Public Notice

Applicant: Cayuga County Soil and Water Conservation District

Date:
Published: November 18, 2003
Expires: December 17, 2003

U.S. Army Corps of Engineers
Buffalo District **CELRB-TD-R** **In Reply Refer To:** **RE:** 2002-01253(1) **Section:** NY 404

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

The Cayuga County Soil and Water Conservation District, 7413 County House Road, Auburn, New York 13021, has applied for a Department of the Army permit to discharge dredged and fill material into waters of the United States, in connection with a dredging project in Owasco Lake in the Town of Moravia in Cayuga County, New York.

The applicant is proposing to dredge lake bed material from two separate areas at the south end of Owasco Lake. Due to equipment limitations, the applicant may be required to temporarily stockpile the material on the lake bed, using bladed equipment, and then transfer the material into a truck, and haul it away to an upland site. All material to be dredged would be handled in this way, over a number of days, if necessary. The applicant proposes to remove about 8000 cubic yards of material from the southeast side of the lake, and proposes to remove about 4000 cubic yards of material from the southwest side of the lake. This dredging work would be done during low water conditions, when the lake waters are down from the work areas.

In order to access the work site on the east side of the lake, the applicant is proposing to install a temporary gravel access road through a wetland area, and leading to the lake. This road shall be about 60 feet long and 30 feet wide, and shall result in the discharge of about 133 cubic yards of gravel and fill material into the wetland area. After the dredging work is completed, this access road shall be removed, and the area will be restored to preconstruction conditions.

The purpose of the proposed dredging is to create two navigation channels in the lake. If the applicant can not access the dredging areas from the upland, then the dredged material will have to be temporarily stockpiled on the lake bed. The purpose of the access road installation is to allow access to the east area to be dredged.

Corps of Engineers jurisdiction for this proposal is limited to the construction of the temporary access road within the wetland area and the potential temporary stockpiling of dredged material within the lake bottom. If the applicant is able to accomplish the dredging work

without these two components of the project, no Department of the Army permit will be required.

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 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, 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.

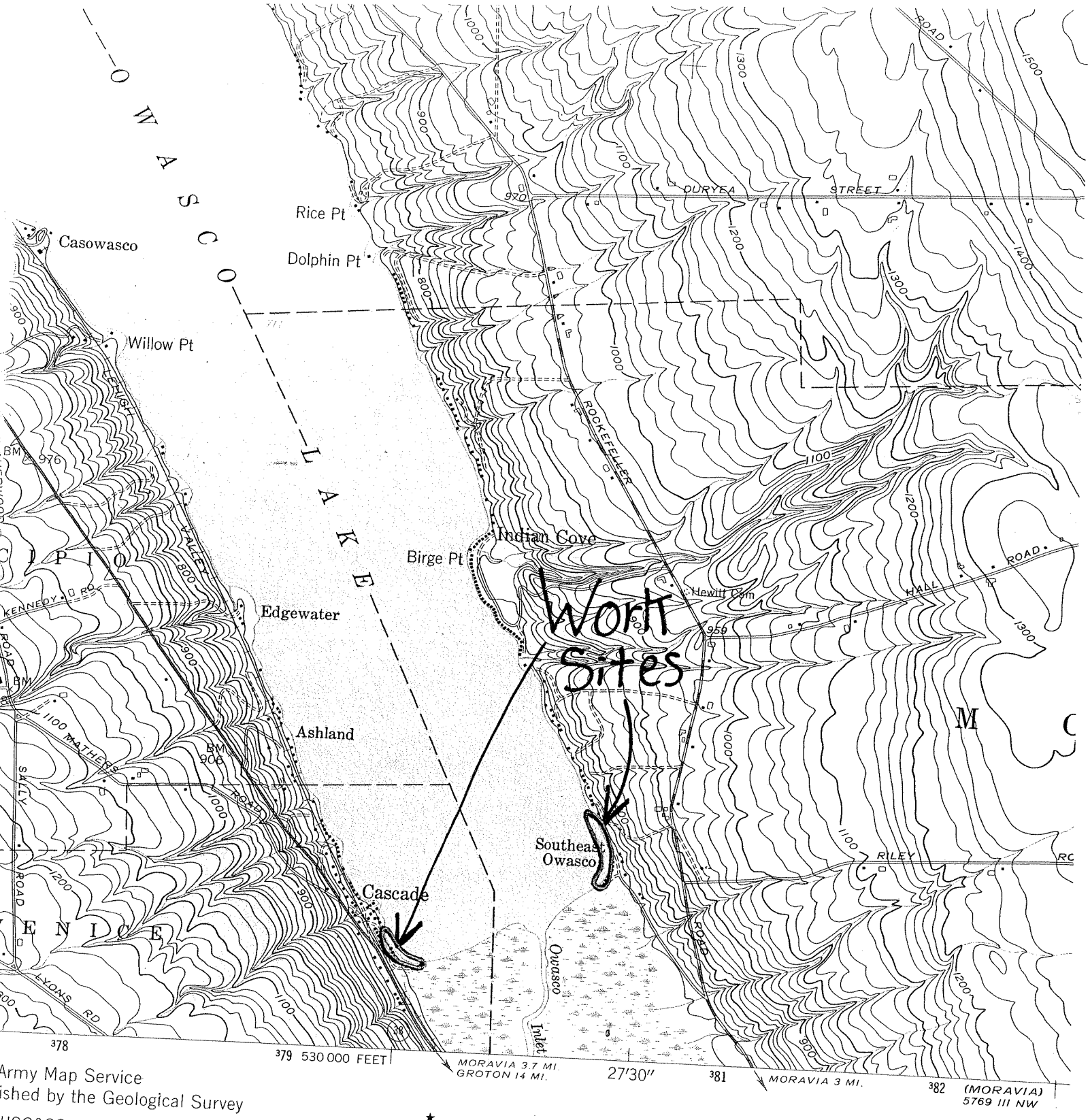
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits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



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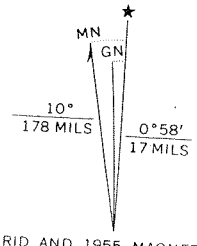

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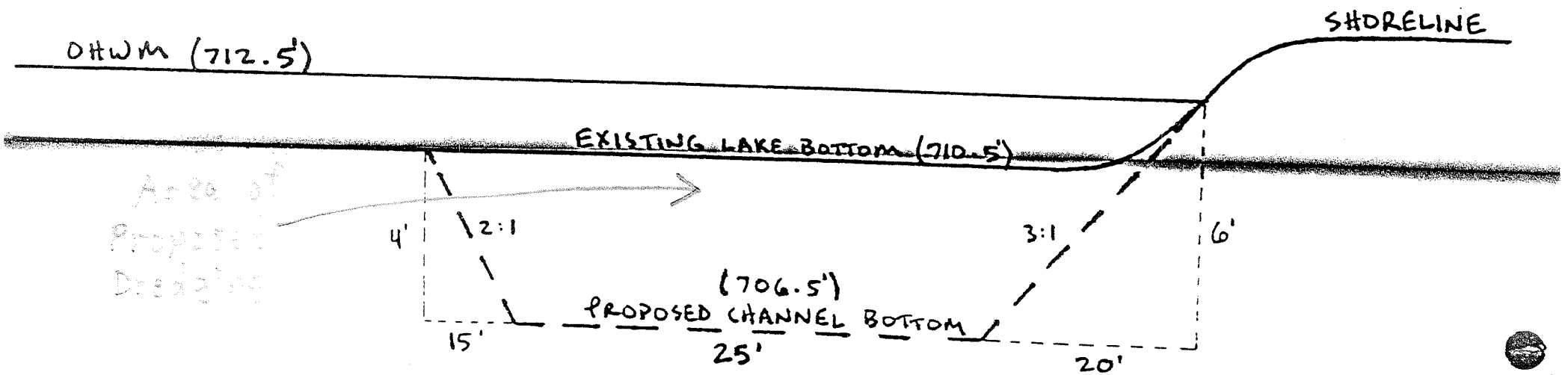
Typical Cross-Section View
of Areas of Proposed Dredging
(Not to Scale)



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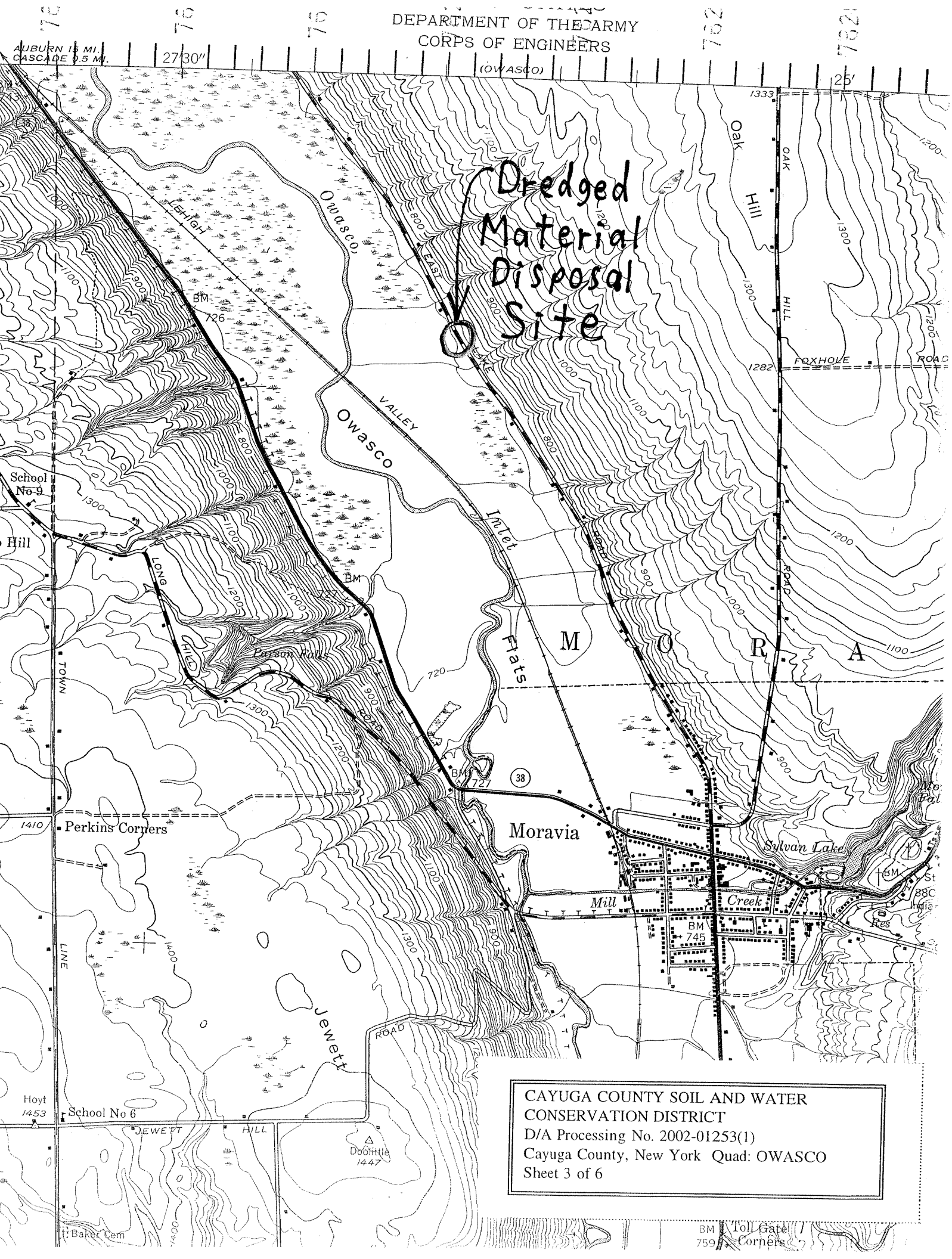

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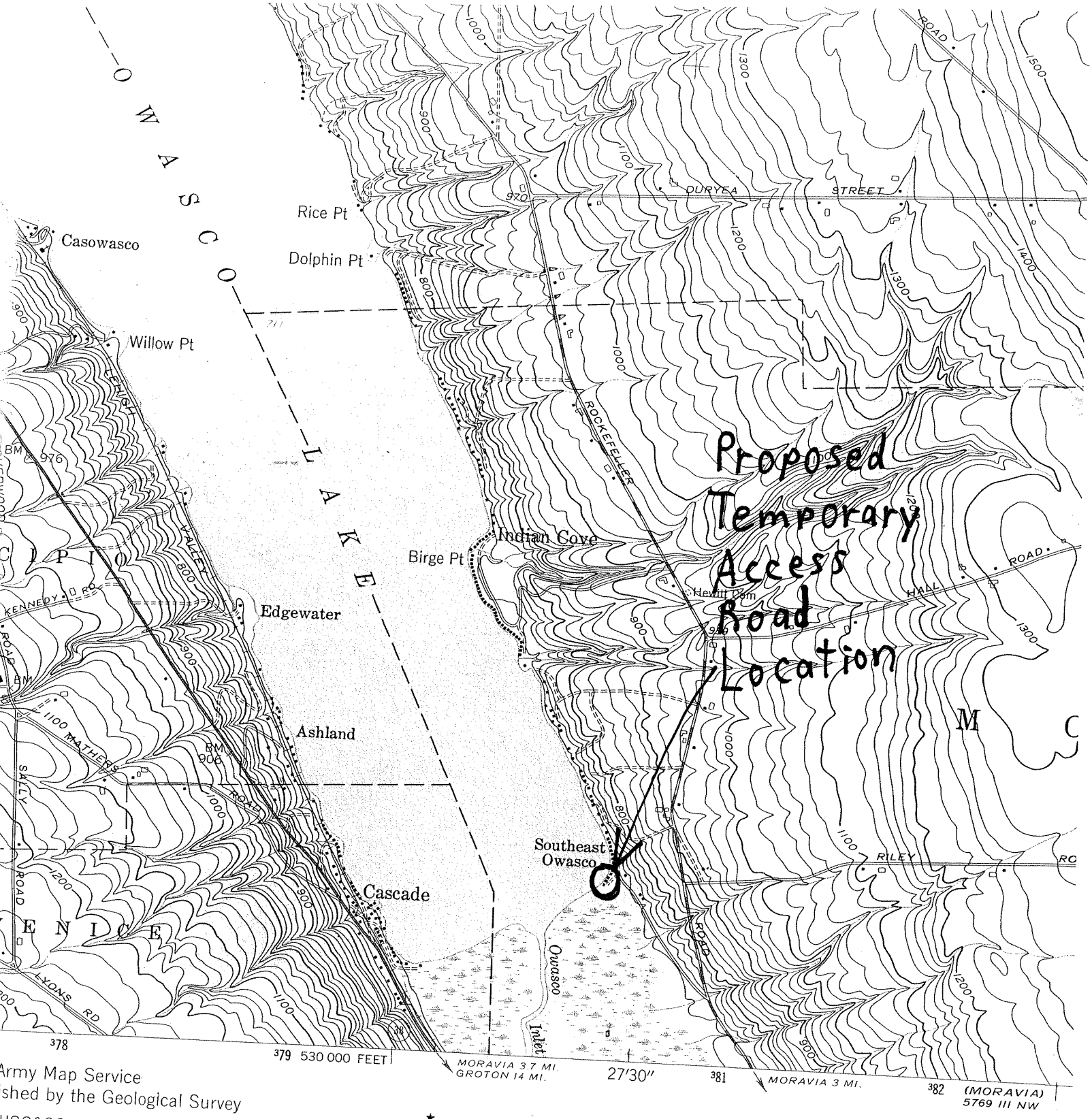

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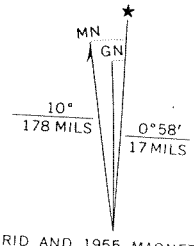

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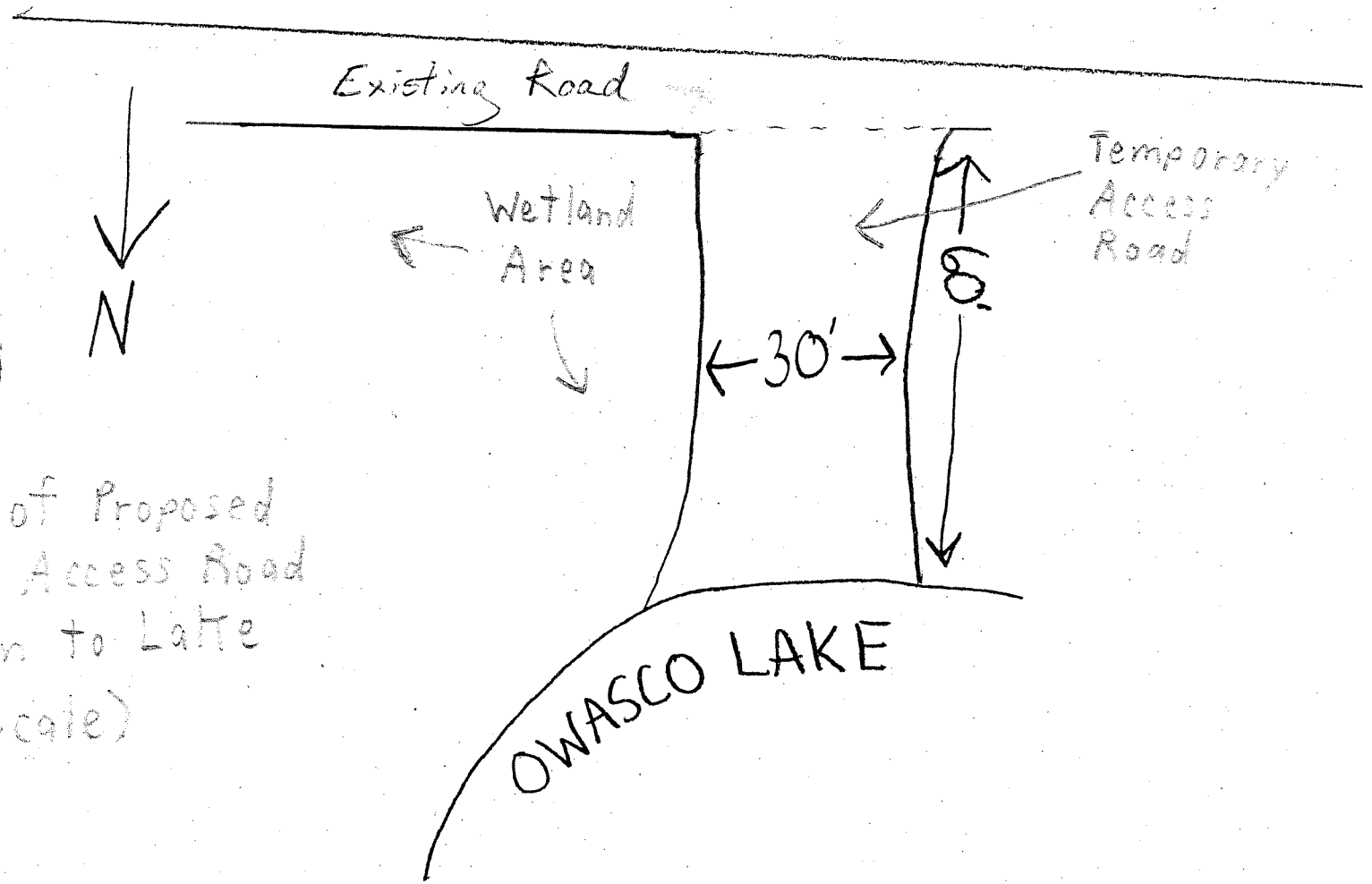

Plan View of Proposed Temporary Access Road Location to Lake (Not to Scale)

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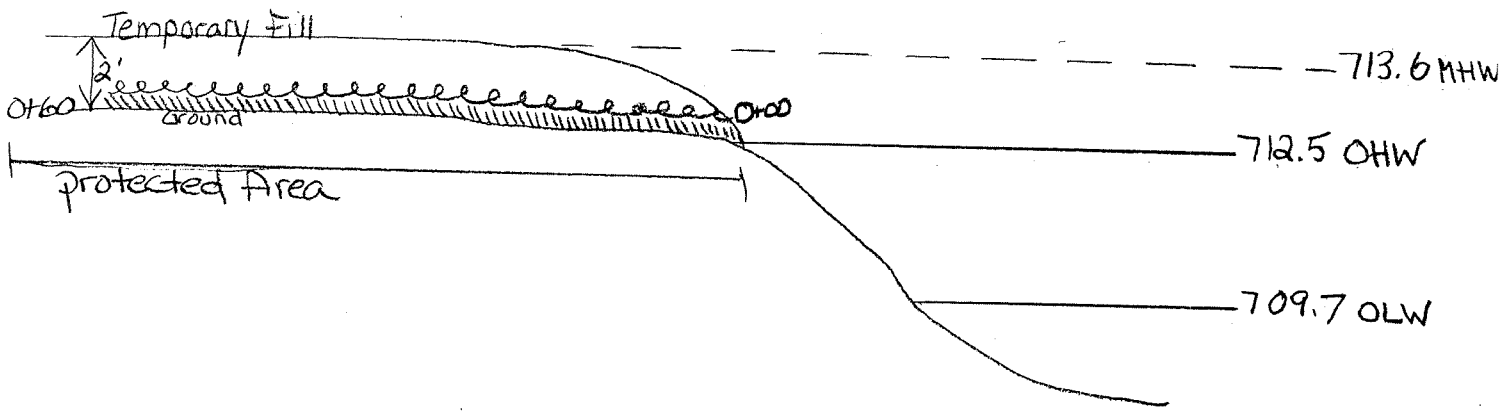

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eeee → Clean Temporary Fill

133.3 cubic yards of Fill

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Cross-Section View of Proposed Temporary Access Road Installation In Wetland Area (Not to Scale)

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