



U.S. Army Corps
of Engineers
Buffalo District
CELRB-TDO-T

Public Notice

Requestor:
City of Ithaca

Request No. 408-LRB-2022-0001
Published: January 12, 2022
Expires: February 01, 2022

Section: Operations & Technical Support Section

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Jason Doktor
Operations & Technical Support Section
1776 Niagara Street
Buffalo, NY 14207

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER UNITED STATES CODE TITLE 33, SECTION 408

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE ALTERATION WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT PERMISSION FOR THE ALTERATION WILL BE GRANTED AT THIS TIME.

COMMENTS: Comments on the described work should reference the U.S. Army Corps of Engineers Request number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the above address or emailed to jason.p.doktor@usace.army.mil.

FEDERAL CIVIL WORKS PROJECT DESCRIPTION: The flood risk management (FRM) project at Cayuga Inlet, Ithaca, Tompkins County, New York, was federally constructed and is locally maintained. A Local Cooperation Agreement (LCA), between the Government and the New York State Department of Environmental Conservation, requires that the local sponsor accept, maintain, and operate the entire project, in accordance with regulations prescribed by the Secretary of the Army. The federal project consists of approximately three miles of improved channel along Cayuga Inlet upstream of the confluence with Cayuga Lake. Features also include auxiliary diversion levees and drainage basins, bank protection, and a fishway.

ALTERATION LOCATION: The project will be constructed across the FRM channel approximately 1,800 feet upstream of the W State Street Bridge.

PROPOSED ACTION: The requestor is proposing to construct a multi-use trail bridge to carry the Black Diamond Trail over the FRM channel. The proposed bridge will be oriented east to west, between Floral Avenue and Cherry Street with abutments along the channel. The structure width between the rails is 12 ft. and the low cord elevation is 390.33 NAVD88 (390.17 IGLD85). Work also includes approach trail work to connect to the existing trail and sidewalk areas along the west side of the FRM channel. This trail extends from the apartment complex and other residential properties on Floral Ave. to the intersection of NYS Rte. 79 (West State Street) and NYS Rte. 13A (Floral Ave).

LOCATION MAPS AND DRAWINGS: The attached map shows the approximate location of the proposed project in relation to the FRM Project.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jason Doktor, ICW Program Manager, U.S. Army Corps of Engineers, at (716) 879-4385. Your inquiries may also be sent by email to Jason.P.Doktor@usace.army.mil.

REGULATORY AUTHORITY: The Corps Buffalo District Regulatory Section is currently reviewing the proposed project under the Nationwide Permit Program.

EVALUATION: The decision whether to grant the requested permission for the project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization for important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for alteration will be reviewed by a U.S. Army Corps of Engineers technical review team considering the following factors:

1. **Impair the Usefulness of the Project Determination.** The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. The decision whether to approve a request for alteration would be based on a determination of no impairments.
2. **Injurious to the Public Interest Determination.** Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the types of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion and accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

3. Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the Buffalo District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the US Army Corps of Engineers project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration.
4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Technical Analysis. The Buffalo District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Technical Review is being conducted to determine any potential adverse impacts to the U.S. Army Corps of Engineers flood protection system.

SOLICITATION OF COMMENTS: The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are taken into consideration 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 if the proposed activity.

SUMMARY: It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Buffalo District Corps of Engineers, Office of Counsel.

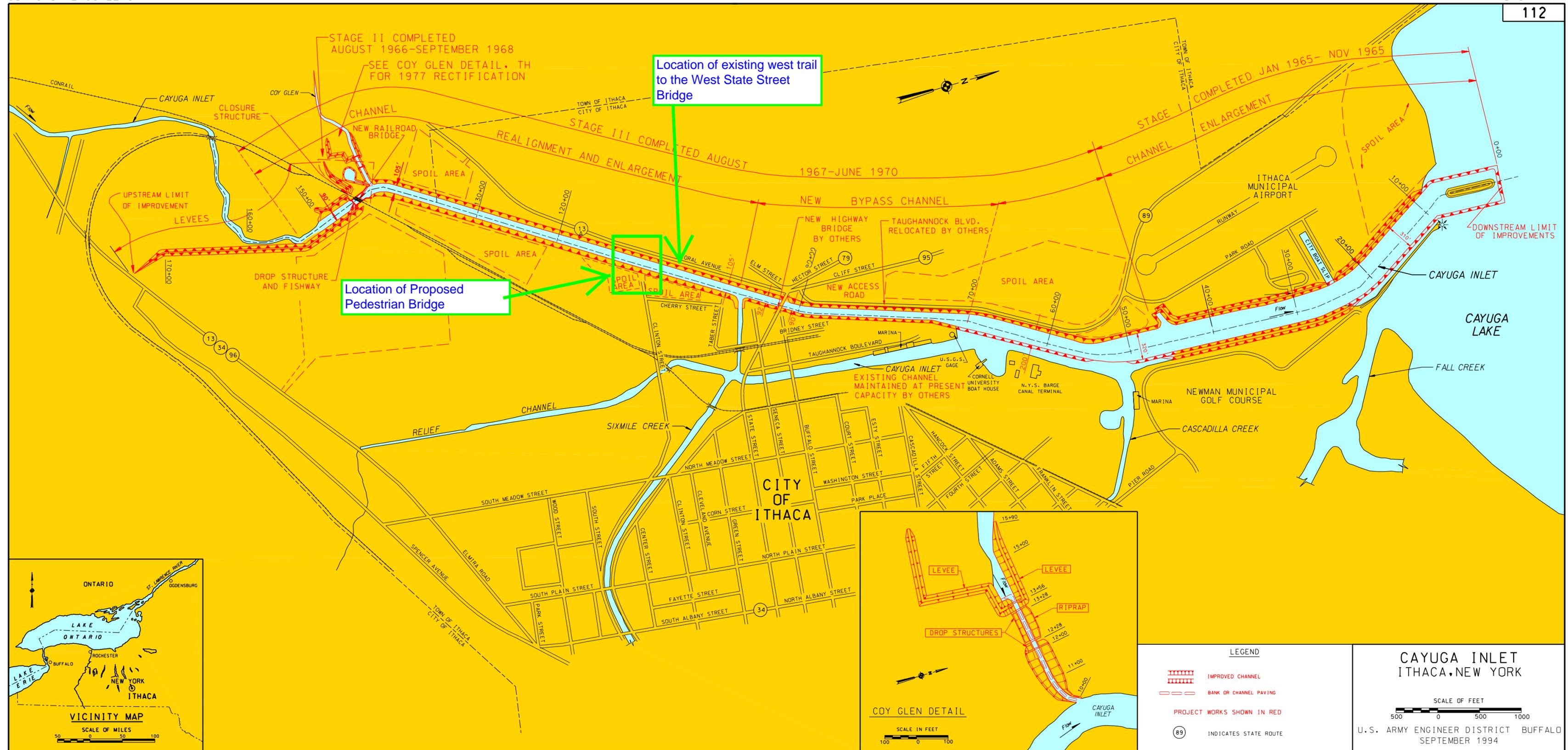
Interested parties wishing to comment on the proposed activity must do so in writing no later than **February 01, 2022**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

SIGNED

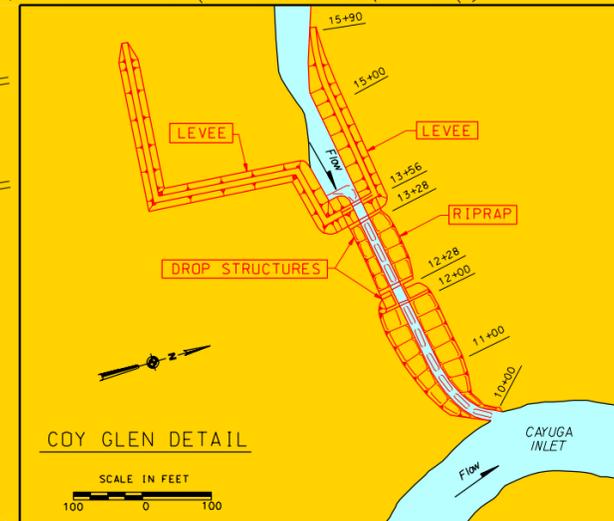
Robert W. Remmers
Chief, Operations and Technical Support Section

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 20 days from the date of issuance.



Location of existing west trail to the West State Street Bridge

Location of Proposed Pedestrian Bridge



LEGEND

- IMPROVED CHANNEL
- BANK OR CHANNEL PAVING
- PROJECT WORKS SHOWN IN RED
- INDICATES STATE ROUTE

**CAYUGA INLET
ITHACA, NEW YORK**

SCALE OF FEET
500 0 500 1000

U.S. ARMY ENGINEER DISTRICT BUFFALO
SEPTEMBER 1994