Public Notice

Applicant:
County of Erie

Date:
Published: Jan. 16, 2001
Expires: Feb. 15, 2001

U.S. Army Corps of Engineers
Buffalo District **CELRB-CO-R**

In Reply Refer To:
RE: 2001-00368(0) **Section:** NY 404

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

The County of Erie, Erie County Sewer District Number 2, 95 Franklin Street, Room 1034, Buffalo, New York 14202, has applied for a Department of the Army Permit to realign part of an existing stream channel by placing fill into the channel, in Hemlock Creek, at North Creek and Versailles Roads, in the Town of Hamburg, Erie County, New York.

The applicant is proposing to dredge and excavate about 140 cubic yards of material from below the Ordinary High Water Level of the creek. This material shall be hauled away to an upland site.

The applicant proposes to place rock riprap fill at the dredged area in order to form the newly realigned creek channel. About 140 cubic yards of material shall be placed below the Ordinary High Water Level. The riprap shall be placed along the new creek bed and the new creek banks for a total length of about 100 to 120 feet.

The purpose of the proposed work is to provide stream and bank stabilization to the newly created creek channel. In addition, realigning the creek shall prevent the wash-out of an existing gas tank which is located at an existing pumping station near the site.

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. 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.

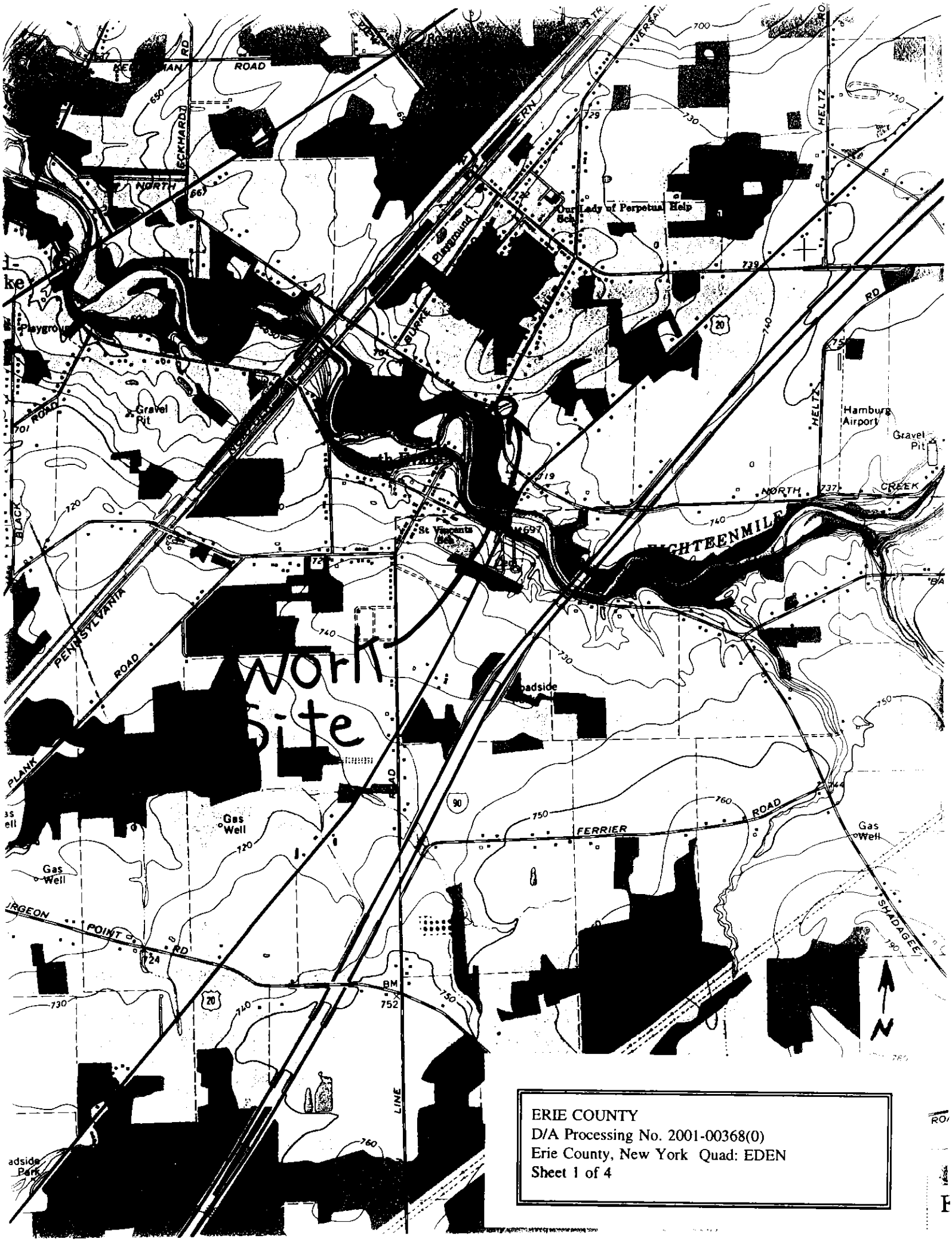
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information 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.

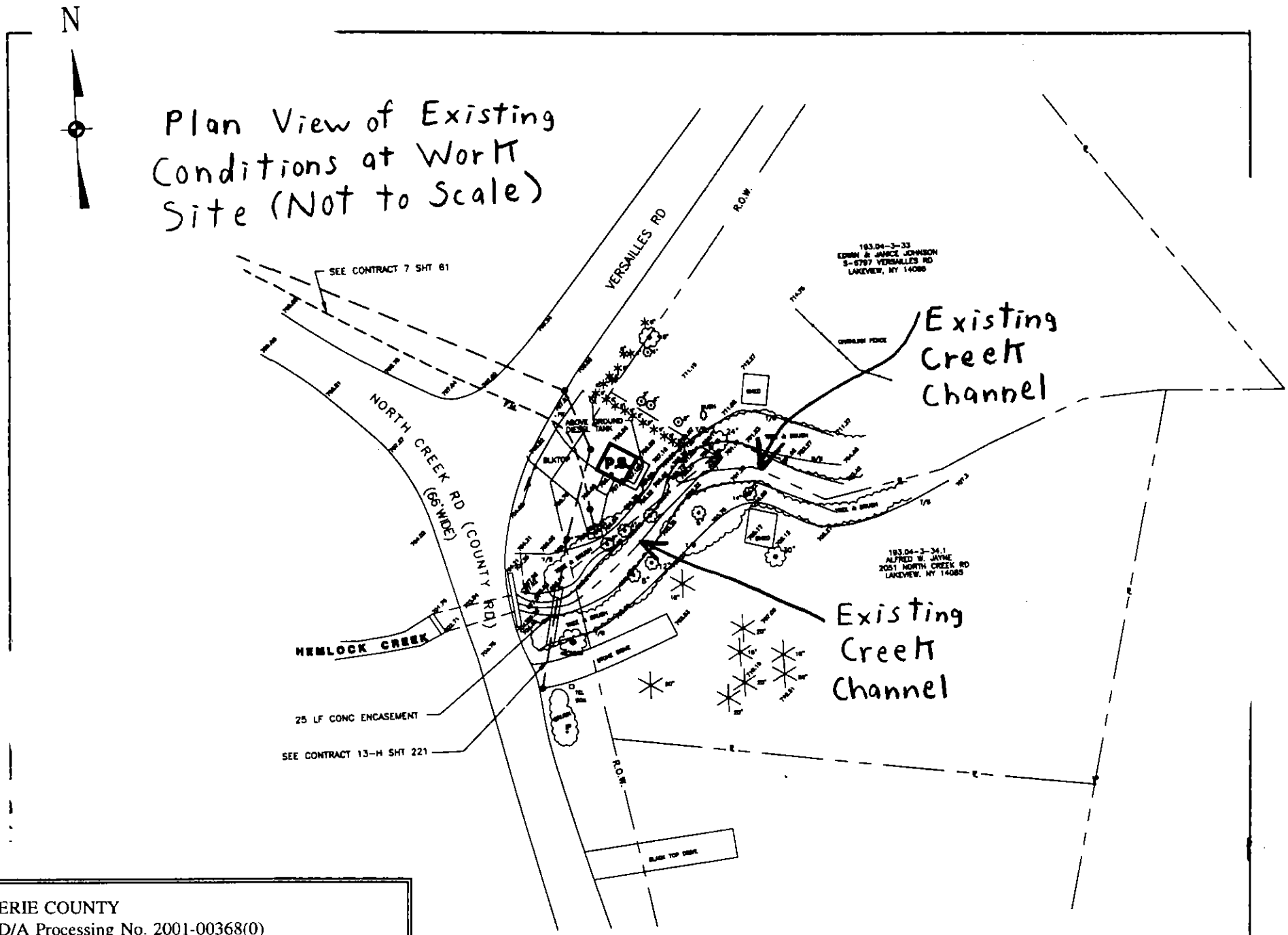
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

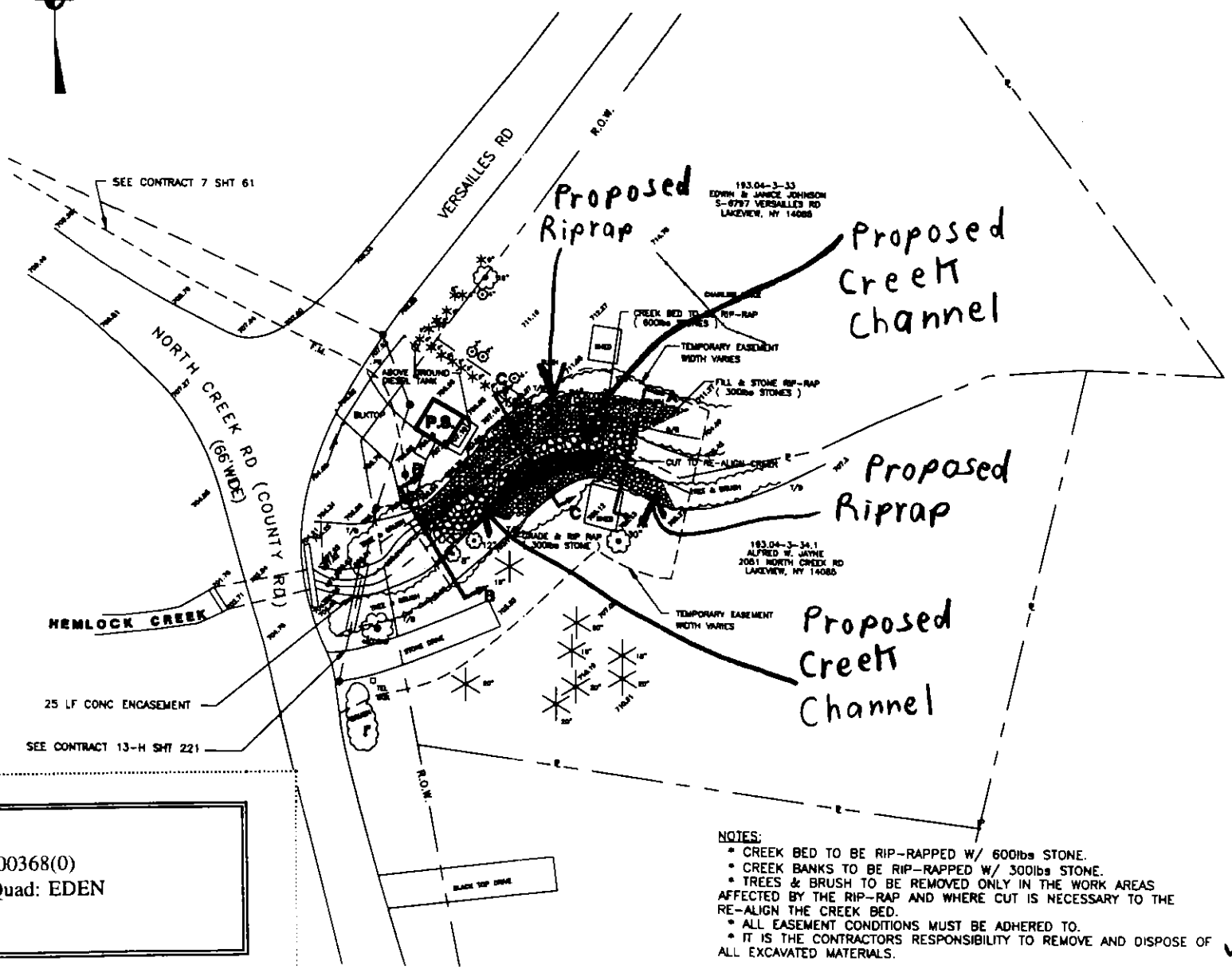


ERIE COUNTY
D/A Processing No. 2001-00368(0)
Erie County, New York Quad: EDEN
Sheet 1 of 4



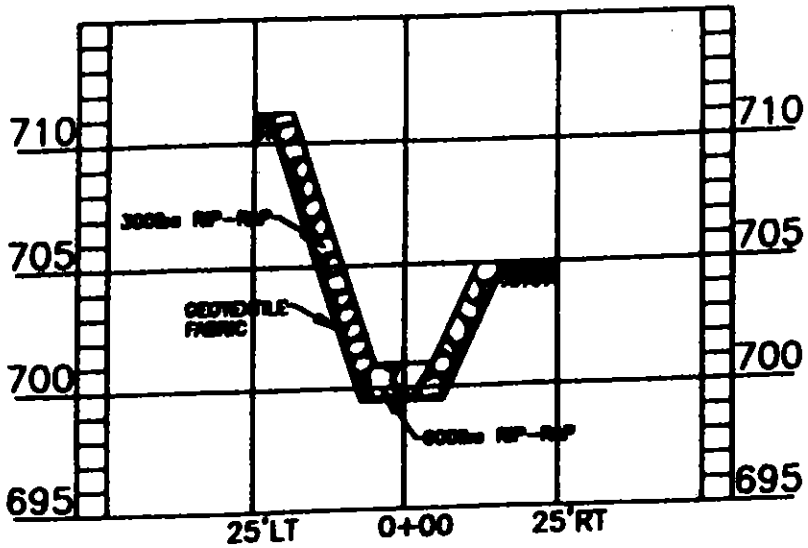
ERIE COUNTY
D/A Processing No. 2001-00368(0)
Erie County, New York Quad: EDEN
Sheet 2 of 4

Plan View of Proposed Creek Channel Re-Alignment and Proposed Riprap Installation at Banks and Stream Bed (Not to Scale)

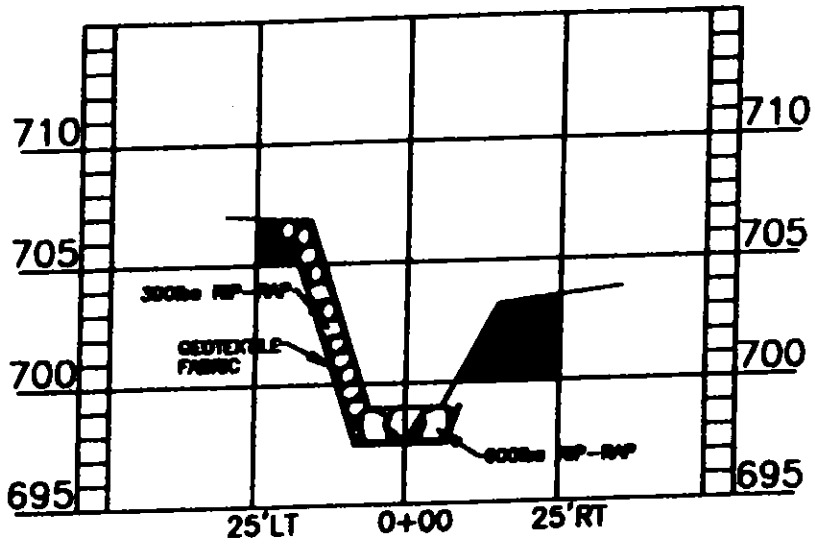


ERIE COUNTY
D/A Processing No. 2001-00368(0)
Erie County, New York Quad: EDEN
Sheet 3 of 4

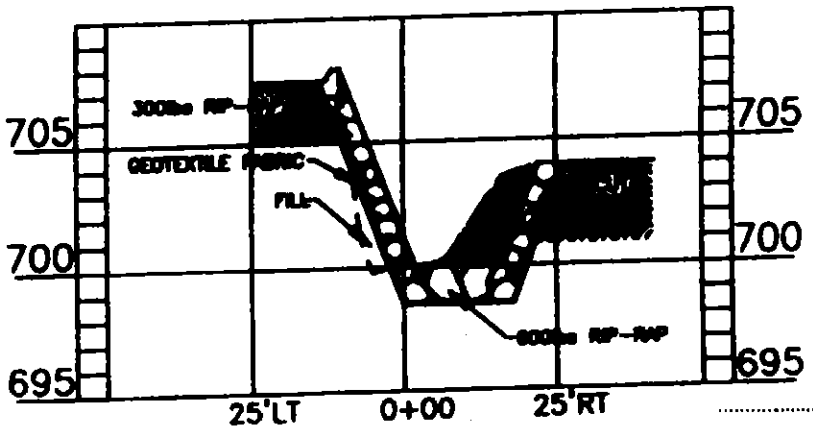
NOTES:
- CREEK BED TO BE RIP-RAPPED W/ 600lbs STONE.
- CREEK BANKS TO BE RIP-RAPPED W/ 300lbs STONE.
- TREES & BRUSH TO BE REMOVED ONLY IN THE WORK AREAS AFFECTED BY THE RIP-RAP AND WHERE CUT IS NECESSARY TO THE RE-ALIGN THE CREEK BED.
- ALL EASEMENT CONDITIONS MUST BE ADHERED TO.
- IT IS THE CONTRACTORS RESPONSIBILITY TO REMOVE AND DISPOSE OF ALL EXCAVATED MATERIALS.



SECTION A–A



SECTION B–B



SECTION C–C

Cross-Section Views A-A, B-B, and C-C of Newly Aligned Creek Channel, with Riprap Placement on Creek Bed and Banks (Not to Scale)

ERIE COUNTY
D/A Processing No. 2001-00368(0)
Erie County, New York Quad: EDEN
Sheet 4 of 4