Public Notice

Applicant:
Town of Wilson

Date:
Published: October 30, 2003
Expires: November 28, 2003

U.S. Army Corps of Engineers
Buffalo District

In Reply Refer To:
CELRB-TD-R RE: 81-484-5(2) **Section:** NY 10

Application for Permit under Authority of Section 10 of the Rivers and Harbors Act of 1899.

The Town of Wilson, 375 Lake Street, Wilson NY 14172 proposes to annually dredge up to 1,500 cubic yards of sand and gravel at the mouth of the West Branch of Twelve Mile Creek at Lake Ontario. The project is located at Roosevelt Beach, Town of Wilson, Niagara County, New York. Dredging will be completed in an area 50 feet wide and 6 feet deep, and to a depth of approximately two feet below low water datum elevation 243.3 feet IGLD (1985) using an excavator. The Town of Wilson also proposes to construct a culverted temporary roadway using a portion of the sand and gravel dredged from the mouth of the creek in order to facilitate the access of equipment to reach the lakeward limit of the dredging area. Upon completion of the project, the area in which the temporary road was located will be restored to preconstruction contours. Approximately 500 cubic yards of the dredged material and removed material from the temporary roadway will be deposited and graded easterly of the dredging area along the Tuscarora State Park shoreline in which there is a small dune system and a beach area. Approximately 1000 cubic yards of the dredged material will be placed in a near shore littoral zone of Lake Ontario. Material placed on the shoreline and in the littoral zone will be spread 6-12 inches deep. This work is being completed in order to restore water flow to Twelve Mile Creek, decrease the potential for flooding in the upper reaches, and to allow fish passage between the lake and creek. The project is expected to take less than one week to complete.

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 Pauline D. Thorndike, who can be contacted by calling (716) 879-4237, or by e-mail at: pauline.d.thorndike@usace.army.mil

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

Ms. Laurissa Parent
New York Department of State
Division of Coastal Resources

Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

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, and should be marked to the attention of Pauline D. Thorndike, or by e-mail at: pauline.d.thorndike@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.

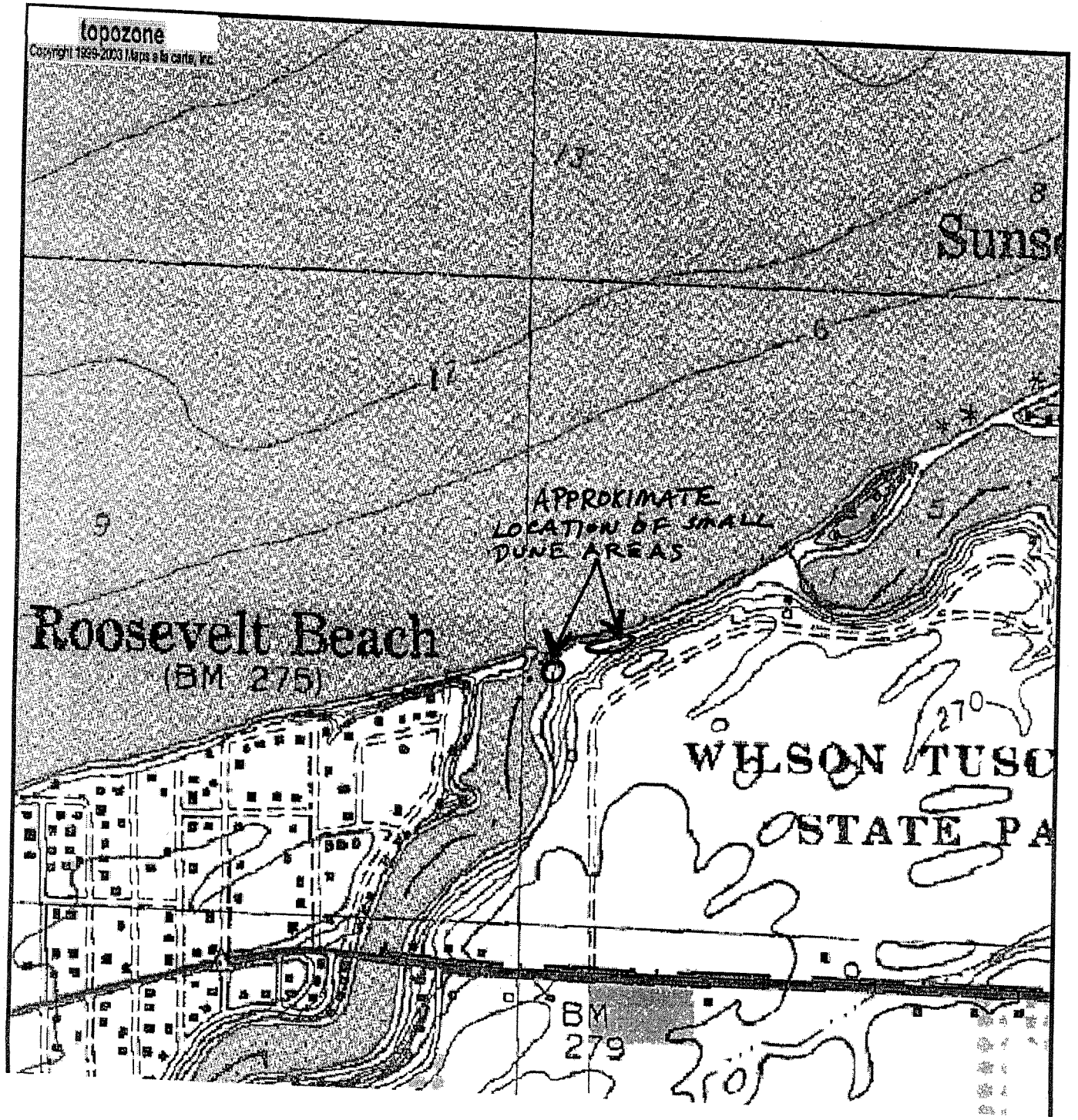
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

Harold T. Koppen 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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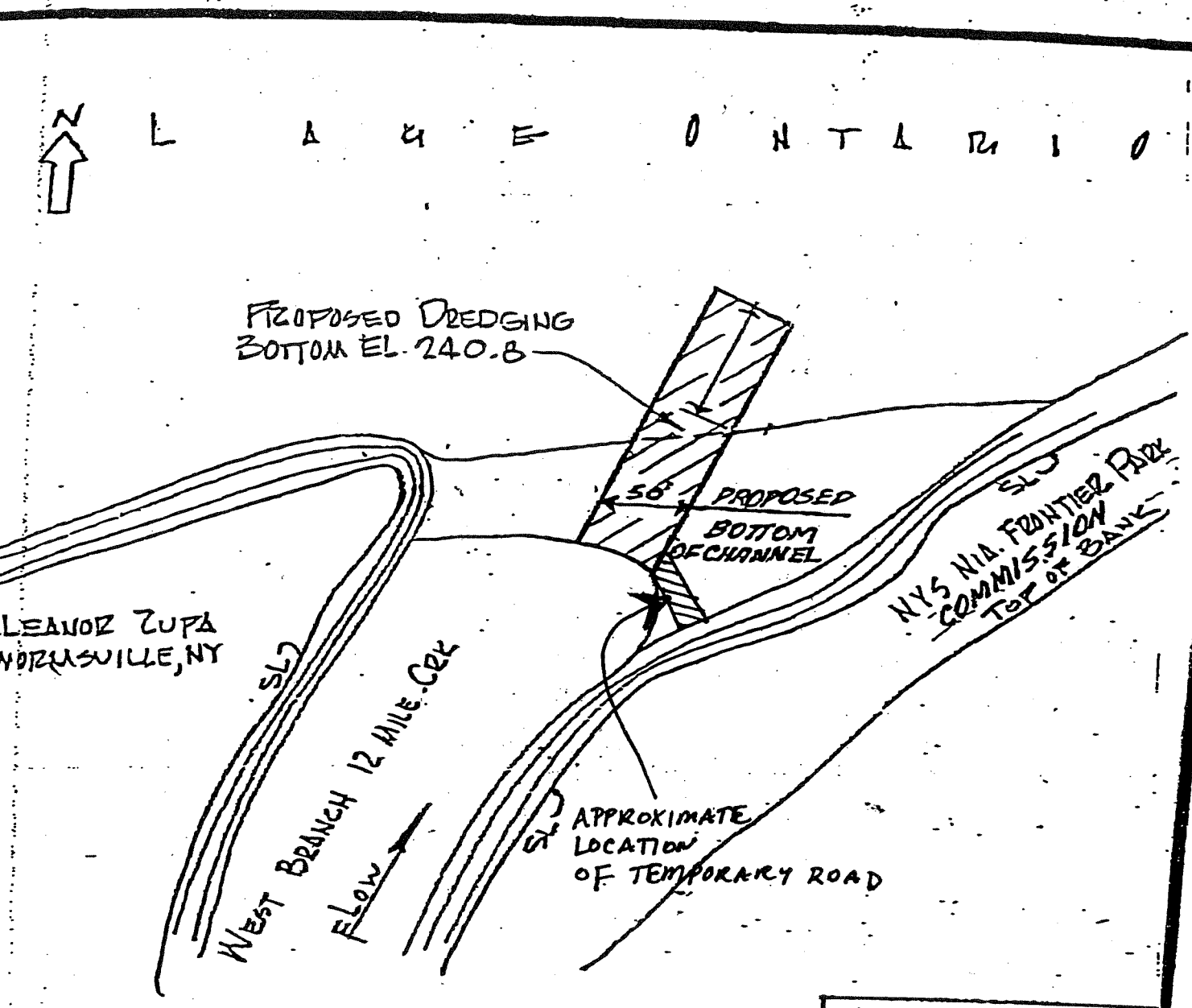
QUADRANGLE LOCATION



Elevations are in feet above mean water level at Father Point, Quebec and soundings are in feet and are referred to Low Water Datum elevation 242.8 feet above mean water level at Father Point, Quebec, International Great Lakes Datum, 1955.

PLAN

SCALE: 1" = 100'

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