



Public Notice

U.S. Army Corps
Of Engineer
Buffalo District
CELRB-TD-R

Applicant: Erie Canal
Harbor Development Corporation

Published: January 31, 2012
Expires: March 1, 2012

Application No: 2012-00011
Section: NY

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Joseph Rowley)
1776 Niagara Street
Buffalo, New York 14207-3199

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 Erie Canal Harbor Development Corporation (ECHDC), 95 Perry Street, 5th Floor, Buffalo, New York 14203-3030, has applied for a Department of the Army (DA) permit to place 950 cubic yards of sand within Lake Erie to conduct the Gallagher Beach Sand Sustainability Study (GBSSS) in order to determine if sand placed on the lake bed and adjacent beach surface will persist year to year. The sand will be placed at two locations, Gallagher Beach and the NYPA Parcel located at 175 & 1515 Fuhrmann Boulevard, City of Buffalo, Erie County, New York.

Project Description: The ECHDC is conducting the Gallagher Beach Sand Sustainability Study in order to determine if sand placed on the existing beach surface will persist from year to year. The GBSSS will include placement of a total of approximately 1,400 cubic yards of sand in two locations at Gallagher Beach (Sheet 6 of 9) and one location at the NYPA parcel (Sheet 4 of 9). At each location, the sand will be placed in continuous layer approximately 1 foot thick (Sheet 5, 7 of 9), 100 feet wide and 100 feet long. The sand will be placed from the upland end of the beach extending into the water depth of approximately 3 feet. Of the total volume stated above, approximately 950 cubic yards (divided between the three test plots) will be placed below the ordinary high water mark of Lake Erie (el. 573.4 IGLD (International Great Lakes datum 1985)).

Each test plot will be bounded by an edge restraint (Sheet 8 of 9) that will hold the sand in place as if it was buttressed by adjacent sand on a fully developed beach. The edge restraint will be constructed of a geosynthetic mesh tube filled with pea gravel that will retain the sand but allow waves to dissipate through it. To secure the edge restraint in place, mesh will be wrapped around the tube and extended beneath the sand layer. The 3 test areas will be constructed in the dry by installing a temporary cofferdam (such as a Port-A-Dam or similar structure) immediately outside the test area. The temporary

cofferdams will be removed after the test areas have been constructed.

The sand will be surveyed immediately after placement in the Fall of 2012 and again in the Spring of 2013. It will be inspected at least monthly throughout the winter, snow accumulation and harbor freeze-over permitting. The results of the field test will be used to help determine the next step in the beach development study.

Proposed Impacts: The ECHDC proposes to place 950 cubic yards of sand below the OHW of Lake Erie as part of the Gallagher Beach Sand Sustainability Study in order to determine if sand placed on the existing beach surface will persist from year to year.

Project Purpose: The intent of the Gallagher Beach Sand Study is to determine if sand placed on the existing lake bed and adjacent beach surface will persist from year to year. The study will provide a model to use for the ECHDC to investigate the construction of a full beach. The ECHDC seeks to improve the availability and quality of waterfront access. If the results of the sand study are positive, ECHDC understands a full beach construction project will require another comprehensive design, review and approval process.

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 be reference the Application Number and be directed to the attention of Joseph Rowley, who can be contacted at the above address, by calling (716)879-4279, or by email at: joseph.m.rowley@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has provided the New York State Department of State (NYS DOS) Office of Coastal, Local Government and Community Sustainability a certification that the proposed activity complies with and will be conducted in a manner that is consistent with the approved state CZM program. To date, NYSDOS general concurrence to the applicant's certification has not be given for the proposed activity.

The following authorization(s) may be required for this project:

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

On September 18, 2011, the New York State Office of Parks, Recreation and Historic Preservation issued a No Effect determination for the proposed Gallagher Beach Sand Sustainability Study in regards to cultural resources in or eligible for inclusion in the National Registers of Historic Places.

Available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species. There are no species listed as protected pursuant to the Endangered Species Act located within Erie County, New York, and therefore the Corps is not consulting beyond this Public Notice with the U.S. Fish and Wildlife Service.

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

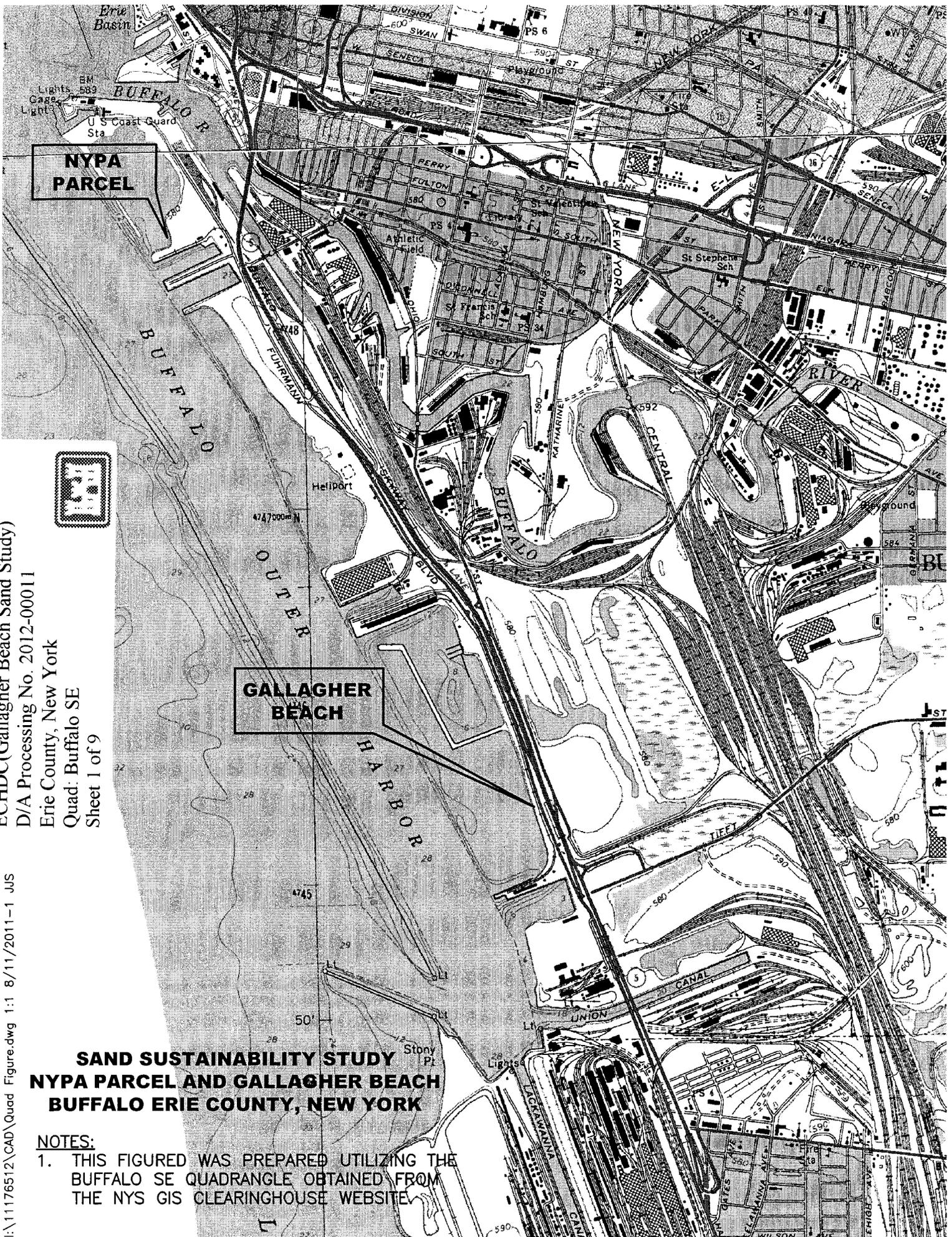
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.

ECHDC(Gallagher Beach Sand Study)
D/A Processing No. 2012-00011
Erie County, New York
Quad: Buffalo SE
Sheet 1 of 9

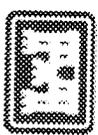


**SAND SUSTAINABILITY STUDY
NYPA PARCEL AND GALLAGHER BEACH
BUFFALO ERIE COUNTY, NEW YORK**

- NOTES:**
1. THIS FIGURED WAS PREPARED UTILIZING THE BUFFALO SE QUADRANGLE OBTAINED FROM THE NYS GIS CLEARINGHOUSE WEBSITE



ECHDC(Gallagher Beach Sand Study)
D/A Processing No. 2012-00011
Erie County, New York
Quad: Buffalo SE
Sheet 2 of 9



**NYPA
PARCEL**

**GALLAGHER
BEACH**

LAKE ERIE

OUTER HARBOR

BELL
SLIP

ROUTE 5

BEAUFORT RIVER

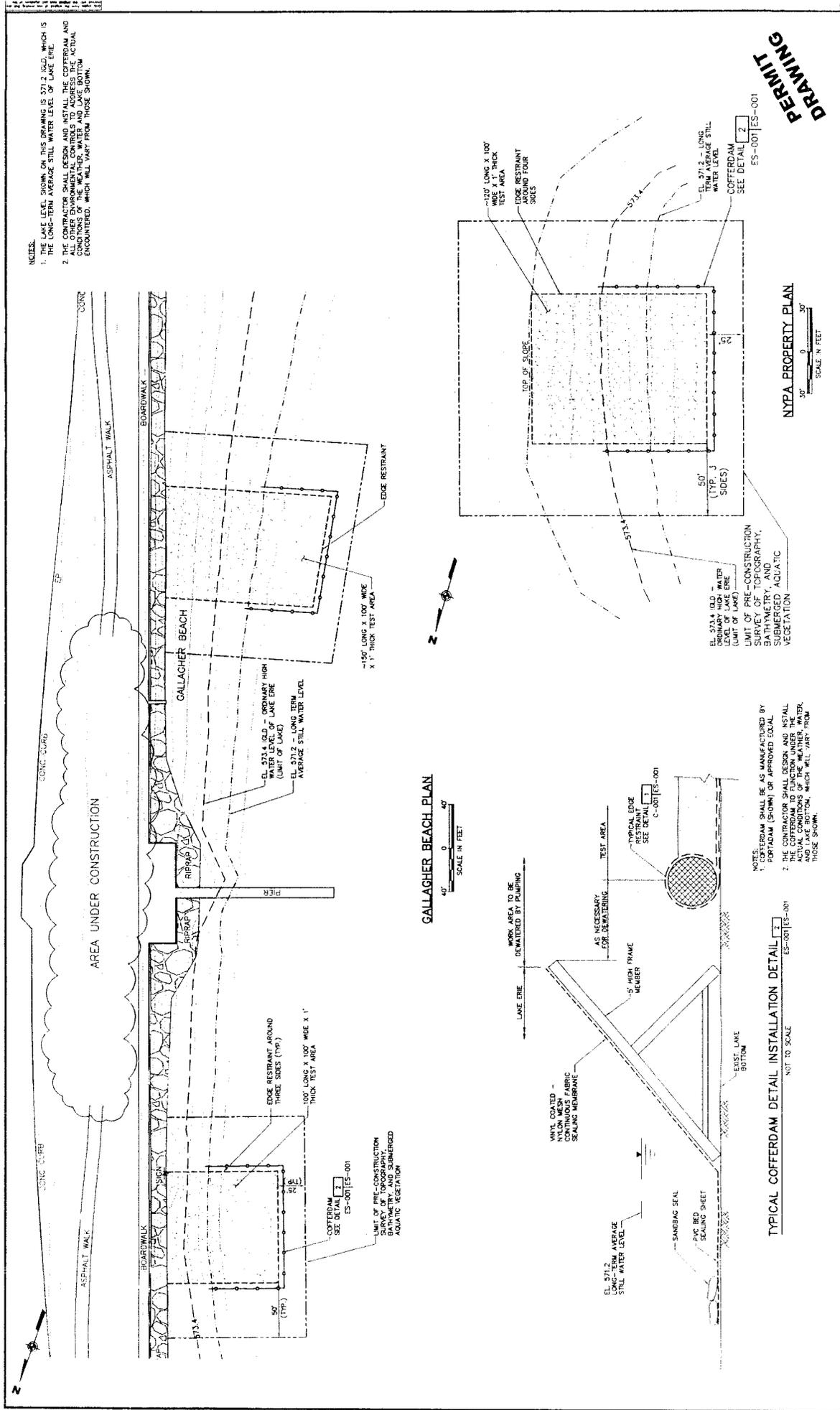
TIFFET NATURE
PRESERVE

FURHMANN BLVD

SMALL
BOAT
HARBOR

YAWKEY

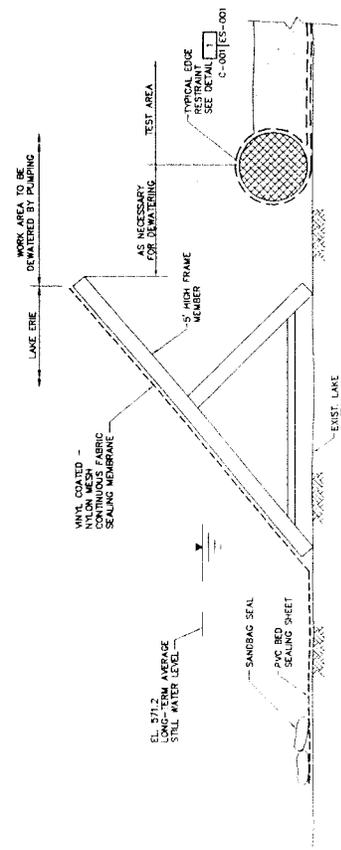
FURHMANN BLVD



NOTES:
 1. THE LAKE LEVEL SHOWN ON THE DRAWING IS 571.2 FEET, WHICH IS THE LONG-TERM AVERAGE STILL WATER LEVEL OF LAKE ERIE.
 2. THE CONTRACTOR SHALL DESIGN AND INSTALL THE COFFERDAM AND ALL OTHER ENVIRONMENTAL CONTROLS TO ADDRESS THE ACTUAL CONDITIONS OF THE WEATHER, WATER AND LAKE BOTTOM ENCOUNTERED, WHICH WILL VARY FROM THOSE SHOWN.

GALLAGHER BEACH PLAN

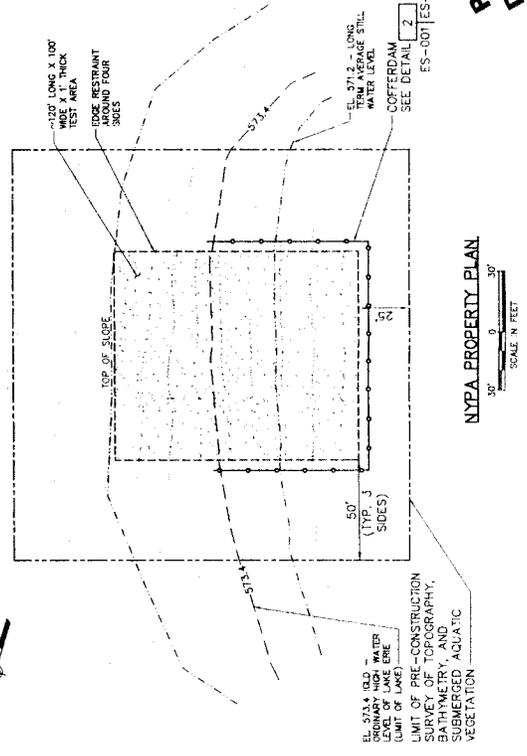
SCALE IN FEET
 0 10 20 30 40



TYPICAL COFFERDAM DETAIL INSTALLATION DETAIL

NOT TO SCALE
 ES-001(ES-001)

NOTES:
 1. COFFERDAM SHALL BE AS MANUFACTURED BY PORTADAM (SHOWN) OR APPROVED EQUAL.
 2. THE CONTRACTOR SHALL DESIGN AND INSTALL THE COFFERDAM TO FUNCTION UNDER THE ACTUAL CONDITIONS OF THE WEATHER, WATER, AND LAKE BOTTOM, WHICH WILL VARY FROM THOSE SHOWN.



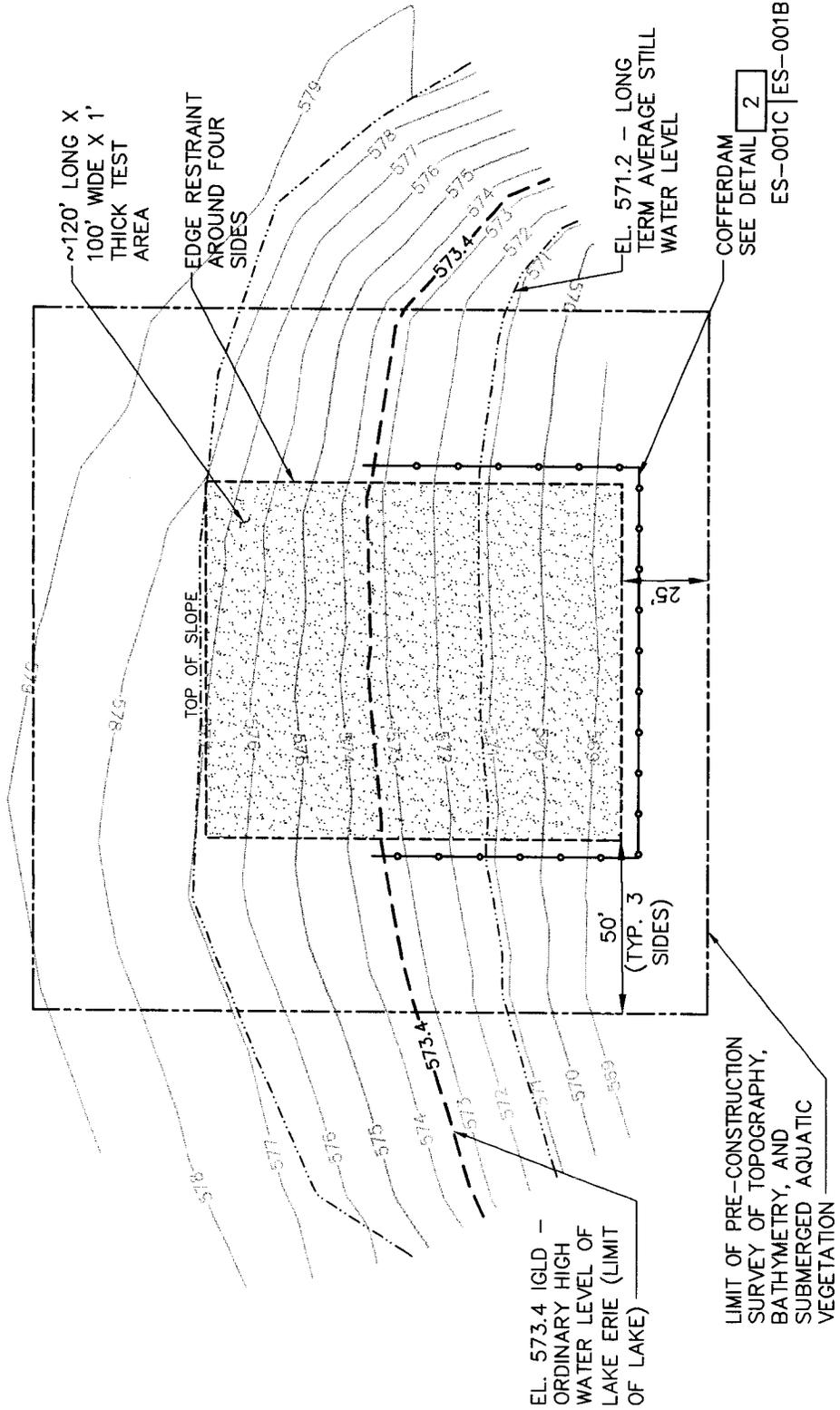
NYPA PROPERTY PLAN

SCALE IN FEET
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| <p>URS Corporation New York 100 West Broadway, New York, NY 10038 Tel: 212-512-2000</p> | DESIGNED BY: JML DRAWN BY: JML CHECKED BY: JML PROJ. ENGR: JML | REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | NO. | DATE | DESCRIPTION | | | | JOB NO. 11176512 |
|--|---|---|-------------|------|-------------|--|--|--|------------------|
| | NO. | DATE | DESCRIPTION | | | | | | |
| | | | | | | | | | |
| ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION NEW YORK | SAND SUSTAINABILITY STUDY | EROSION AND SEDIMENT CONTROL DETAILS | ES-001 | | | | | | |

ECHDC (Gallagher Beach Sand Study)
 D/A Processing No. 2012-00011
 Erie County, New York
 Quad: Buffalo SE
 Sheet 4 of 9

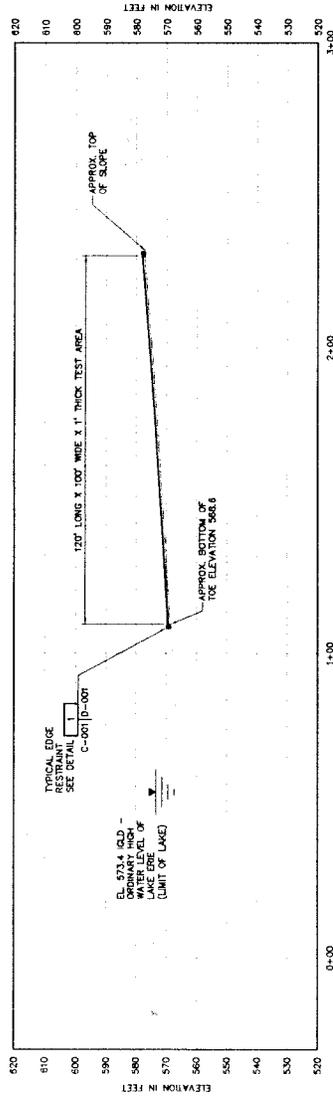
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**PERMIT
DRAWING**

| | | | | |
|--|---|---------------------------|---|---------|
| | ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION NEW YORK | SAND SUSTAINABILITY STUDY | NYPA PROPERTY PLAN Scale: AS SHOWN Date: NOV. 2011 | ES-001C |
| | NYPA PROPERTY PLAN | | | |

ECHDC(Gallagher Beach Sand Study)
 D/A Processing No. 2012-00011
 Erie County, New York
 Quad: Buffalo SE
 Sheet 5 of 9



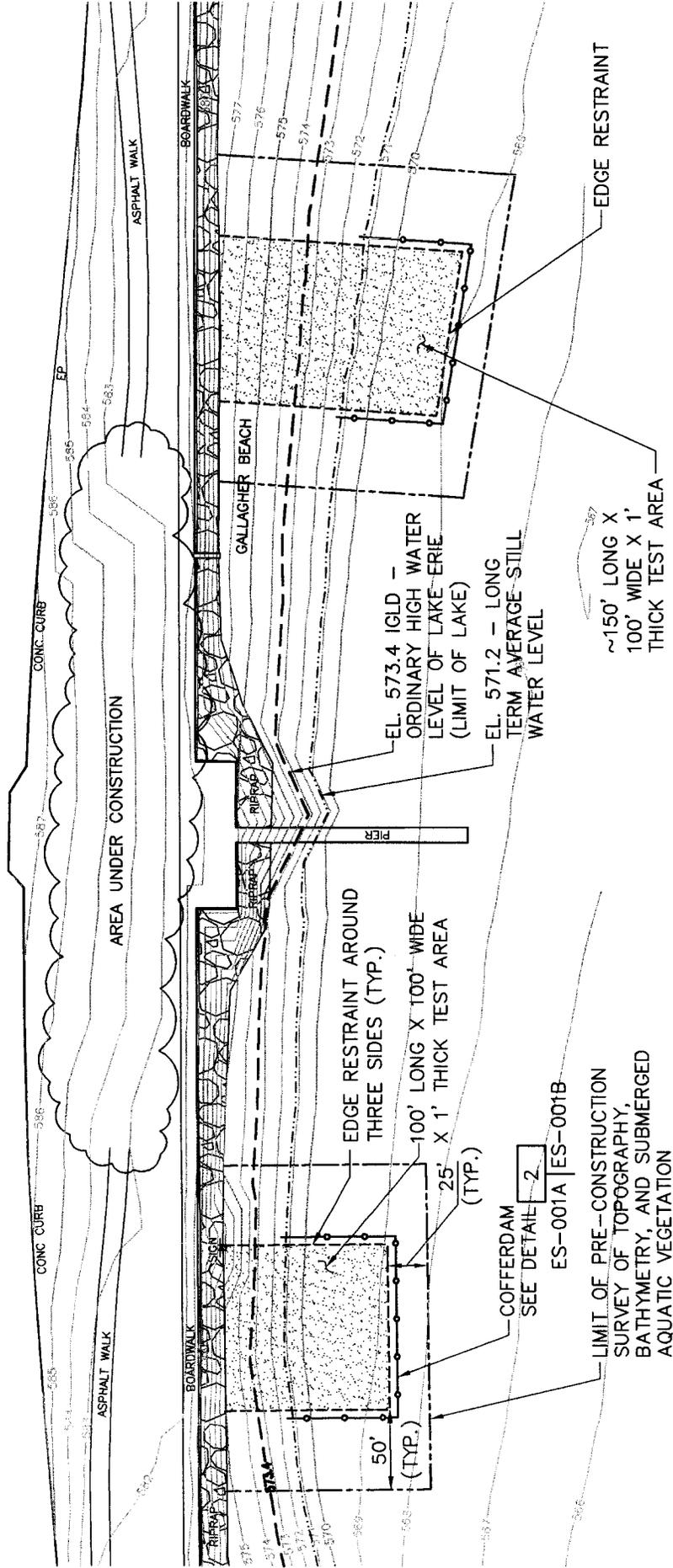
SECTION C
 C-002 (C-004)
 20'
 0 20'
 SCALE IN FEET
 HORIZ. & VERT.

PERMIT
 DRAWING

| | | | | | | | | | | | |
|----------------------------------|--|---------------------------|--|---|--|---------------------------------------|--|--|--|------------------|--|
| NYPA PARCEL SECTION C-004 | | SAND SUSTAINABILITY STUDY | | ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION | | URS Corporation New York 111755 | | DESIGNED BY: J.W. DRAWN BY: J.L. CHECKED BY: | | PERM. NO. 111755 | |
| (Scale as Shown) Date: NOV. 2011 | | | | | | | | | | | |

ECHDC(Gallagher Beach Sand Study)
 D/A Processing No. 2012-00011
 Erie County, New York
 Quad: Buffalo SE
 Sheet 6 of 9

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NOTES:

1. THE LAKE LEVEL SHOWN ON THIS DRAWING IS 571.2 IGLD, WHICH IS THE LONG-TERM AVERAGE STILL WATER LEVEL OF LAKE ERIE.
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PERMIT DRAWING

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ERIE COUNTY
 ERIE CANAL HARBOR
 DEVELOPMENT CORPORATION
 CITY OF BUFFALO NEW YORK

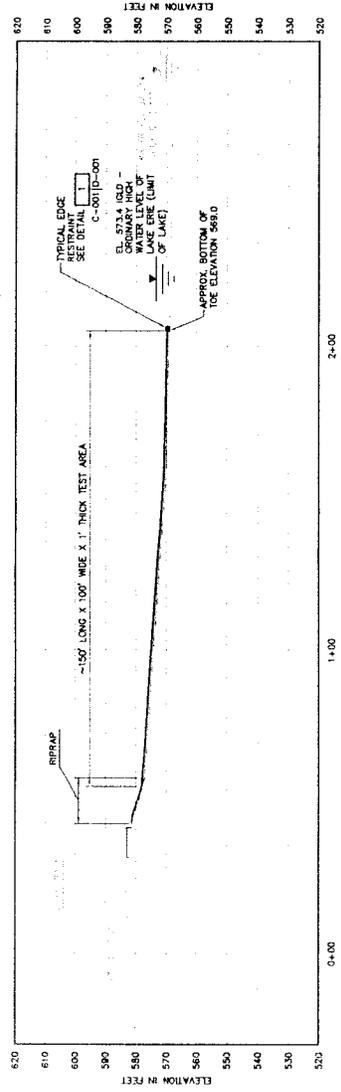
SAND SUSTAINABILITY STUDY

GALLAGHER BEACH PLAN

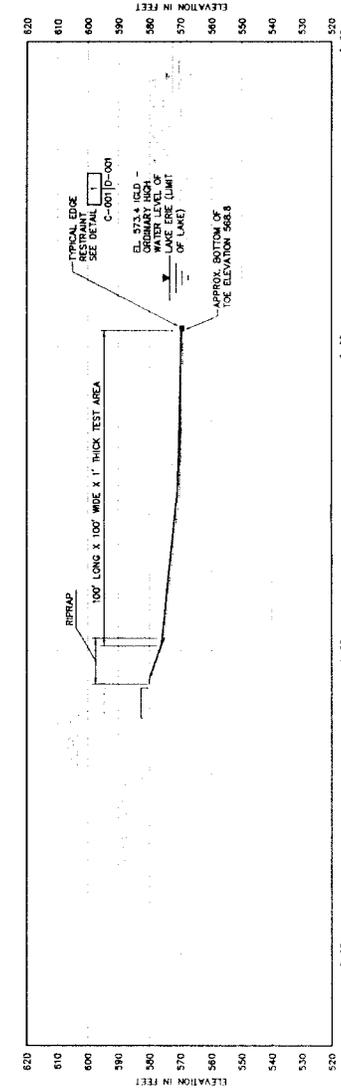
Scale: AS SHOWN Date: NOV. 2011 ES-001A



NOTES.
 1. HORIZONTAL DATUM IS BASED UPON THE NEW YORK STATE PLANE COORDINATE SYSTEM, WEST ZONE, 1983 ADJUSTMENT; ELEVATIONS ARE BASED UPON INTERNATIONAL GREAT LAKES DATUM (IGLD 85).
 2. CONTOURS 568 AND LOWER TAKEN FROM RFTA BOAT HARBOR SURVEY DATA, DATED 7/23/01, PREPARED BY BIDDON & ASSOCIATES, P.E., P.C.



SECTION A
 C-001(C-003)
 20' SCALE IN FEET
 HORIZ. & VERT.



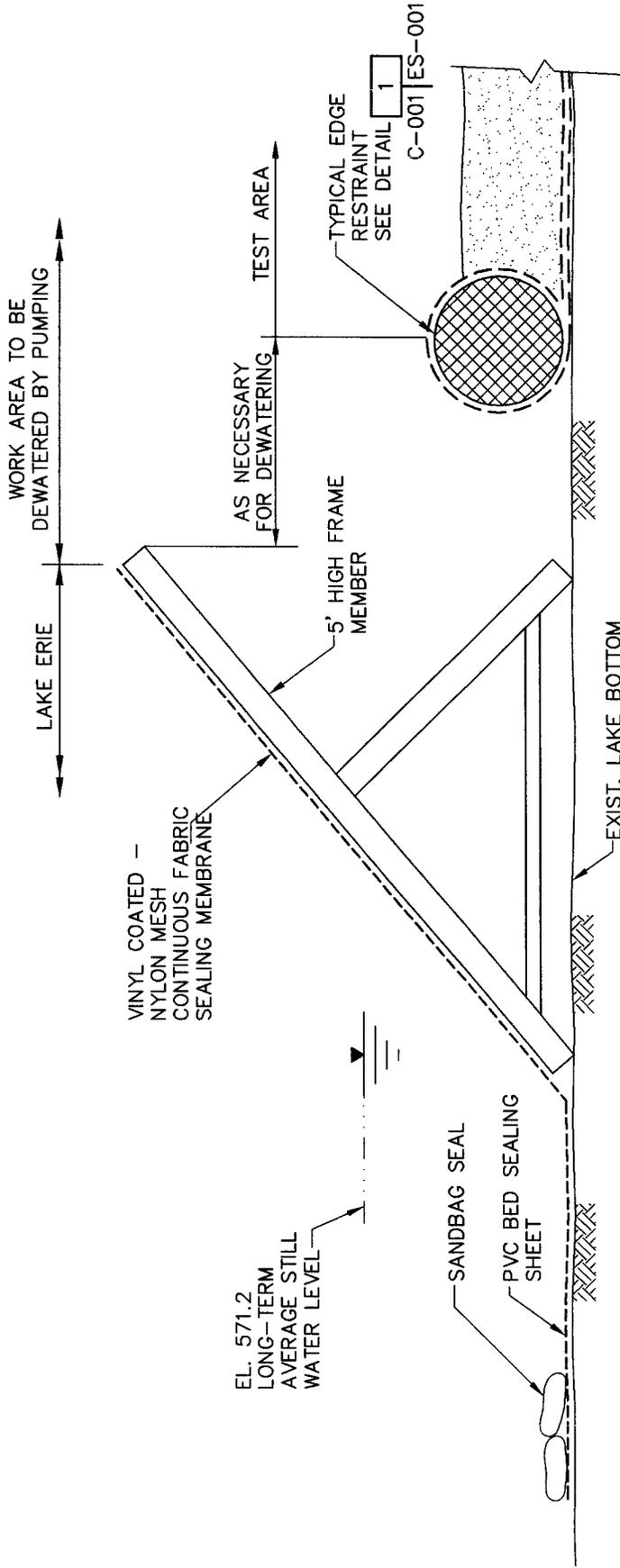
SECTION B
 C-001(C-003)
 20' SCALE IN FEET
 HORIZ. & VERT.

PERMIT DRAWING

| | | | | |
|---|--|---|---|---|
| <p>URS Corporation New York 100 Hudson Street, 14th Floor New York, NY 10038 Tel: 212 512 2000 Fax: 212 512 2001 www.urscorp.com</p> | | <p>ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION</p> | <p>SAND SUSTAINABILITY STUDY</p> | <p>GALLAGHER BEACH PARCEL SECTIONS</p> |
| <p>DESIGNED BY: JNL DRAWN BY: JLS CHECKED BY:</p> | <p>DATE: _____ TIME: _____ LOCATION: _____ DESCRIPTION:</p> | <p>Project No. _____ Drawing No. _____ Revision No. _____</p> | | |



I:\11176512\CAD\PERMIT DRAWINGS\REVISED NOV 11\ES-001A-ES-001C.dwg 1:1 11/23/2011-1 RAL



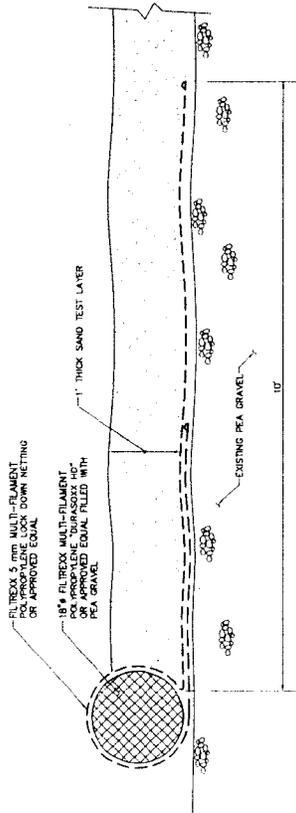
- NOTES:
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TYPICAL COFFERDAM INSTALLATION DETAIL 2
 NOT TO SCALE ES-001A | ES-001B

**PERMIT
DRAWING**

| | | | |
|------------|--|---------------------------|--|
| URS | ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION <small>CITY OF BUFFALO NEW YORK</small> | SAND SUSTAINABILITY STUDY | TYPICAL COFFERDAM INSTALLATION DETAIL <small>Scale: AS SHOWN Date: NOV. 2011</small> ES-001B |
|------------|--|---------------------------|--|

ECHDC(Gallagher Beach Sand Study)
 D/A Processing No. 2012-00011
 Erie County, New York
 Quad: Buffalo SE
 Sheet 9 of 9



TYPICAL EDGE RESTRAINT DETAIL
 NOT TO SCALE
 C-0811P-001

PERMIT
 DRAWING

| | | | | | |
|---|--|---------------------------|-----------------|---------|--------|
| ERIE COUNTY ERIE CANAL HARBOR DEVELOPMENT CORPORATION | | SAND SUSTAINABILITY STUDY | | DETAILS | |
| URS Corporation New York <small>100 Canal Street, Buffalo, New York 14203 1-800-858-1111</small> | | DESIGNED BY: JML | CHECKED BY: JLS | DATE: | SCALE: |
| <small>URS CORPORATION IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER. MINORITY AND FEMALE PARTICIPATION GOALS ARE SET FORTH IN OUR EMPLOYMENT POLICY STATEMENT.</small> | | DRAWN BY: JLS | CHECKED BY: JLS | DATE: | SCALE: |