



Public Notice

Applicant:
Kenneth Hale

Date:
Published: March 15, 2004
Expires: April 13, 2004

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

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2004-00755(0) Section: NY 404

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

Dr. Kenneth Hale, 25 Red Jacket Street, Dansville, New York 14437, applied for a Department of the Army (DA) permit to stabilize approximately 200 feet of Mill Creek, located at 25 Red Jacket Street, in the Village of Dansville, Livingston County, New York.

The Steuben County Soil and Water Conservation District is working with the applicant and developed the site specific plans. The project involves the following:

1. Removal of two gravel bars with a tracked mounted excavator. Approximately 93 cubic yards of gravel will be removed in the area labelled as Gravel bar # 1, which is approximately 50 feet long by 25 feet wide. It will be removed by shoal shaping 6 inches above the water line. Approximately 250 cubic yards of gravel will be removed from Gravel bar # 2, which is approximately 75 feet long by 30 feet wide. A new low flow channel will be developed at this location. Final shaping will be completed with a bulldozer.

2. Approximately 174 cubic yards of the excavated gravel will be used to fill in the eroded bank on the south side of the stream on a 3:1 slope. The bank will be seeded and planted with streamco willows.

All excavated material not used along the eroded bank will be removed from the channel and disposed of at an upland location.

The purpose of the project is to stabilize the southern bank of Mill Creek.

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 Margaret A. Crawford, who can be contacted by calling (315) 255-8090, or by e-mail at: margaret.a.crawford@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 are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

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, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, 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.

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.

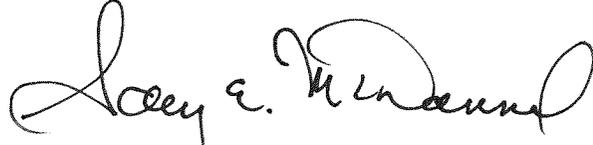
Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

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

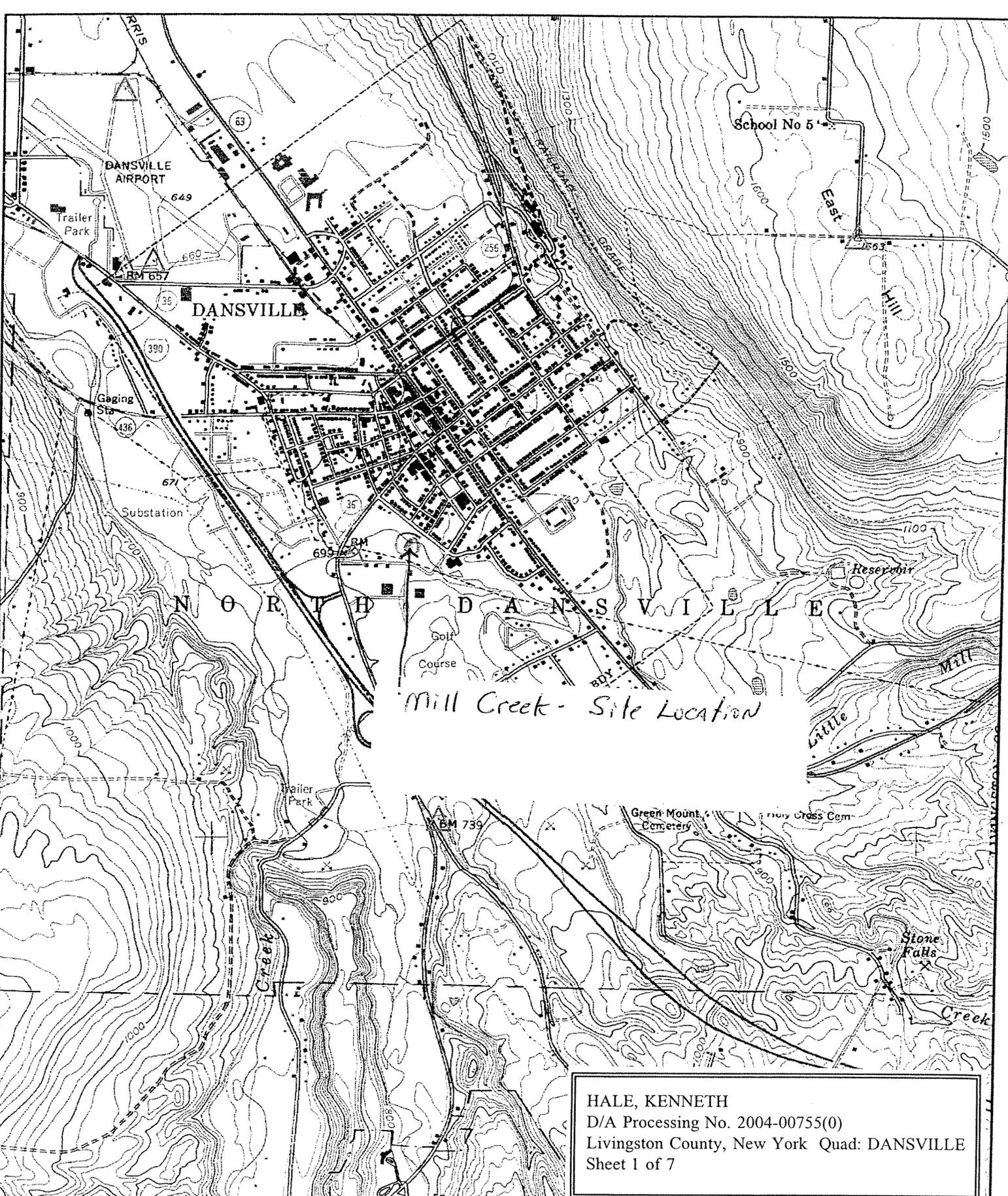
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



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Philip D. Krapwell
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.



Mill Creek - Site Location

HALE, KENNETH
D/A Processing No. 2004-00755(0)
Livingston County, New York Quad: DANSVILLE
Sheet 1 of 7

Name: DANSVILLE
Date: 1/14/2004
Scale: 1 inch equals 2000 feet

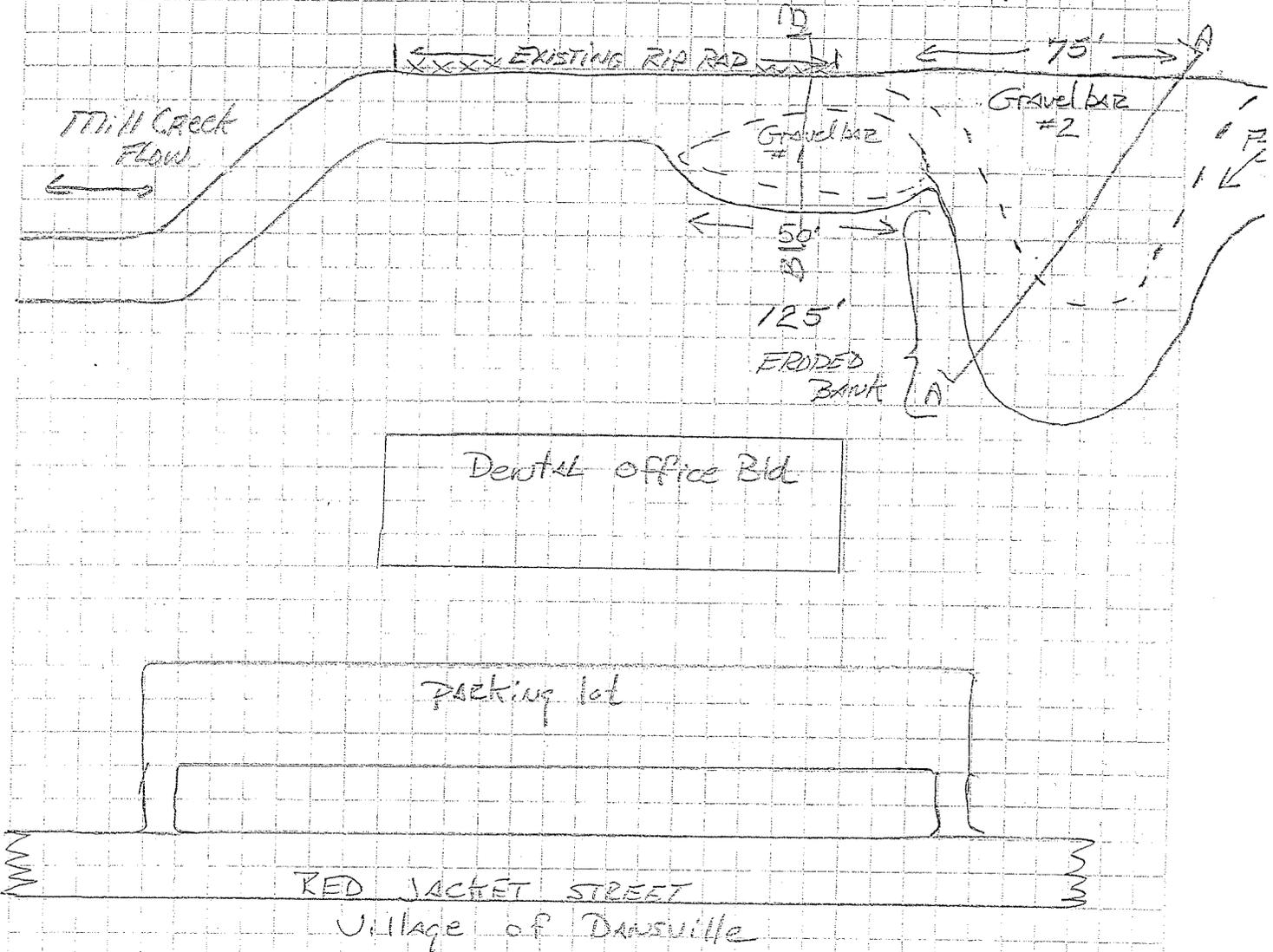
Location: 042° 33' 05.79" N 077° 41' 29.0" W
Caption: Village of Dansville - Mill Creek
Kenneth Hale

NRCS-ENG-523A Rev. 10-97

STATE <i>Livingston County</i>	PROJECT <i>Mill Creek</i>	CHECKED BY		DATE	JOB NO.
BY <i>J. PARKER</i>	DATE	DATE		SHEET <i>1</i> OF <i>4</i>	
SUBJECT <i>Plan View - STREAM MAINTENANCE</i>					

EXISTING CONDITIONS

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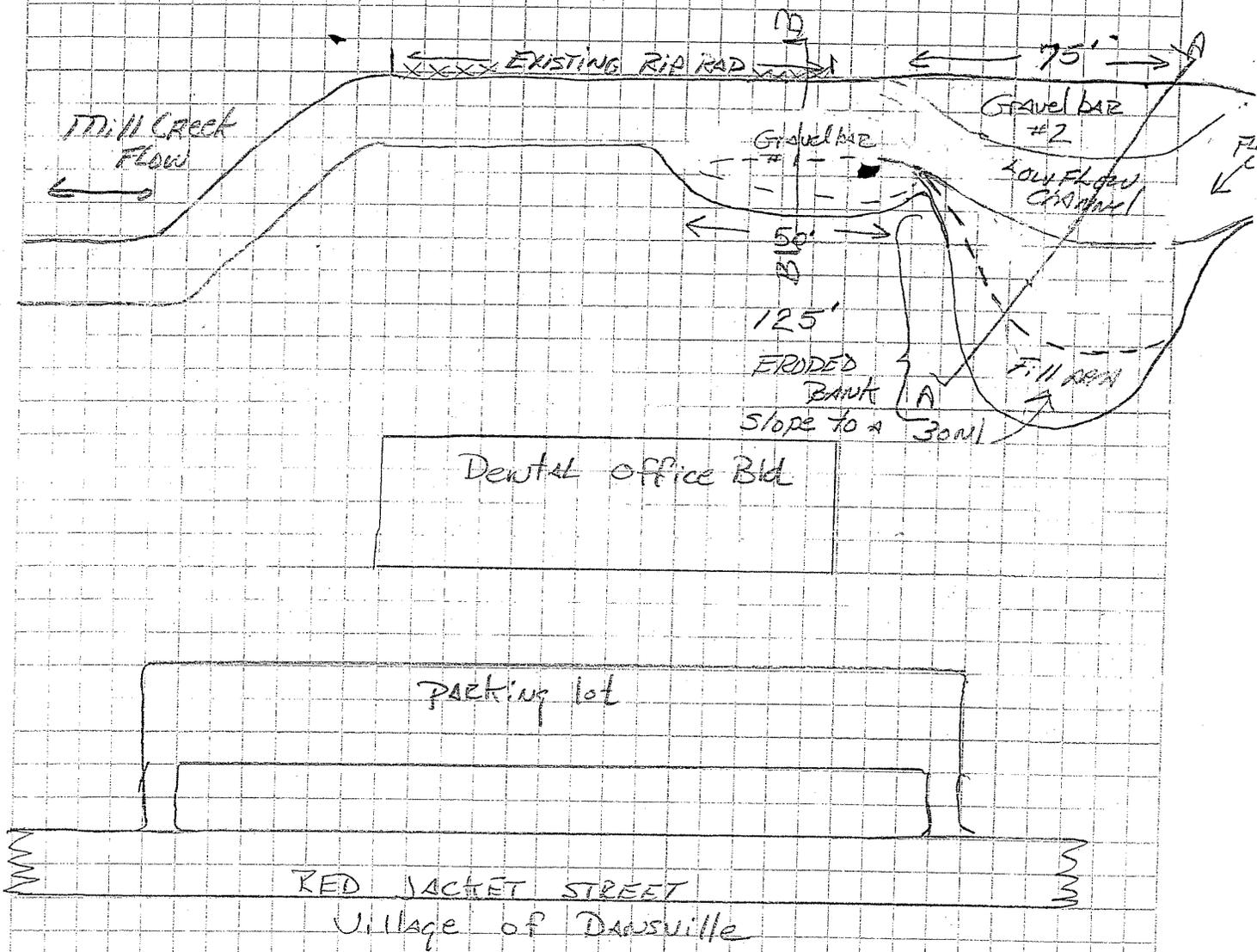
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HALE, KENNETH
 D/A Processing No. 2004-00755(0)
 Livingston County, New York Quad: DANSVILLE
 Sheet 2 of 7

NRCS-ENG-523A Rev. 10-97

STATE <i>Livingston County</i>	PROJECT <i>Mill Creek</i>			JOB NO.
BY <i>J. PARKER</i>	DATE	CHECKED BY	DATE	
SUBJECT <i>Plan View - STREAM MAINTENANCE</i>				SHEET <i>2</i> OF <i>4</i>

PROPOSED EXCAVATION AND FILL



HALE, KENNETH
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 Livingston County, New York Quad: DANSVILLE
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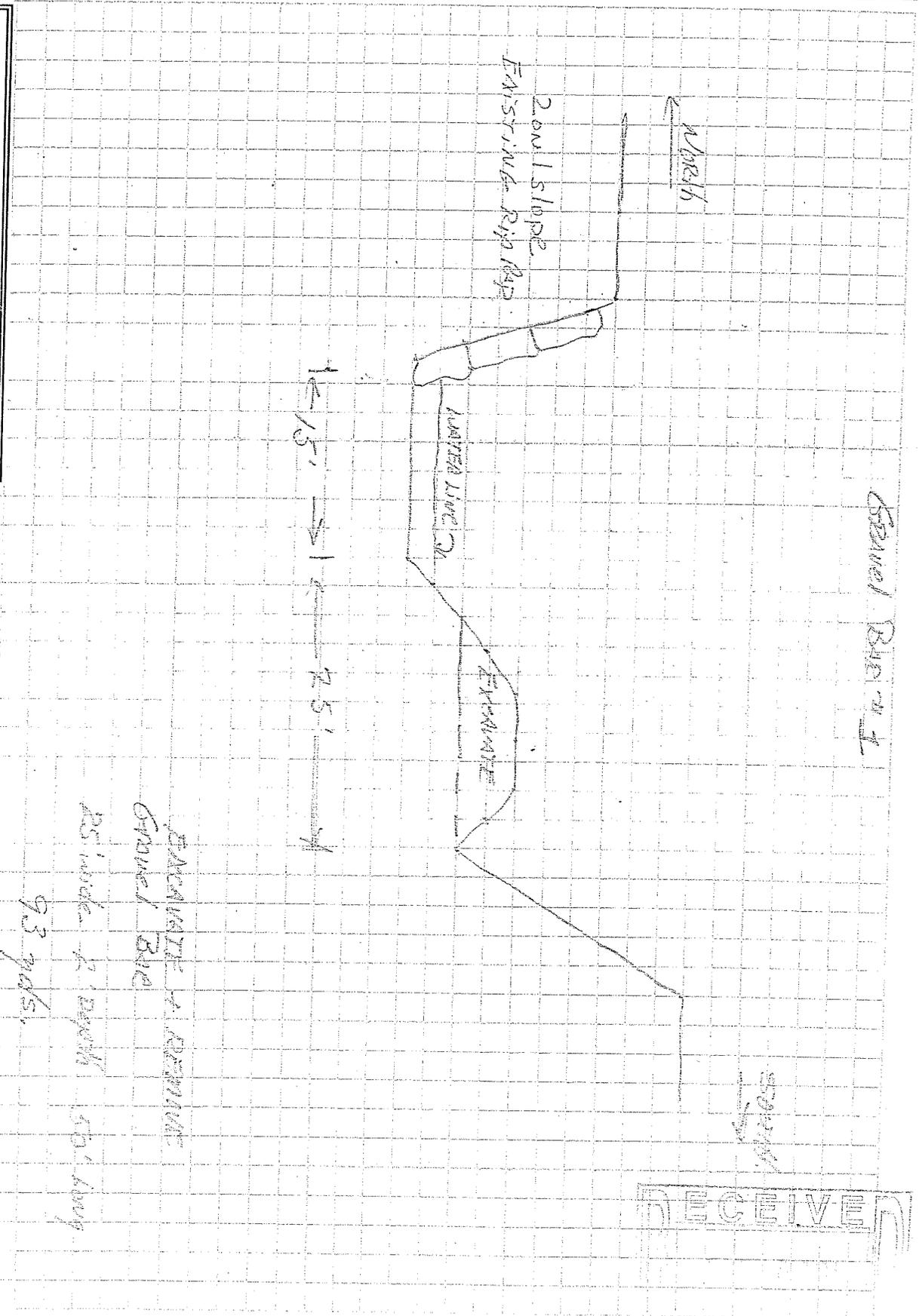
COMPUTATION SHEET

NRCS-ENG-523A Rev. 10-97

U. S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

STATE <i>Livingston County</i>		PROJECT <i>Mill Creek - Village of Dansville</i>		
BY <i>J. PARKER</i>	DATE	CHECKED BY	DATE	JOB NO.
SUBJECT <i>CROSS SECTION # B-B</i>				SHEET <i>3</i> OF <i>4</i>

HALE, KENNETH
D/A Processing No. 2004-00755(0)
Livingston County, New York Quad: DANSVILLE
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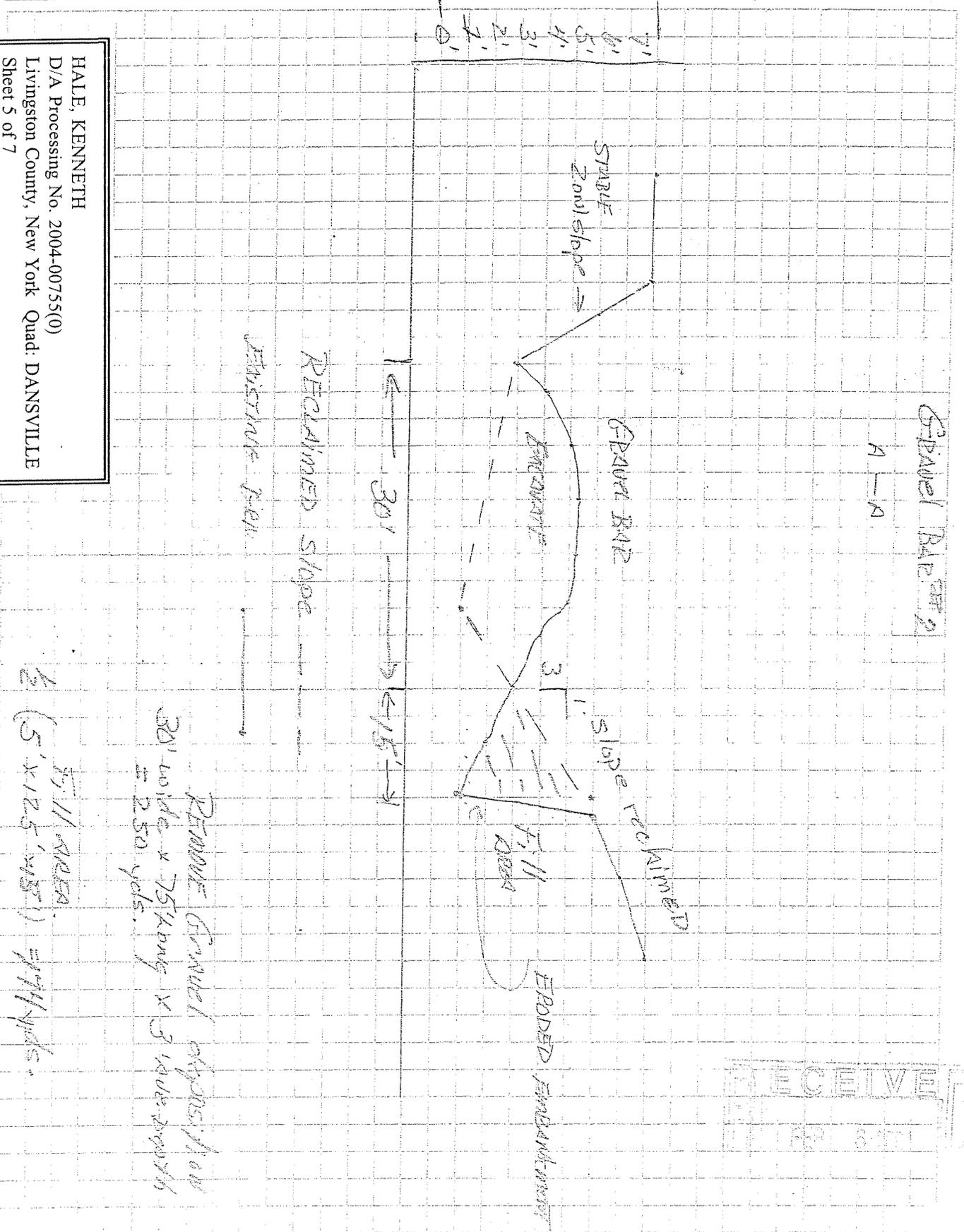


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NRCS-ENG-523A Rev. 10-97

STATE <u>Livingston County</u>		PROJECT <u>TRILL CREEK - STREAM MAINTENANCE</u>		
BY <u>J. DARTER</u>	DATE	CHECKED BY	DATE	JOB NO.
SUBJECT <u>CROSS SECTION A-A</u>			SHEET <u>4</u> OF <u>4</u>	

HALE, KENNETH
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Livingston County, New York Quad: DANSVILLE
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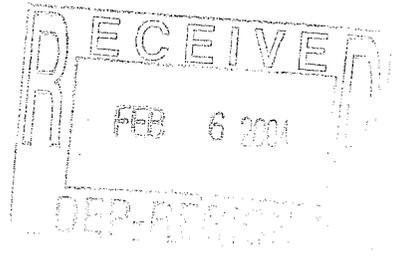


Figure 4.5
Live Staking Along Waterline

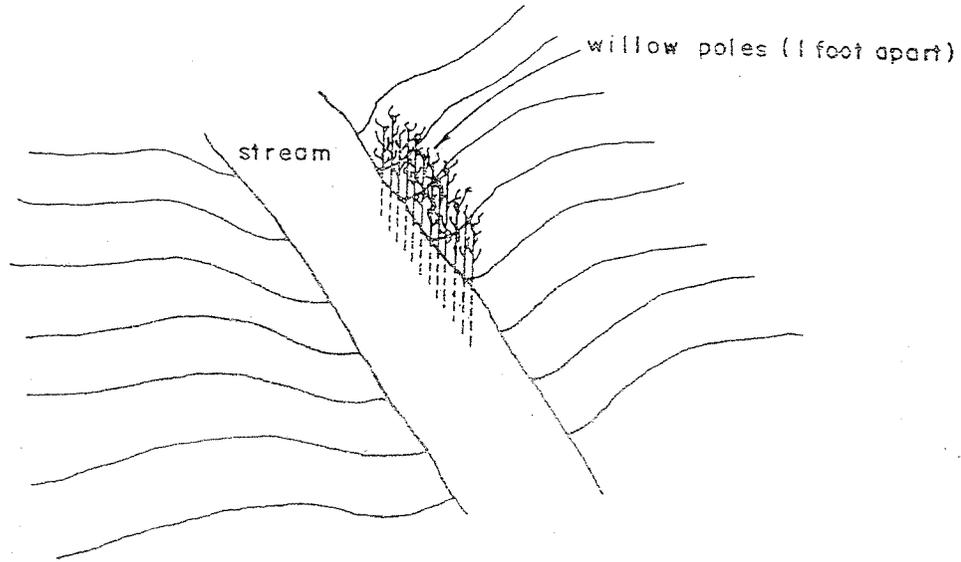
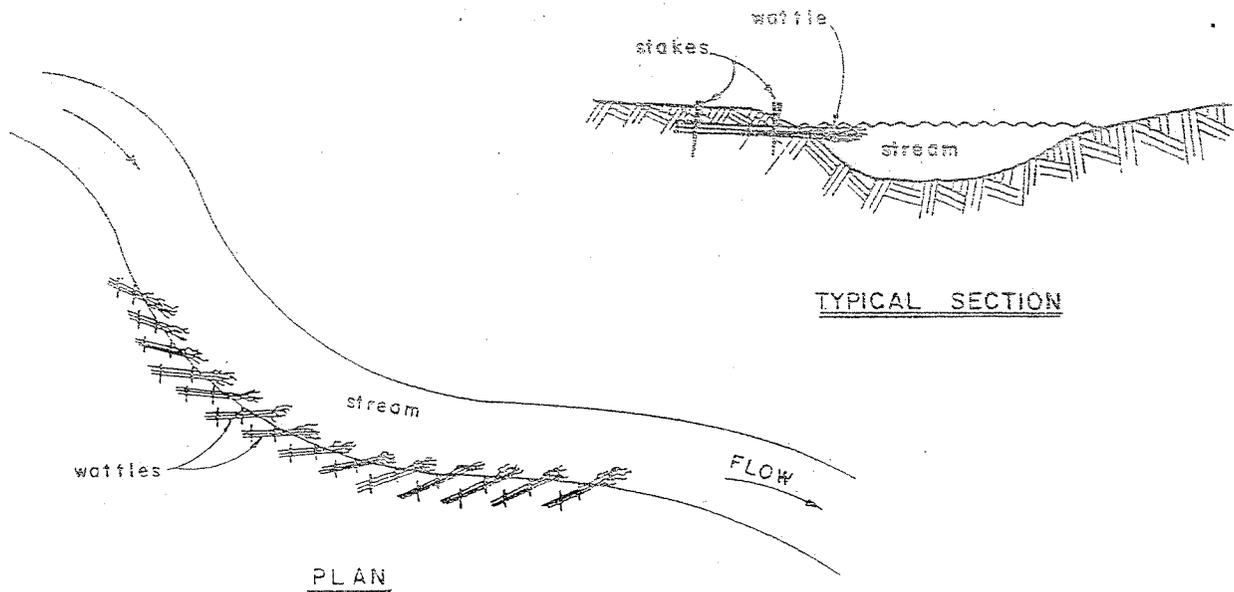


Figure 4.6
Wattle Flow Deflectors Along Waterline



Seeding Specifications

Smooth the soil and prepare a good seed bed by disking or other suitable method.
Apply lime to bring the pH of the soil to a minimum of 6.0

Apply the following at a rate specified:

Fertilizer 10-10-10	300 lbs/ac
Creeping Red Fescue	20 lbs/ac
Crownvetch	15 lbs/ac
Perennial Ryegrass	3 lbs/ac
Straw or Hay Mulch	2,000 lbs/ac

Inoculate Crownvetch with the proper fresh culture a maximum of 24 hours prior to sowing. Use four times the recommended inoculation rate when hydro-seeding. Firm the seed bed by culipaking or rolling. Vegetation should be inspected annually for maintenance needs.

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