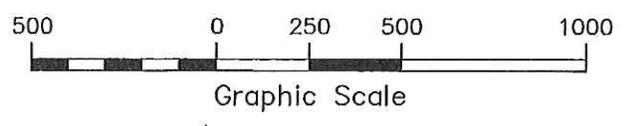
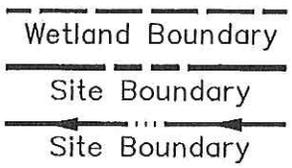
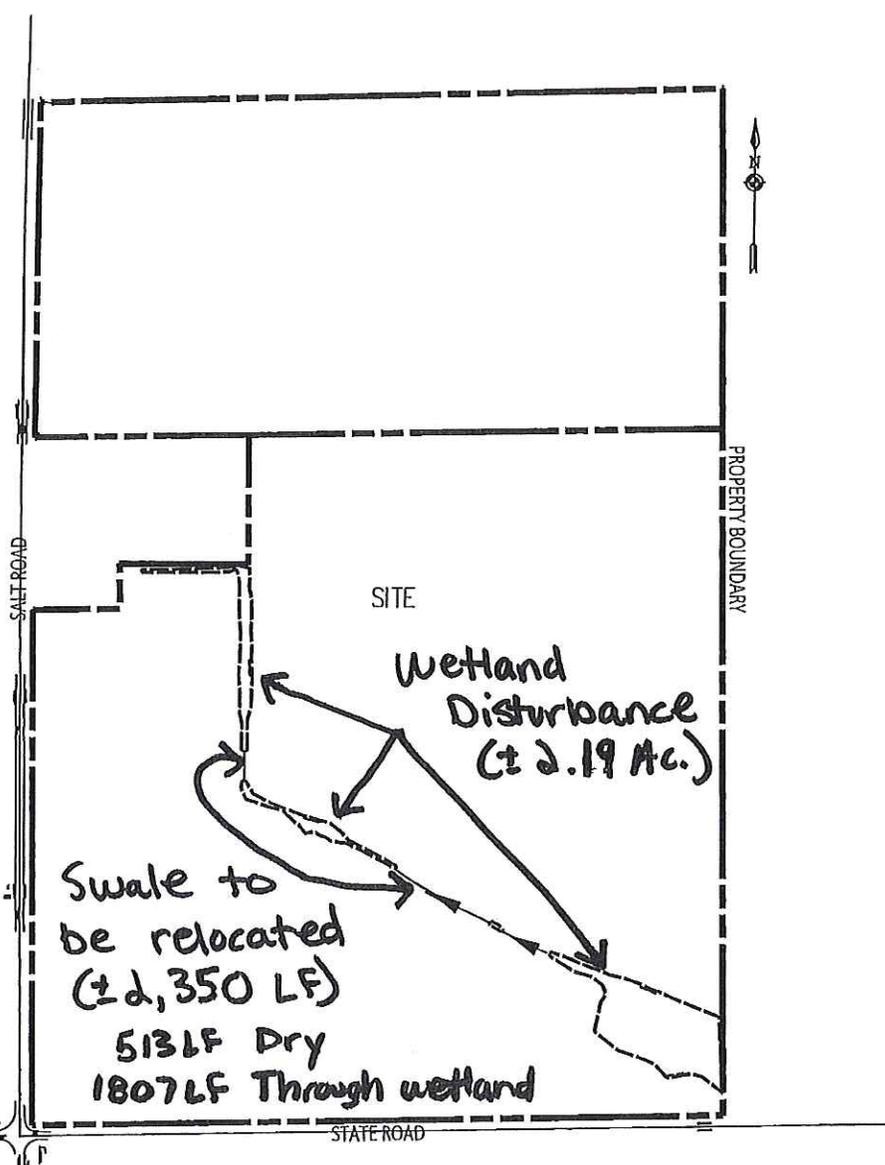


BME
ASSOCIATES

887 Salt Road
Tree Removal
Town of Webster, Monroe County, New York

Scale:
1"=500'

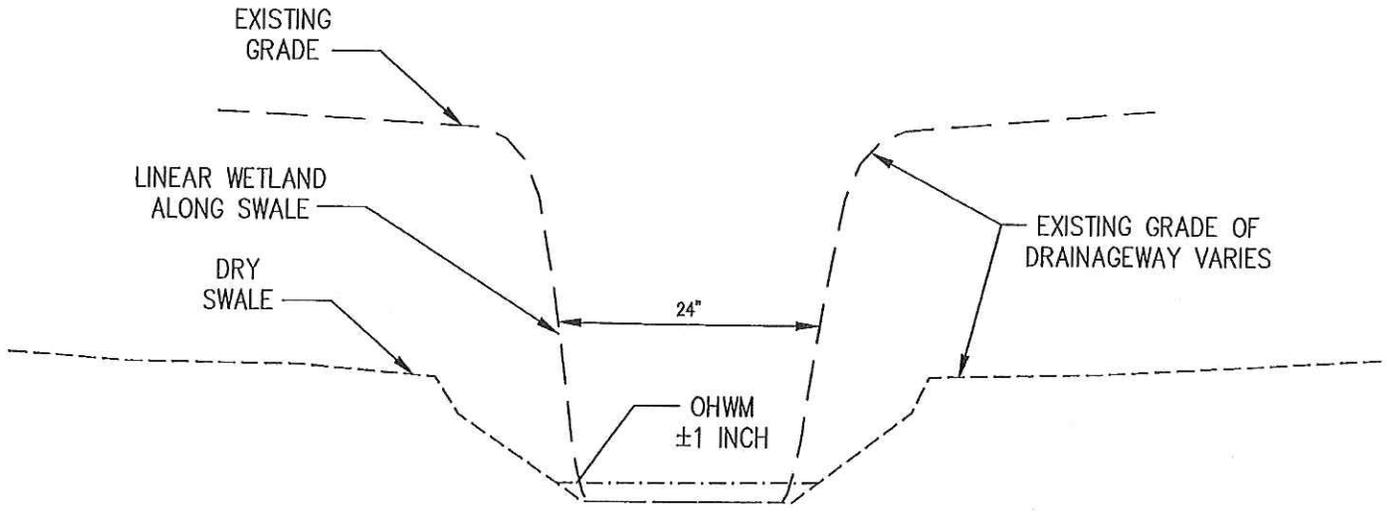
Intergrow Greenhouses, Inc.
D/A Processig No. LRB-2015-00455
Monroe County
Sheet 5 of 10



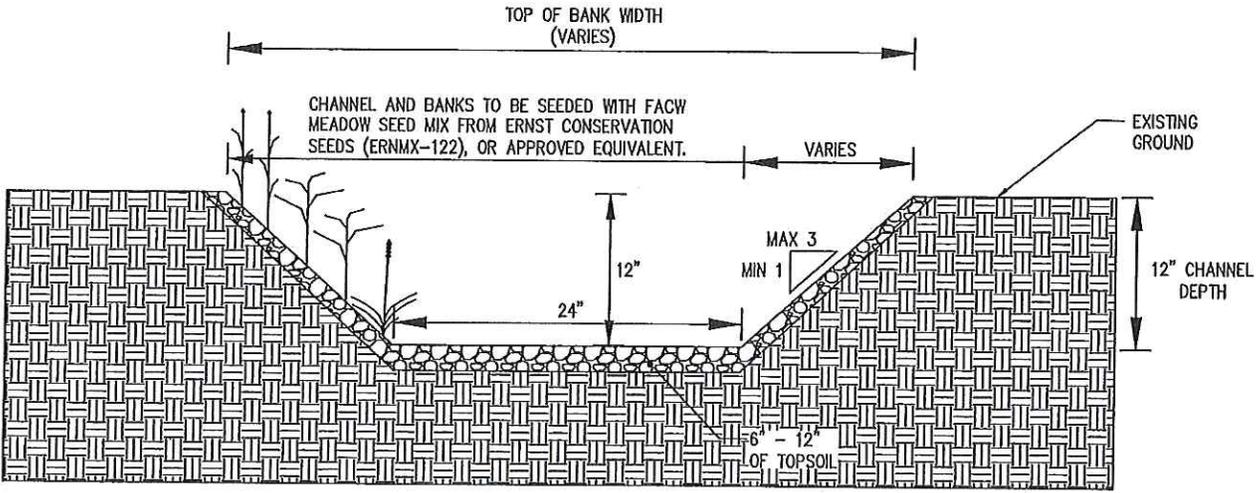
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887 Salt Road
Wetland Disturbance Map (June 2016)
Town of Webster, Monroe County, New

Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 6 of 10

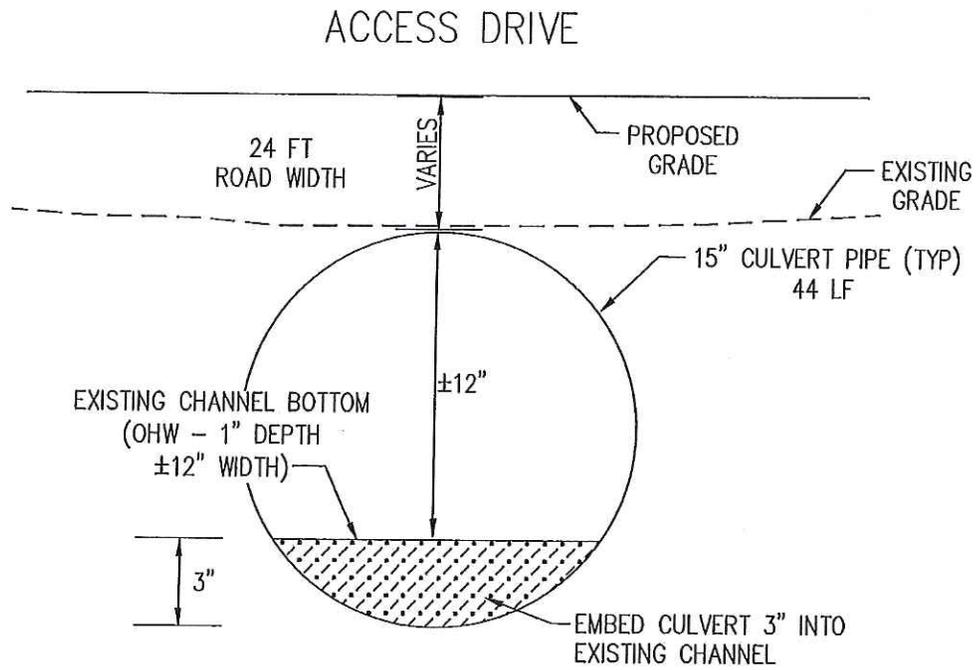


EXISTING SWALE DETAIL
N.T.S.



PROPOSED SWALE DETAIL
N.T.S.

Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 7 of 10



NATURAL BOTTOM CULVERT DETAIL
N.T.S.

Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 8 of 10

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

August 9, 2016

Heather Adams
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

**Re: Intergrow Greenhouses, Inc.
Permit Application - Wetland Mitigation**

2468

Dear Heather:

On behalf of the applicant, Intergrow Greenhouses, Inc., we are proposing compensatory wetland mitigation for your consideration:

The existing, on-site wetland is emergent and surrounded by agricultural field. In dry years some of the wetland is used for crop production. In other years it is left to fallow. Invasive species such as *Phragmites australis* and *Lythrum salicaria* are abundant throughout the wetland. In some areas, *Phalaris arundinacea* is also present. Hydrology is very seasonal with only a 23 acre drainage basin that has several depressions holding stormwater runoff from flowing downstream. Because of the seasonal hydrology and abundance of invasive plants, the existing wetland provides few environmental functions such as erosion control and seasonal groundwater recharge. Due to the low quality and limited functions of the existing wetland, a 1:1 disturbance to mitigation ratio is proposed.

The proposed wetland mitigation site will be provided in the same Irondequoit-Nine Mile Creek watershed on a Town of Webster property called Finn Park. The park is located north of NYS Route 104 and between Maple Drive and Gravel Road and totals approximately 70 acres. It has multiple streams transecting the property and contains some open areas offering ample opportunity for a wetland mitigation site. The wetland will be constructed in an open area near an existing stream allowing for storage of flood water, water quality enhancement, groundwater recharge and wildlife habitat. Diverse vegetation will be provided by an obligate wetland seed mix from Ernst Conservation Seeds (ERNMX-131). Vegetation will be native and diverse with the obligate wetland seeding mix and hydrology will be more stable than that of the existing wetland with a 1,734 acre drainage basin. Please see the attached Wetland Mitigation Concept Plan.

We will proceed with a full mitigation plan design and monitoring narrative upon your approval of this concept.

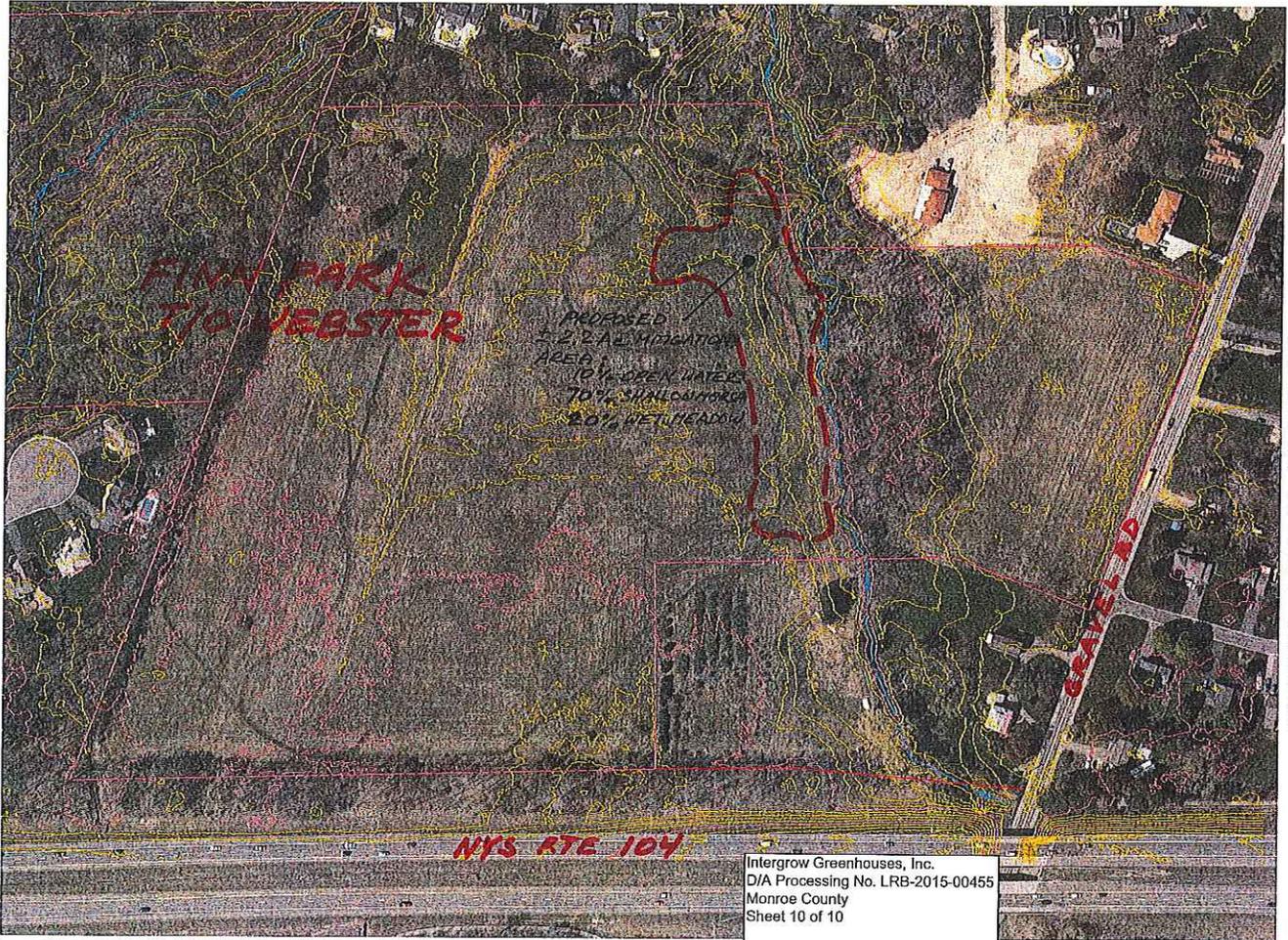
Please review this proposal and contact our office if you have any questions.

Sincerely,
BME Associates

c: Intergrow Greenhouses, Inc.

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FAIRPORT, NEW YORK 14450
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www.bmepc.com

Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 9 of 10



FINN PARK
T/O WEBSTER

PROPOSED
1.2 Acre MITIGATION
AREA
10% OPEN WATER
70% SHALLOWS
20% WETMEADOW

GRAVEL RD

NYS RTE 104

PROPOSED WETLAND MITIGATION
AREA FOR SALT RD - INTERGROW
GREENHOUSE PROJECT



Intergrow Greenhouses, Inc.
D/A Processing No. LRB-2015-00455
Monroe County
Sheet 10 of 10