



Public Notice

Applicant:

Barrett Paving Materials
Inc.

Date:

Published: March 2, 2006

Expires: March 31, 2006

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

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2006-00274(0) **Section:** NY 404

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

Barrett Paving Materials Inc, P.O. Box 400, Washington Mills, New York 13479, has requested a Department of the Army (DA) Permit to impact 1.9 acres of wetland and 750 linear feet of stream during the development of the Whitney Point Sand and Gravel Mine. The project is located between Ellerson Road and the Tioughnioga River, in the Town of Barker, Broome County, New York.

Approximately 1,948 linear feet of stream and 6.5 acres of adjacent wetland were delineated on the 79-acre parcel. The site consists of active agricultural land which is surrounded on all sides by a fringe of deciduous forest and scrub-shrub upland. The 6.5 acre wetland occurs in the northwest corner and central portion of the property which drains to the Tioughnioga River via a stream that bisects the property into two fields that are referred to as the 'north field' and the 'south fields'. Within the proposed impact area, the wetland is an emergent linear feature and is dominated by species such as Lythrum salicaria, Polygonum pennsylvanicum, and Phalaris arundinacea. Another stream which enters the property through a culvert under a railroad bed flows along the northern property boundary and is not considered part of this project. The applicant has indicated that although the wetland/stream to be impacted does receive surface water, that it is primarily ground water fed, and therefore should not incur secondary hydrological impacts.

The site is bounded on the south and west by the New York, Susquehanna, and Western (NYS&W) Railroad, on the north and west by agricultural land, and on the north and east by the Tioughnioga River. The Tioughnioga River flows into the Chenango River, which is a tributary to the Susquehanna River, a navigable waterway in the downstream reaches.

Barrett Paving will utilize 61 of the 79 acres for the proposed mine. The actual mined area will encompass 36 acres, while the remaining 25 acres will be used for processing and stockpiling the excavated sand and gravel. A vegetated topsoil storage berm measuring 10 feet high and 40 feet wide at the base will be constructed around the perimeter of the affected area to serve as a visual, noise and stormwater barrier. The minimum setback from the Tioughnioga River to areas of

disturbance will be 200 feet. Excavation of sand and gravel is not expected to occur within at least 350 feet of the river. Setbacks from the unnamed tributary to the north will be at least 50 feet. The project area is located within the 100-yr floodplain of the Tioughnioga River. The applicant has indicated that the mean water level of the river is 932 feet above mean sea level (amsl) where it parallels the site, and the mean water table elevation within the mining area is between 935 and 937 feet amsl. The sand and gravel will be mined from below the water table by using a dragline system, and the excavated material will be temporarily stockpiled on the pond bank for dewatering and subsequent haul to the processing plant. Topsoil will be stripped in advance of mining. The depth of excavation will vary depending on the depth of reserves but will have a maximum average depth of approximately 40 feet with an expected pond bottom elevation of approximately 890 feet amsl. Mining is not expected to last more than 10 years based upon the quantity of reserves expected.

To mitigate for proposed impacts, Barrett Paving has proposed to construct 2.0 acres of wetland on site to the north of the impacted area, adjacent to the existing stream. Construction of the mitigation area will be concurrent with impacts to the existing wetland. Once the mining operation has ceased, the mitigation area will be connected to the excavated pond by removal of the berm.

As part of the reclamation plan, the 36-acre excavated pond will be graded to contain a variety of water depths, of which the shallow areas will be planted with emergent wetland species. All areas to be reclaimed will be covered with at least six inches of topsoil. The applicant has indicated that the remaining 25 acres of land will be regraded with topsoil to return it to its original use as farmland or used as a nature preserve.

The purpose of the proposed project is to mine sand and gravel.

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.

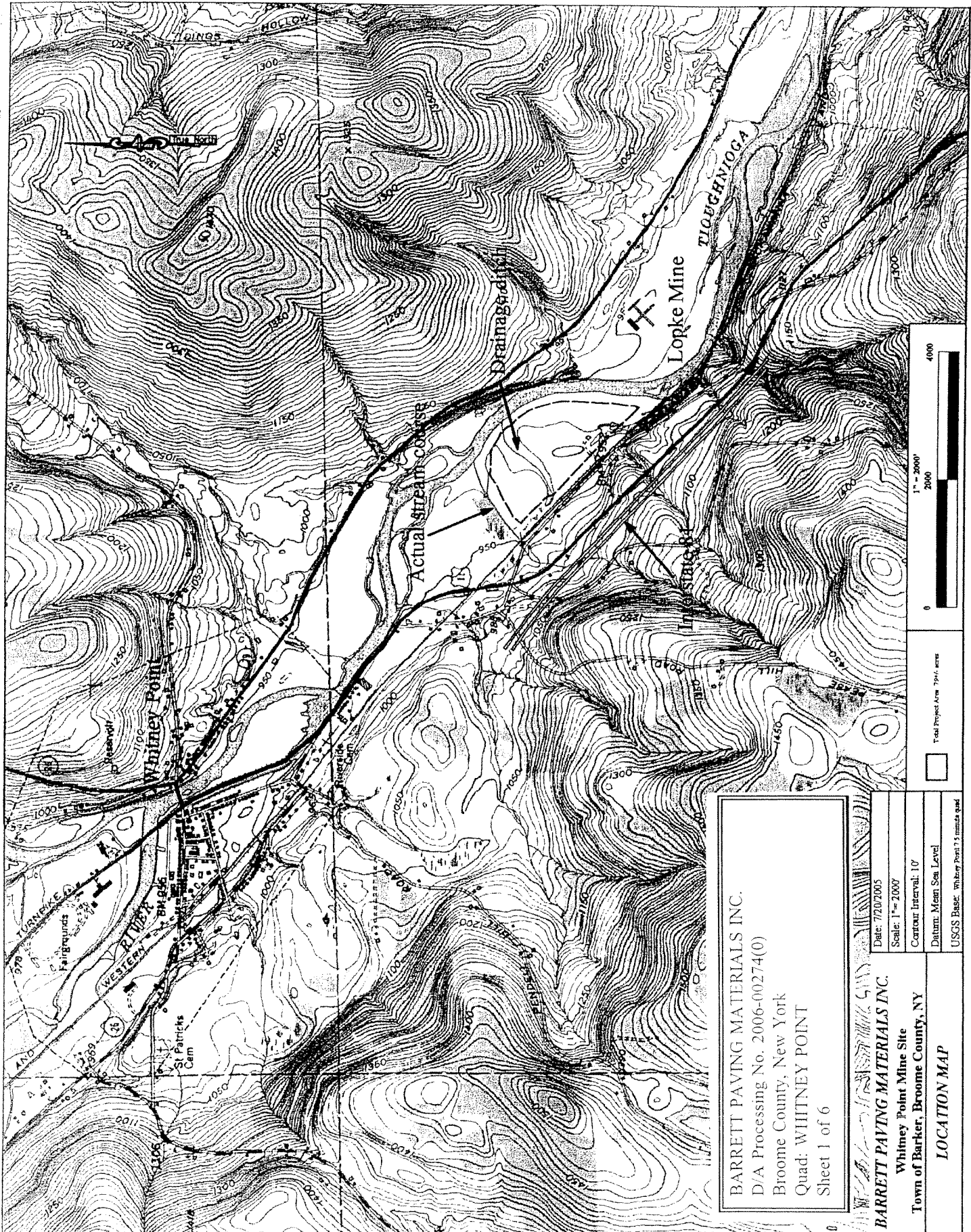
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits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

SIGNED

Thomas C. Switala
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.

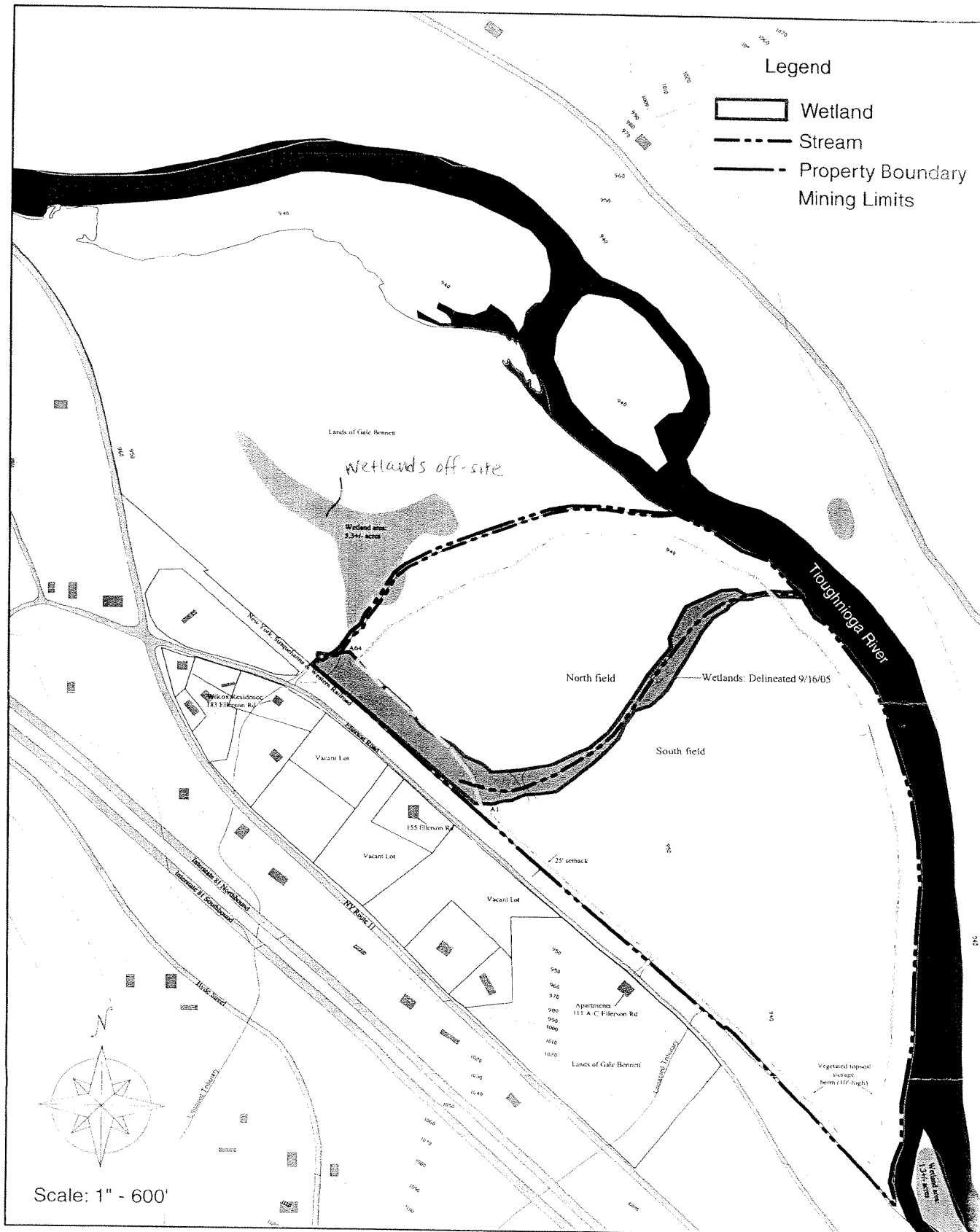


BARRETT PAVING MATERIALS INC.
 D/A Processing No. 2006-00274(0)
 Broome County, New York
 Quad: WHITNEY POINT
 Sheet 1 of 6

BARRETT PAVING MATERIALS INC.
 Whitney Point Mine Site
 Town of Barker, Broome County, NY
LOCATION MAP

Date: 7/20/2005
 Scale: 1" = 2000'
 Contour Interval: 10'
 Datum: Mean Sea Level
 USGS Base: Whitney Point 15 minutes quad





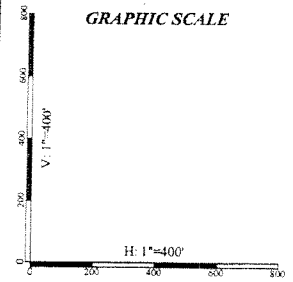
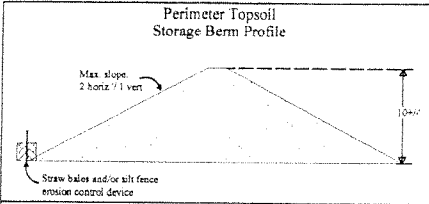
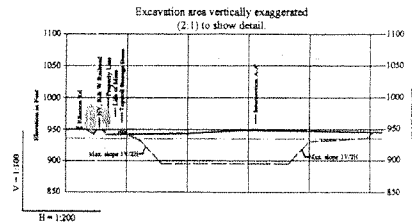
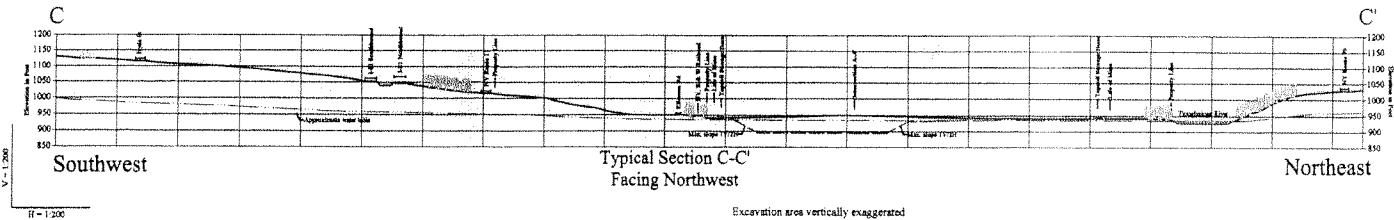
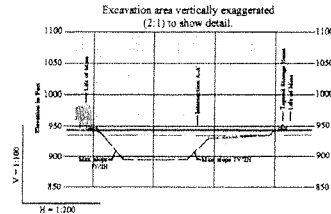
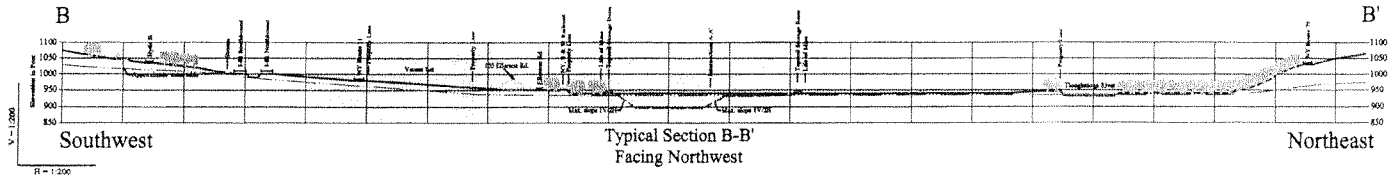
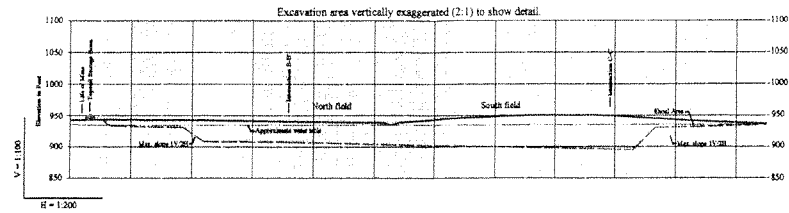
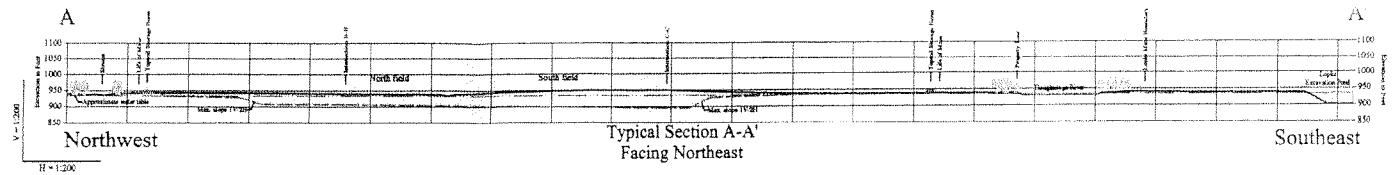
BARRETT PAVING MATERIALS INC.
 D/A Processing No. 2006-00274(0)
 Broome County, New York
 Quad: WHITNEY POINT
 Sheet 2 of 6

Figure 8:
 Wetland and Stream Locations

Barrett Paving Materials, Inc. - Whitney Point Sand and Gravel Mine
 Town of Barker, Broome County, New York

October 10, 2005





- Existing Topography
- - - Proposed Topography
- - - Approximate Water Table
- - - Proposed water table
- Road
- Residence
- Wetlands
- Mature Trees
- Temporary Topsoil Storage Berm

Date: 1/15/2005
 Horizontal Scale: 1"=200'
 Vertical Scale: 1"=200', 1"=100' on insets
 Vertical Exaggeration: none, 2:1 on insets
 Datum: Mean Sea Level
 Drafted by: DAS

BARRETT PAVING MATERIALS INC.
 Whitney Point Site
 Town of Barker, Broome County, NY
TYPICAL SECTIONS

BARRETT PAVING MATERIALS INC.
 D/A Processing No. 2006-00274(0)
 Broome County, New York
 Quad: WHITNEY POINT
 Sheet 5 of 6

