



Public Notice

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

Requestor:
Town of Livonia

Request No. 408-LRB-2021-0026
Published: June 29, 2022
Expires: July 29, 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 Conesus Lake Outlet, Livonia, Livingston 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 1120 feet of constructed channel upstream of the Route 20A bridge to Conesus Lake, and approximately 5440 feet of constructed channel downstream of the Route 20A bridge. Immediately upstream of the Route 20A bridge is the control structure for controlling Conesus Lake levels. The control structure consists of eleven aluminum slide gates that attach to the existing bridge wingwalls. There is an associated Reservoir Regulations Manual that provides the operating plan for regulating water levels on Conesus Lake.

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 modify the existing control structure to improve water quality at the outlet. The work involves replacement of the eastern most gate (Gate 11) with a new segmented gate.

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

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jason Doktor, ICW Program Manager, U.S. Army Corps of Engineers, at (716) 879-4385 or 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.

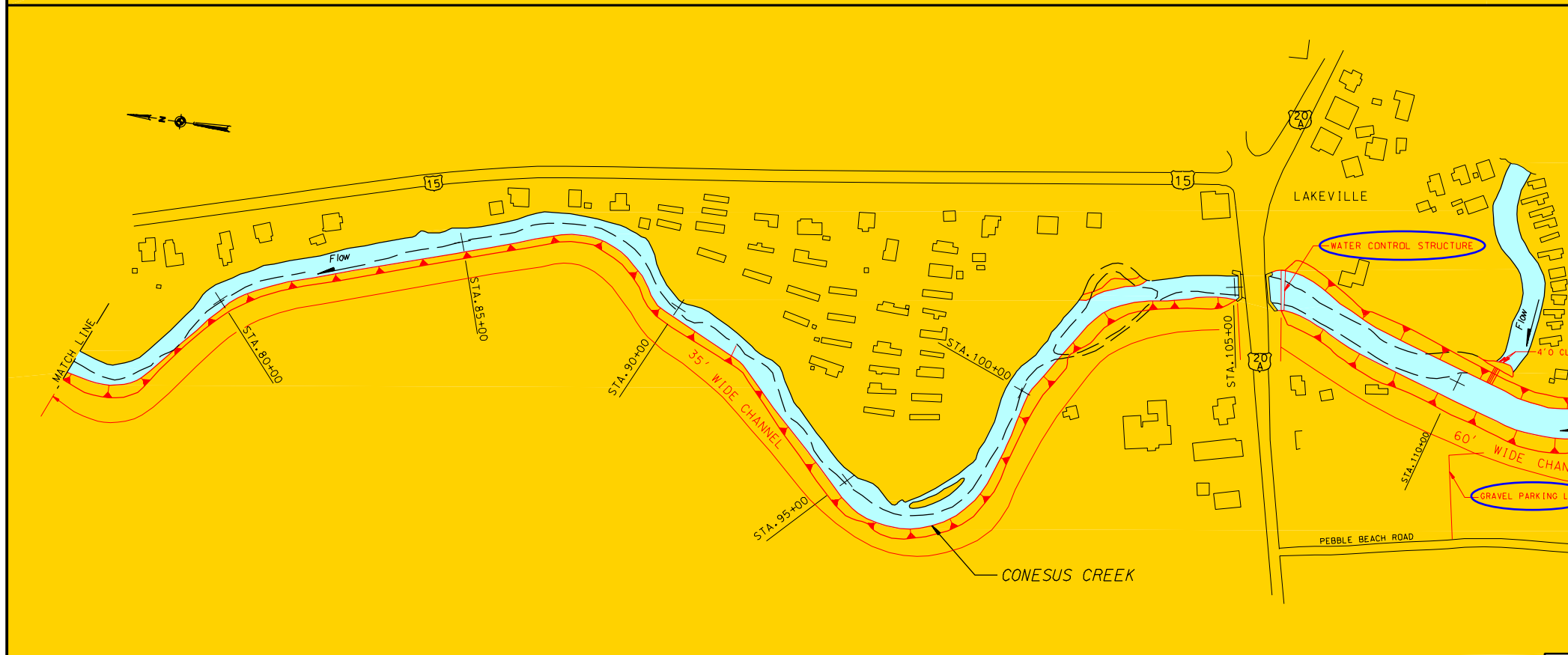
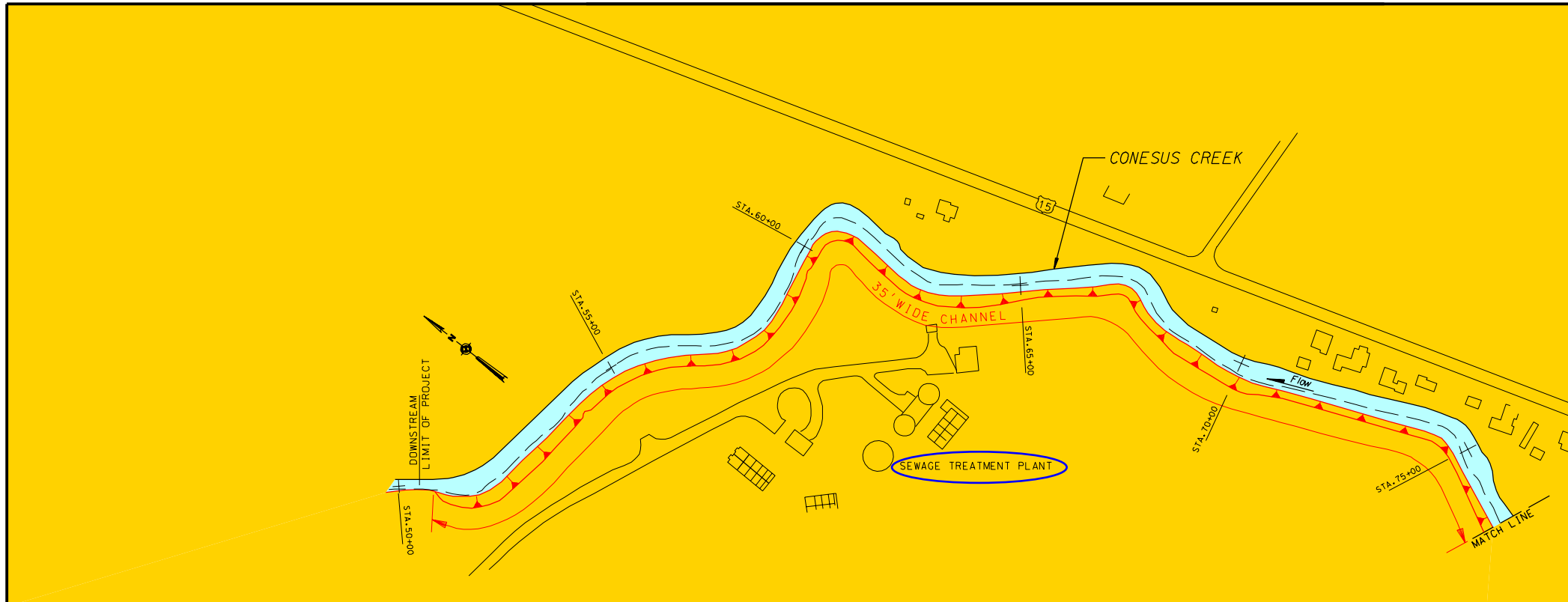
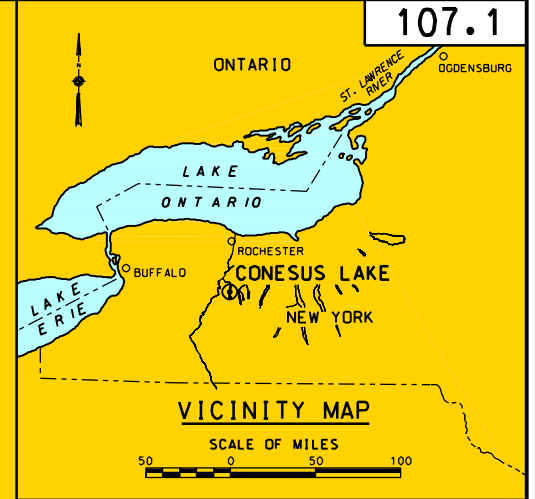
Interested parties wishing to comment on the proposed activity must do so in writing no later than **July 20, 2022**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection 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

David Swiatek
Chief, Operations and Technical Support Section

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



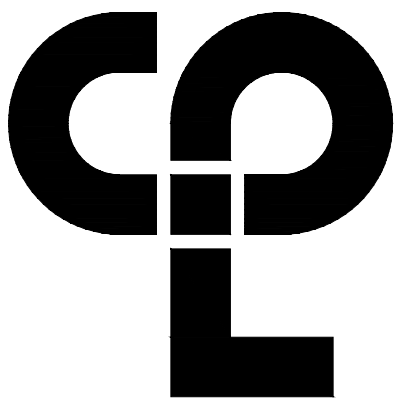
LEGEND

- SLOPE
- RIPRAP
- U.S. ROUTE

CONESUS LAKE
LIVINGSTON COUNTY, NEW YORK

SCALE OF FEET
100 0 100 200

U.S. ARMY ENGINEER DISTRICT BUFFALO
SEPTEMBER 1994



CPL | Architecture Engineering Planning
 205 ST. PAUL ST. SUITE 500
 ROCHESTER, NY 14604
 CPLteam.com

PROJECT INFORMATION

Project Number
15671.00

Client Name
TOWN OF LIVONIA

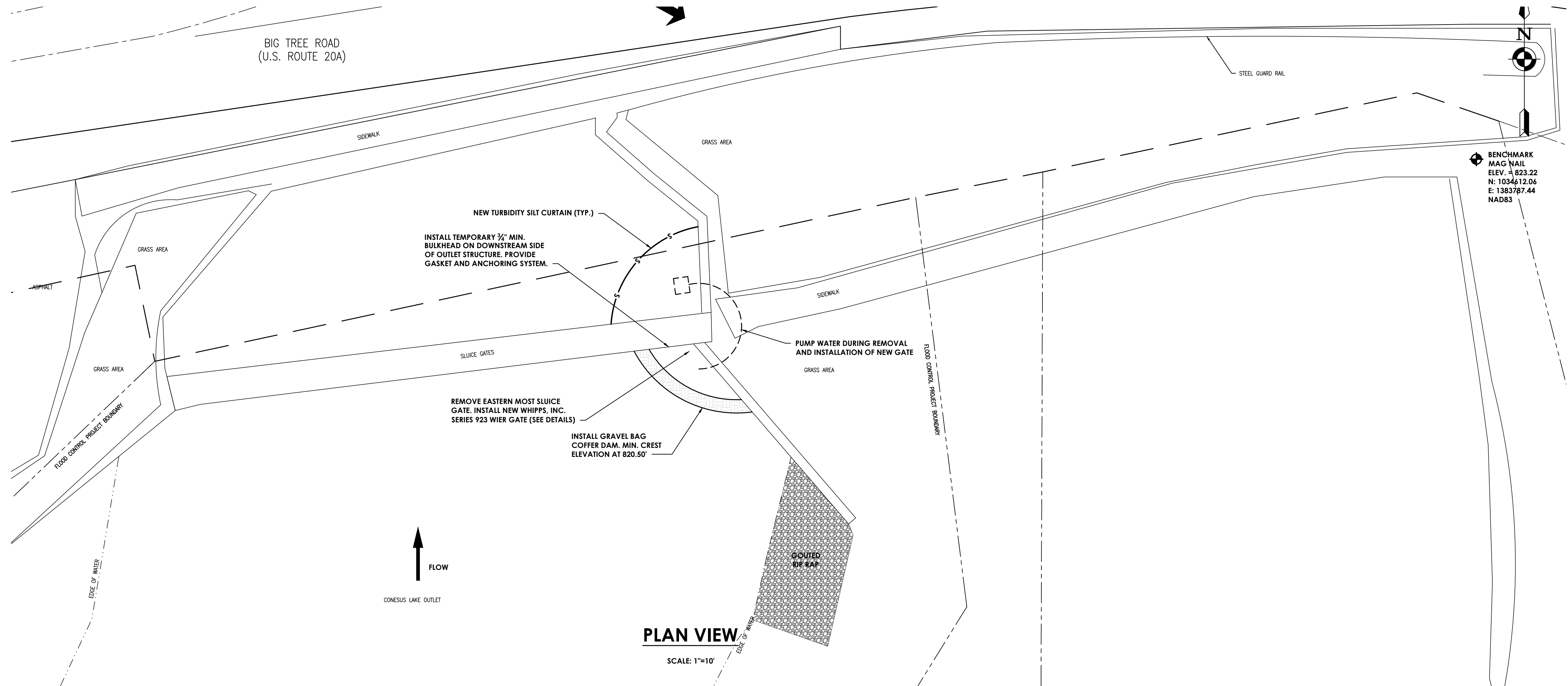
Project Name
Conesus Lake Outlet

CONESUS LAKE OUTLET

Project Address
35 COMMERCIAL STREET
LIVONIA, NY 14487

REVISION SCHEDULE

No.	Date	Description



- WORK PLAN: DEWATERING OF EXCAVATION AREA**
1. INSTALL EROSION AND SEDIMENT CONTROL MEASURES AS SHOWN ON DWG. NO. S-01. SEE EROSION AND SEDIMENT CONTROL NOTES ON D-01.
 2. INSTALL AN EARTH COFFERDAM ON THE UPSTREAM END THAT IS PLASTIC LINED SUCH THAT NO EROSION WILL TAKE PLACE. A BY-PASS PUMP WILL BE SETUP WITH THE DISCHARGE HOSE OUTLET BEING PAST THE PROPOSED WORK.
 3. INSTALL AN EARTH COFFERDAM ON THE DOWNSTREAM END THAT IS PLASTIC LINED (IF NEEDED) TO STOP BACK FLOW AND ELIMINATE THE NEED TO WORK IN THE RUNNING WATER.
 4. INSTALL TEMPORARY BULKHEAD STRUCTURE ON THE DOWNSTREAM SIDE OF THE OUTLET STRUCTURE.
 5. REMOVE EXISTING SLUICE GATE.
 6. INSTALL NEW SEGMENTED WEIR GATE.
 7. TEST NEW SEGMENTED WEIR GATE FOR PROPER FUNCTION AND OPERATION.
 8. REMOVE THE WATER DIVERSION SYSTEM AND RESTORE THE CHANNEL FLOW
 9. INSTALL REMAINING HARDWARE AND GATE OPERATOR AS NEEDED

- CONSTRUCTION NOTE:**
1. DURING THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL CONDUCT OPERATIONS IN SUCH A MANNER AS TO PREVENT OR REDUCE TO A MINIMUM ANY DAMAGE TO ANY STREAM FROM POLLUTION BY DEBRIS, SEDIMENT, OR OTHER FOREIGN MATERIAL, OR FROM MANIPULATION OF EQUIPMENT AND/OR MATERIALS IN OR NEAR SUCH STREAMS. THE CONTRACTOR SHALL NOT RETURN DIRECTLY TO A STREAM ANY WATER WHICH HAS BEEN USED FOR WASH PURPOSES OR OTHER SIMILAR OPERATIONS WHICH CAUSE THE WATER TO BECOME POLLUTED WITH SAND, SILT, CEMENT, OIL OR OTHER IMPURITIES. IF THE CONTRACTOR USES WATER FROM A STREAM, THE CONTRACTOR SHALL CONSTRUCT AN INTAKE OR TEMPORARY DAM REQUIRED TO PROTECT AND MAINTAIN WATER RIGHTS AND TO SUSTAIN FISH LIFE DOWNSTREAM.

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND THE COMMISSIONER'S REGULATIONS FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT, ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ARCHITECT, ENGINEER OR SURVEYOR IS ALTERED. THE ALTERING PARTY SHALL AFFIX TO THE ITEM THEIR SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

SHEET INFORMATION

Issued
7/30/20

Scale
1"=10'

Drawn By
ZLA

Checked By
RGR

Drawing Title
SITE PLAN

Drawing Number
CLO

Revision Number
S-01

0

Sheet size: 22x34
 Drawing Name: J:\PROJECTS\Livonia_TOWN\Conesus Lake Culvert\Design\CAD\Civil\Site\Bridge DESIGN\DESIGN_Gate.dwg
 Plotted By: Zach Andejson
 Date last plotted: 2/15/2022 12:18 PM
 Date last accessed: 2/15/2022 12:15 PM