



Public Notice

Applicant:
City of Binghamton

Date:
Published: February 13, 2004
Expires: March 13, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2004-00223(0)** **Section: NY 404**

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

The City of Binghamton, Third Floor of City Hall, 38 Hawley Street, Binghamton, New York 13901, has applied for a Department of the Army permit to rehabilitate an existing bridge and to discharge fill material into the waterway, in connection with a riverwalk installation, in the Chenango River in the City of Binghamton, Broome County, New York.

The applicant is proposing to install about 560 feet of steel sheet piling wall between 5 to 10 feet waterward of the Ordinary High Water Level of the river. A new concrete riverwalk shall be constructed between this sheet piling and the water's edge. About 1297 cubic yards of concrete and fill shall be placed below the Ordinary High Water Level for the walkway installation.

The applicant is also proposing to install medium and heavy stone riprap along about 560 feet of the steel sheet piling, for scour protection and aesthetic reasons. A total of about 255 cubic yards of stone riprap will be placed below the Ordinary High Water Level of the river, directly in front of the sheet piling.

It is proposed to rehabilitate the existing Court Street Bridge over the Chenango River. All of the work on this bridge shall be done above the Ordinary High Water Level of the river, and shall involve no work in the waterway. Therefore, the Department of the Army has no Regulatory Jurisdiction over this bridge rehabilitation activity.

The purpose of the walkway installation is to provide for a riverwalk at the waterway. The purpose of the proposed riprap installation at the walkway are to provide scour protection for the new steel sheet piling and to provide an aesthetically pleasing appearance to the walkway.

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

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: mel.r.schroeder@usace.army.mil

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.

There is one registered historic property or a property listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. The work site may be located within the Court Street Historic District in the City of Binghamton. Based upon a preliminary review, the proposed work will not have an effect on this historic area..

In addition, 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.

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 should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: mel.r.schroeder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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.

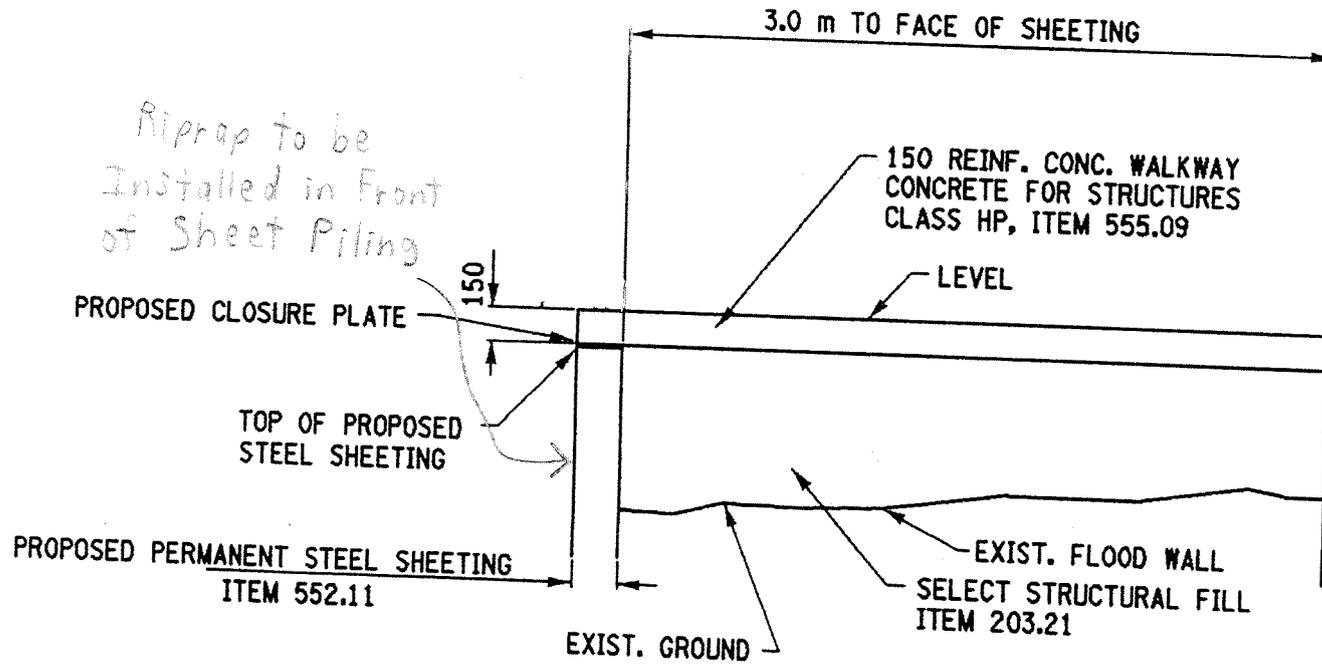
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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.

for Diane C. Rogowski
Philip D. Frapwell
Acting 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.

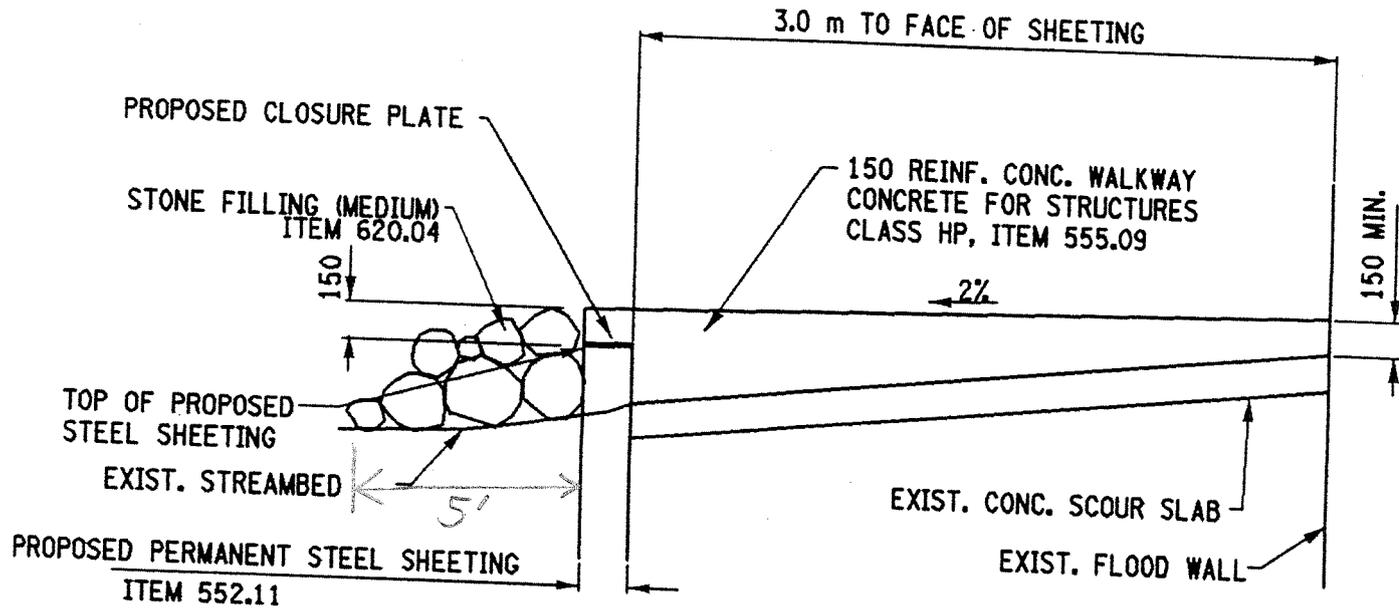


Riprap to be
Installed in front
of Sheet Piling

WALKWAY
STEEL SHEETING SUPPORTED

Cross-Section View of Proposed
Walkway Installation (Not
to Scale)

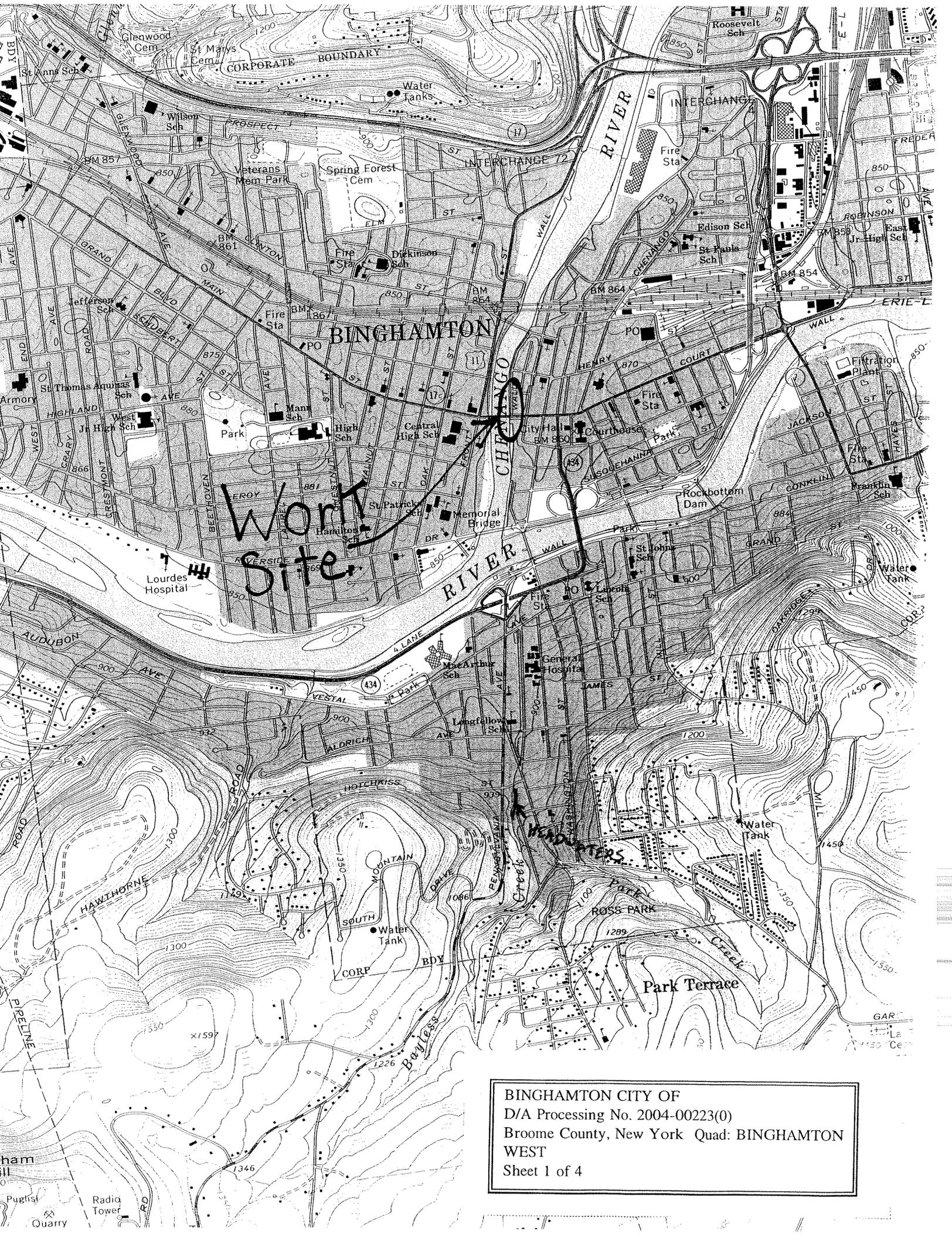
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WALKWAY ON EXISTING SCOUR SLABS
STEEL SHEETING SUPPORTED

*Cross-Section View of Proposed
 Walkway Installation on Existing
 Scour Slabs (Not to Scale)*

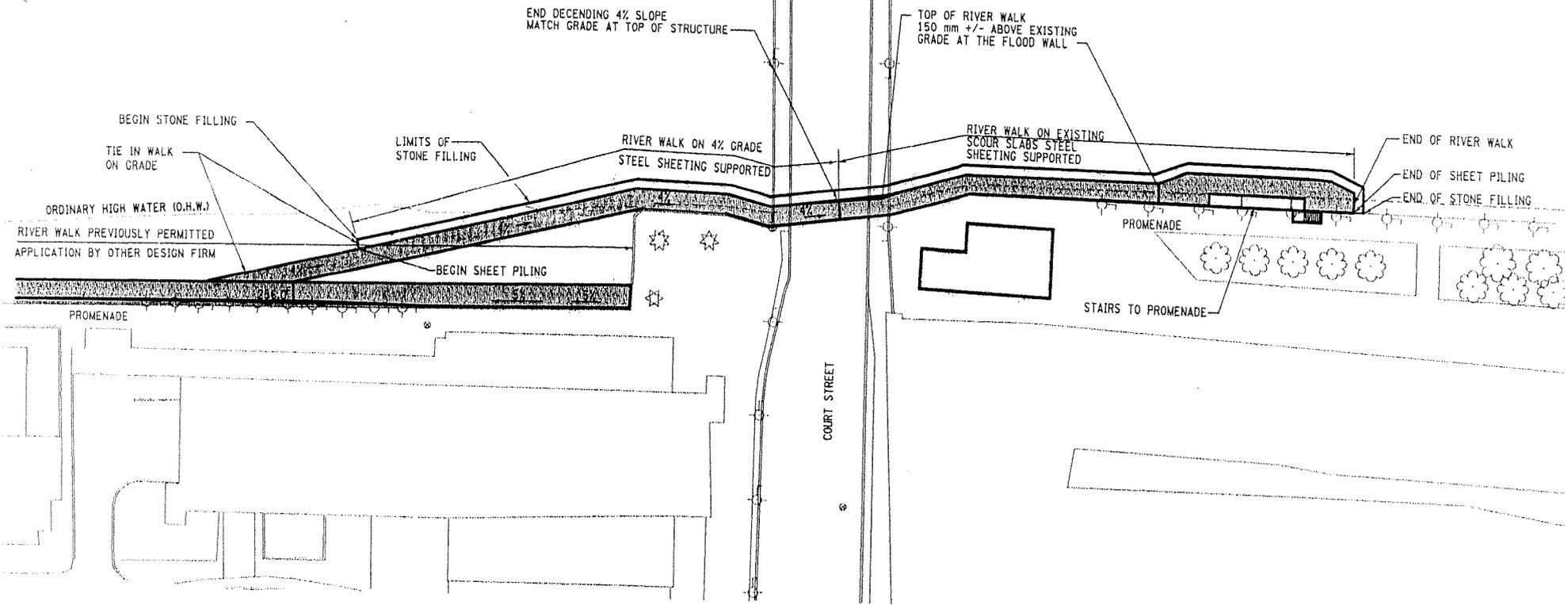
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Work Site

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Plan View of Work Site,
 Showing Proposed Walkway,
 Proposed Sheet Piling,
 and Proposed Riprap
 (Not to Scale)



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