

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R
Section: NY

Public Notice

Applicant: New York
Power Authority

Published: April 9, 2015
Expires: May 8, 2015

Application No: 1995-71854

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Molly Connerton
1776 Niagara Street
Buffalo, NY 14207

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

Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: New York Power Authority (NYPA)

WATERWAY & LOCATION: Buffalo River, 32 Fuhman Blvd., the First Buffalo River Marina, adjacent to the U.S. Coast Guard Station, City of Buffalo, Erie County, New York. The entire First Buffalo River Marina property is owned by NYPA.

LATITUDE & LONGITUDE: Latitude North: 42.8742
Longitude West: -78.88081

EXISTING CONDITIONS: The existing NYPA Winter Mooring Facility is located along the Buffalo River at the First Buffalo River Marina. The proposed NYPA Winter Mooring Facility will be located 1,050 feet to the north of the existing facility site at the First Buffalo River Marina. The proposed NYPA Winter Mooring Facility consists of a previously disturbed urban landscape with a hardened shoreline.

Description of delineation of waters of the US, if applicable: The project is located along the Buffalo River. A Jurisdictional Determination form for all Section 10 navigable waterways in the

Buffalo District was completed on December 19, 2007. The Buffalo River is listed as a Section 10 navigable waterway.

PROPOSED WORK: NYPA is proposing to relocate and upgrade their present Winter Mooring Facility. The facility is critical to NYPA's ice boom operations on Lake Erie and will be used from November through April each year to moor vessels. The new mooring facility involves the installation of a 240 foot long by 20 feet wide mooring wharf along the Buffalo River shoreline located 1,050 feet to the north of the existing facility. The wharf will include granular backfill behind a new sheetpile seawall, a concrete top slab, 8 mooring bollards, 3 power pedestals and movable access ladders. The sheet pile will be in a straight alignment at an approximate river elevation of 572. The ordinary high water level (OHWM) is at an approximate elevation of 573.4. The void between the existing shoreline and the proposed sheet pile wall will be filled with clean stone granular backfill. Approximately 62 cubic yards of backfill will be placed along the 240 ft. sheet pile wall length, below OHWM which averages about ½ cubic yard of fill per running foot of shoreline. In addition, anchors will be installed on the new sheet pile wall to continue the seasonal installation of the docks that were previously permitted to NYPA by the Corps in 2013. These docks are installed annually around May and removed around October. The docks will have the same configuration and will be in the same approximate location even with the addition of the mooring wharf and will not encroach further into the Buffalo River. Also, in order to provide adequate draft for mooring vessels, dredging of the adjacent river bottom is required. 900 cubic yards of sediment will be removed from the river bottom to an end depth at elevation 563 (NAD 83). The dredged material will be tested, characterized and disposed at the approved Corps Confined Disposal Facility (CDF) at Buffalo Harbor. All of the proposed work stated above will take outside of the Federal Channel (approximately 30 feet from the Federal Channel) and vessels will be moored only during the non-navigational season.

PROJECT PURPOSE

Basic: Commercial Development

Overall: To relocate and upgrade the present Winter Mooring Facility that provides the staging area for NYPA vessels to respond to issues with the installed ice boom. The mooring facility will include the construction of a new sheetpile mooring wharf with associated fill and structures.

AVOIDANCE AND MINIMIZATION INFORMATION: Alternative locations, designs and construction methods have been considered in attempting to avoid, reduce, and or mitigate any potential impacts of the proposed project on the adjacent waterway and ongoing waterfront development in the area. Alternatives assessed included the following:

- 1) No Action Alternative: Keeping the winter mooring site at the current location was ruled out because it would preclude additional waterfront development at this desirable location.
- 2) Alternative locations: Several different sites were studied between 2008 and 2010 in order to identify an alternate location. The presently proposed site was found to be the preferred location. It is in close proximity to the location where the ice boom is installed and it remains relatively free from severe ice conditions that could hinder ice boom maintenance operations during the winter months.

- 3) Alternative Onsite locations: Relocation of the mooring facility to the south end of the property was evaluated but dismissed because of an existing main sanitary sewer easement that would limit any development at this location. Also with increased distance from the ice boom additional ice breaking would be required.
- 4) Design and Construction Method Alternatives:
 - (a) Construction of the mooring site using piling support groups with a mooring platform structure spanning between the pile groupings. This design would reduce the volume of fill and reduce the potential impact of the encroachment along the shoreline. This was dismissed because the platforms would not be able to support the heavy vehicles and equipment needed for activities and prohibit seasonal summer floating docks installed at this marina.
 - (b) Construction of the mooring dock further into the river while still within the property boundary. This would eliminate the need for dredging the river bottom. However, this was ruled out since it would have created more filling and encroachment below the OHWM and a further reduction in the river width and water surface area.
- 5) Preferred Alternative: It was determined that the relocated mooring facility as currently proposed along EL. 572 would offer several advantages over other alternatives considered that include, the location is in the immediate vicinity of Lake Erie and in a section of the river that experiences less severe ice conditions. Also, alignment of the sheet pile at the OHWL would be extremely difficult and costly because it would be necessary to remove existing structures that would require major demolition work and therefore, the sheet pile at EL. 572 will align well with the existing riverbank and create a good visual appearance.

PROPOSED MITIGATION: No mitigation is currently proposed.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of **Molly Connerton** who can be contacted at the above address, by calling **(716) 879-4304** or by e-mail at:

molly.a.connerton@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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:

New York Department of State
Division of Coastal Resources
Coastal Management Program
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
Attn: Consistency Review

Telephone (518) 486-3200

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

The project permit area, as shown on Sheet 1 of 7, does not appear to be located within a archaeologically sensitive areas as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) or properties listed in, or eligible for listing in, the National Register of Historic Places based on preliminary findings. This notice constitutes initiation of consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: **Northern long-eared bat (*Myotis septentrionalis*)** and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

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.

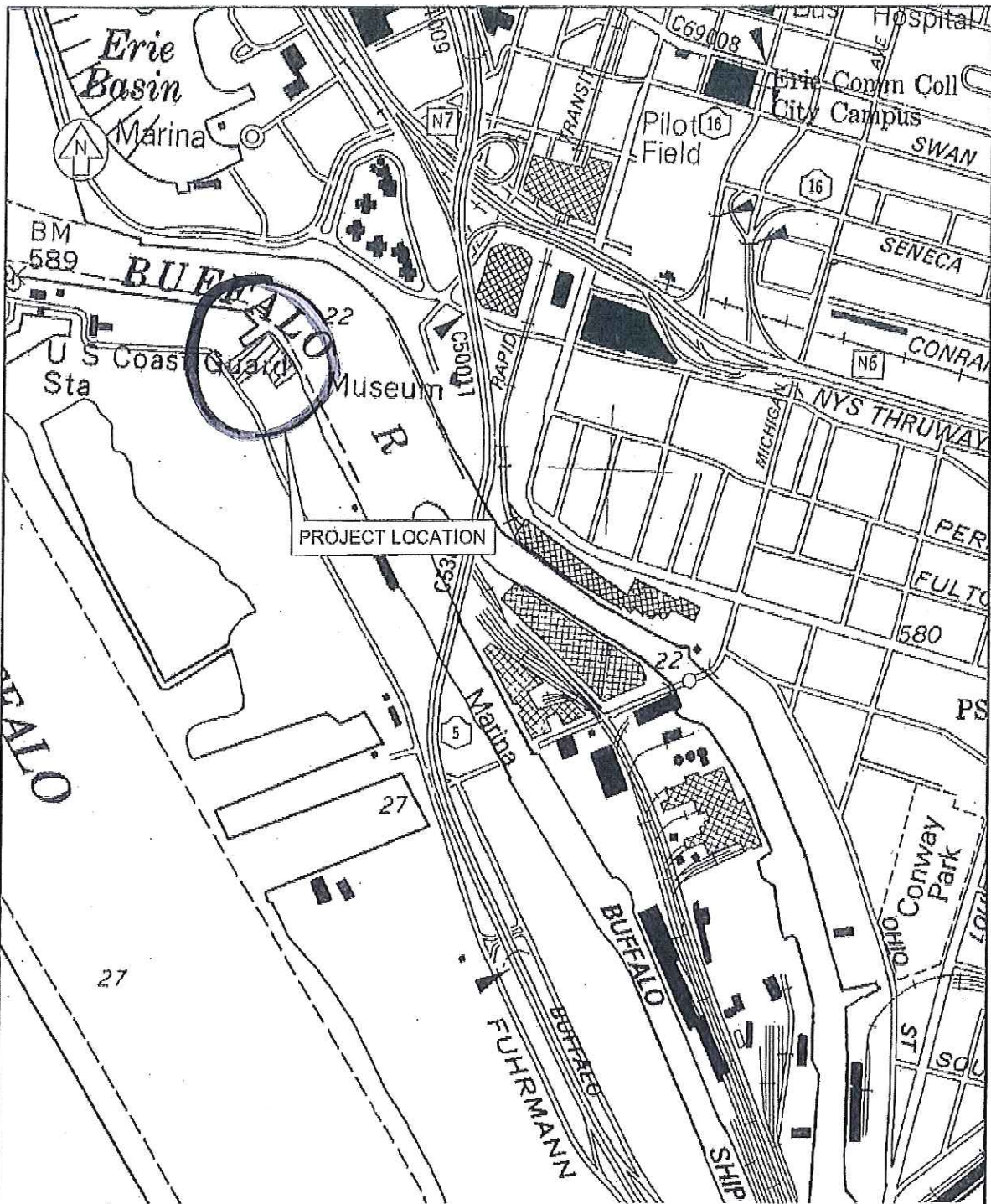
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits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

SIGNED

Diane C. Kozlowski
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.



MLR 02/04/10 H333045
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FOR INFORMATION ONLY

WINTER MOORING
 RELOCATION PROJECT
 NEW YORK POWER AUTHORITY
 SITE LOCATION MAP

NYPA-First Buffalo River Marina
 DA Processing No.: 1995-71854
 Erie County, New York
 Quad: Wyoming
 Sheet 1 of 7

ATCH
 GURE 1



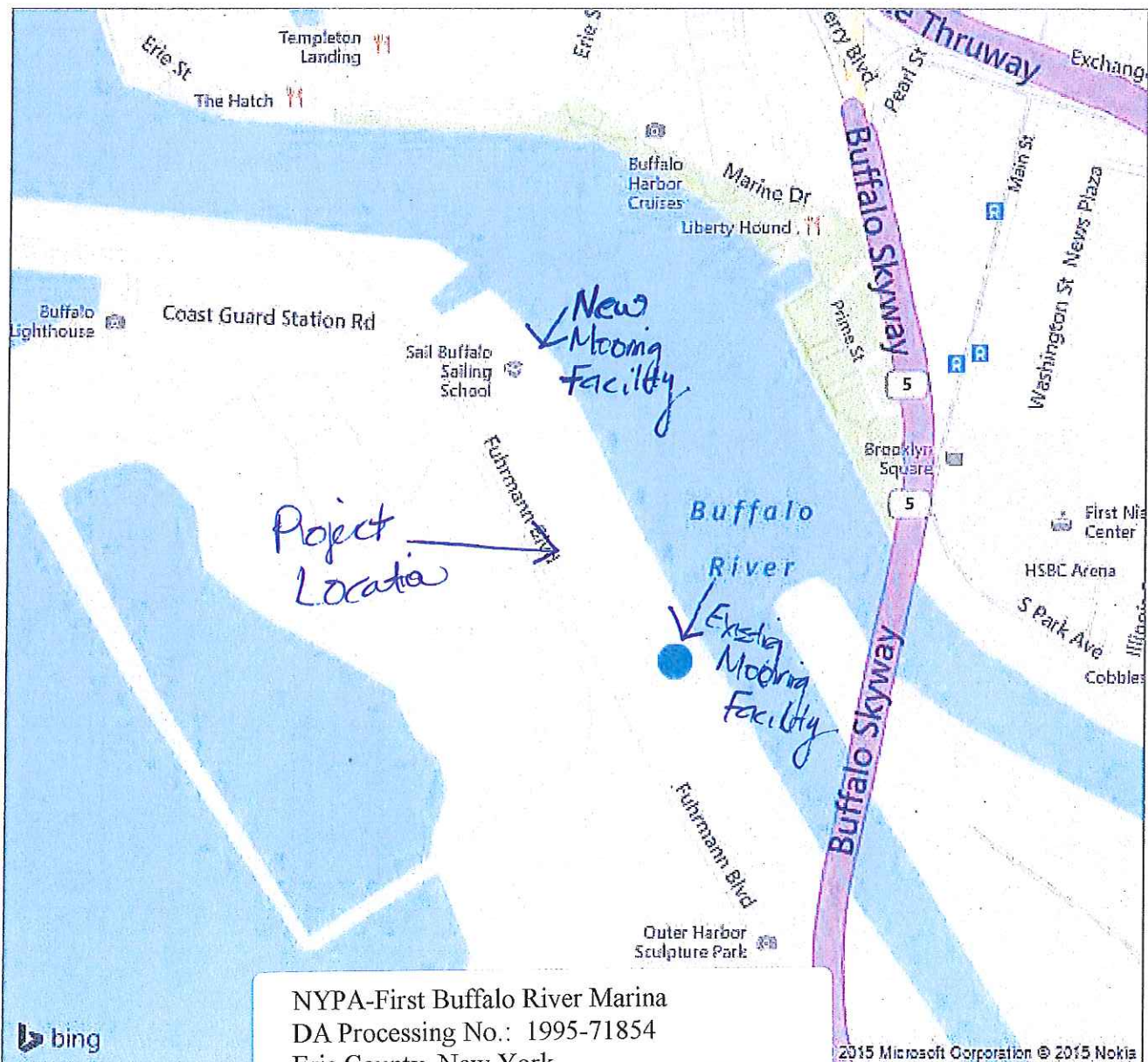


32 Fuhrmann Blvd, Buffalo, NY 14203

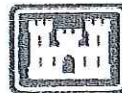
My Notes

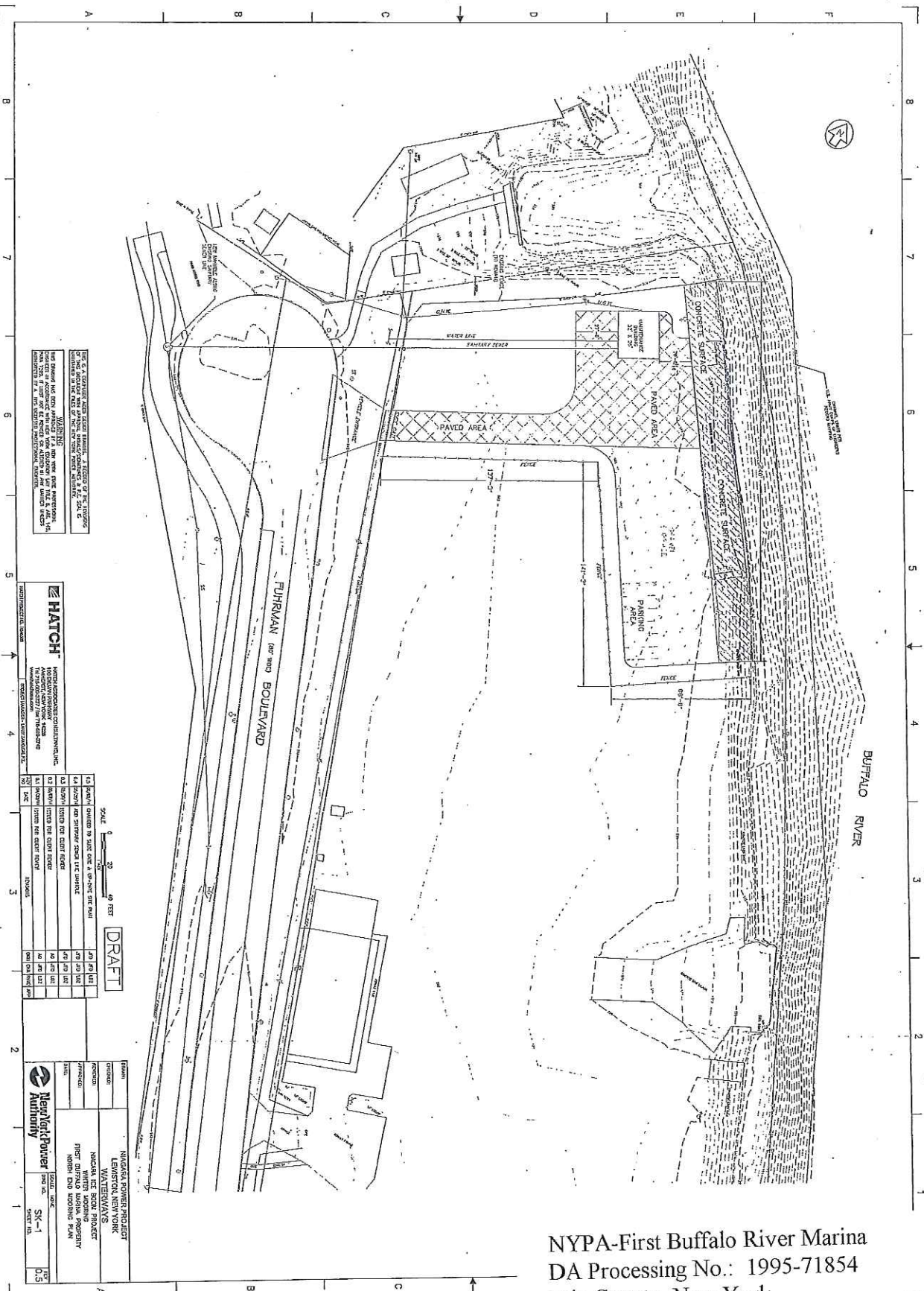
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On the go? Use m.bing.com to find maps, directions, businesses, and more



NYPA-First Buffalo River Marina
DA Processing No.: 1995-71854
Erie County, New York
Quad: Wyoming
Sheet 2 of 7





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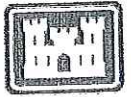
HATCH
 ARCHITECTURAL FIRM
 100 WEST 42ND STREET
 NEW YORK, NY 10018-0001
 TEL: (212) 850-4000
 FAX: (212) 850-4001
 WWW.HATCHARCH.COM

SCALE: 1" = 20' - 0" FEET

1.0	PAVED AREA	1/4" PATTERNS
1.1	CONCRETE SURFACE	1/4" PATTERNS
1.2	GRAVEL SURFACE	1/4" PATTERNS
1.3	ASPHALT SURFACE	1/4" PATTERNS
1.4	WOOD DECK	1/4" PATTERNS
1.5	WOOD FLOOR	1/4" PATTERNS
1.6	WOOD ROOF	1/4" PATTERNS
1.7	WOOD CEILING	1/4" PATTERNS
1.8	WOOD WALL	1/4" PATTERNS
1.9	WOOD FENCE	1/4" PATTERNS
1.10	WOOD SIGN	1/4" PATTERNS
1.11	WOOD TRUSS	1/4" PATTERNS
1.12	WOOD JOIST	1/4" PATTERNS
1.13	WOOD RAMP	1/4" PATTERNS
1.14	WOOD STAIR	1/4" PATTERNS
1.15	WOOD BALCONY	1/4" PATTERNS
1.16	WOOD PORCH	1/4" PATTERNS
1.17	WOOD PATIO	1/4" PATTERNS
1.18	WOOD DECK	1/4" PATTERNS
1.19	WOOD FLOOR	1/4" PATTERNS
1.20	WOOD ROOF	1/4" PATTERNS
1.21	WOOD CEILING	1/4" PATTERNS
1.22	WOOD WALL	1/4" PATTERNS
1.23	WOOD FENCE	1/4" PATTERNS
1.24	WOOD SIGN	1/4" PATTERNS
1.25	WOOD TRUSS	1/4" PATTERNS
1.26	WOOD JOIST	1/4" PATTERNS
1.27	WOOD RAMP	1/4" PATTERNS
1.28	WOOD STAIR	1/4" PATTERNS
1.29	WOOD BALCONY	1/4" PATTERNS
1.30	WOOD PORCH	1/4" PATTERNS
1.31	WOOD PATIO	1/4" PATTERNS

NYPA-First Buffalo River Marina
 PROJECT NO. SK-1
 DATE: 01.15.05




NYPA-First Buffalo River Marina
 DA Processing No.: 1995-71854
 Erie County, New York
 Quad: Wyoming
 Sheet 3 of 7

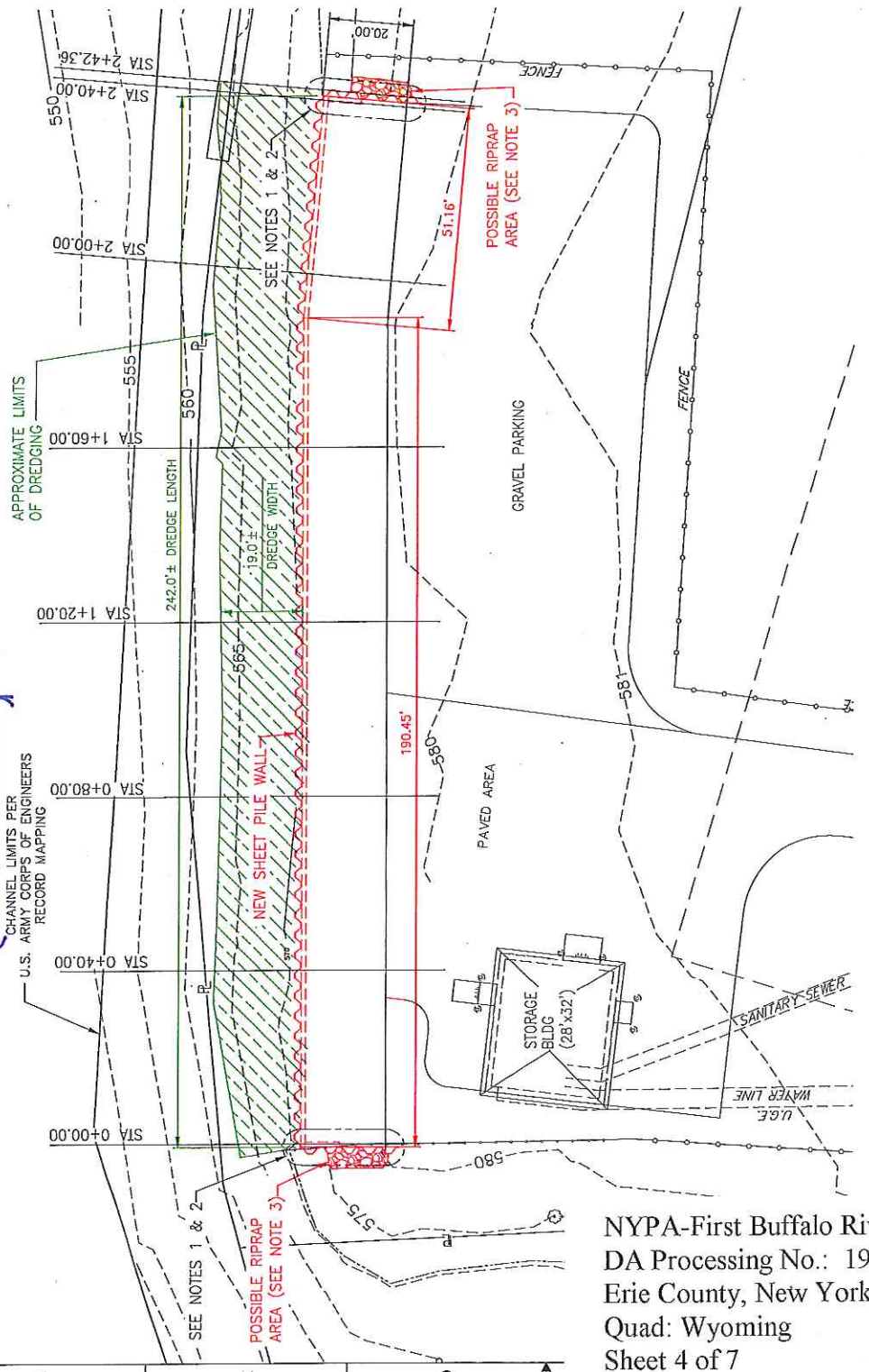


(Federal crowned)
 CHANNEL LIMITS PER
 U.S. ARMY CORPS OF ENGINEERS
 RECORD MAPPING

- NOTES:**
1. SHEET PILING SHALL RETURN INTO SHORELINE. FIRST TWO PAIR OF SHEETS SHALL BE FULL DEPTH. REMAINING SHEETS IN RETURN SHALL BE INSTALLED TO A DEPTH EQUAL TO 2 TIMES THE EXPOSED HEIGHT.
 2. CONTRACTOR MAY PROPOSE AN ALTERNATE RETURN DESIGN AFTER AWARD OF CONTRACT FOR EACH END OF THE WALL. THE AUTHORITY WILL EVALUATE THE ALTERNATIVE AND MAY ACCEPT OR REJECT IT AT THAT TIME.
 3. RIPRAP TO BE PLACED IN THESE LIMITED AREAS ABOVE OHWM, ONLY IF NECESSARY TO RE-ESTABLISH SLOPE PROTECTION TO ELEVATIONS AND CONDITIONS THAT EXIST PRIOR TO DISTURBANCE.

LEGEND:

-  DREDGING AREA
-  CONCRETE CAP
-  PAVED AREA



PLAN
 SCALE 1"=10'
 (28"X40" DRAWING BORDER)

NYPA-First Buffalo River Marina
 DA Processing No.: 1995-71854
 Erie County, New York
 Quad: Wyoming
 Sheet 4 of 7

LEGEND
 RED: MODIFICATION
 BLACK: EXISTING
 BLUE: CONSULTATION INFO

MIAGARA POWER PROJECT
 LEWISTON, NEW YORK
 WATERWAYS
 FIRST BUFFALO RIVER MARINA
 WINTER MOORING RELOCATION
 GENERAL ARRANGEMENT PLAN

DATE: _____
 APPROVED: _____
 REVISIONS: _____

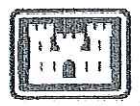
New York Power Authority

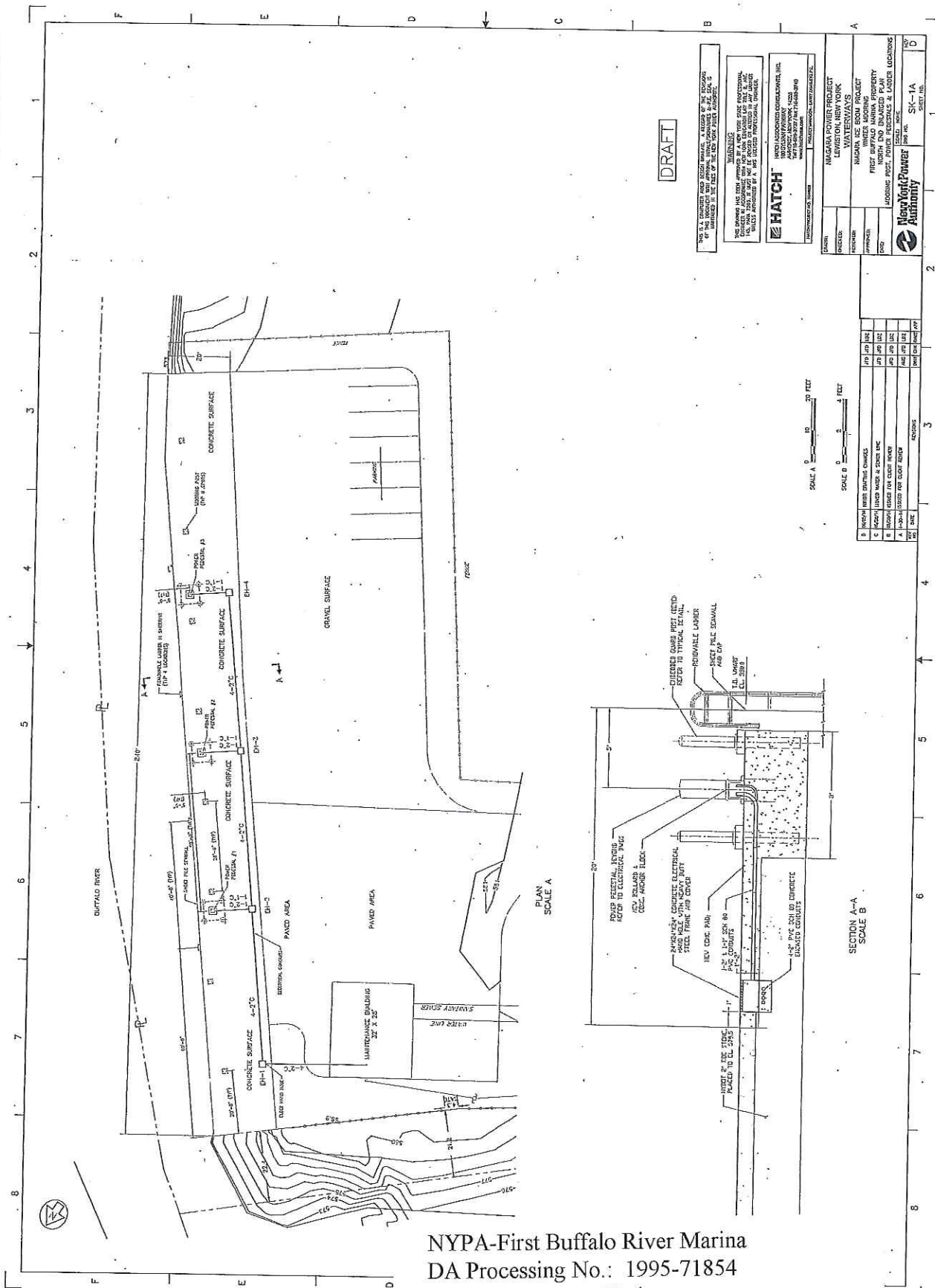
FIG. NO. JP-001
 SCALE: AS SHOWN
 SHEET NO. 0.3

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8		ISSUED FOR PERMITS		

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 NEW YORK, NY 10011-3603
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 WWW.HATCHINC.COM

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MAGARA POWER PROJECT
 LEWISTON, NEW YORK
 WATERWAYS

NYPA ICE BOOM PROJECT
 FIRST BUFFALO MARINA PROPERTY
 NORTH END DEVELOPED PLAN
 LAYOUT: FIRST BOOM, ICE BOOM, AND ICE BOOM GARDENS
 SCALE: 1/8" = 1'-0"

NYPA
 STATE OF NEW YORK
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF MARINE AND COASTAL SERVICES
 120 N. STATE STREET, 10TH FLOOR
 ALBANY, NY 12243
 TEL: 518 474-2300
 FAX: 518 474-2301
 WWW.DMCS.STATE.NY.US

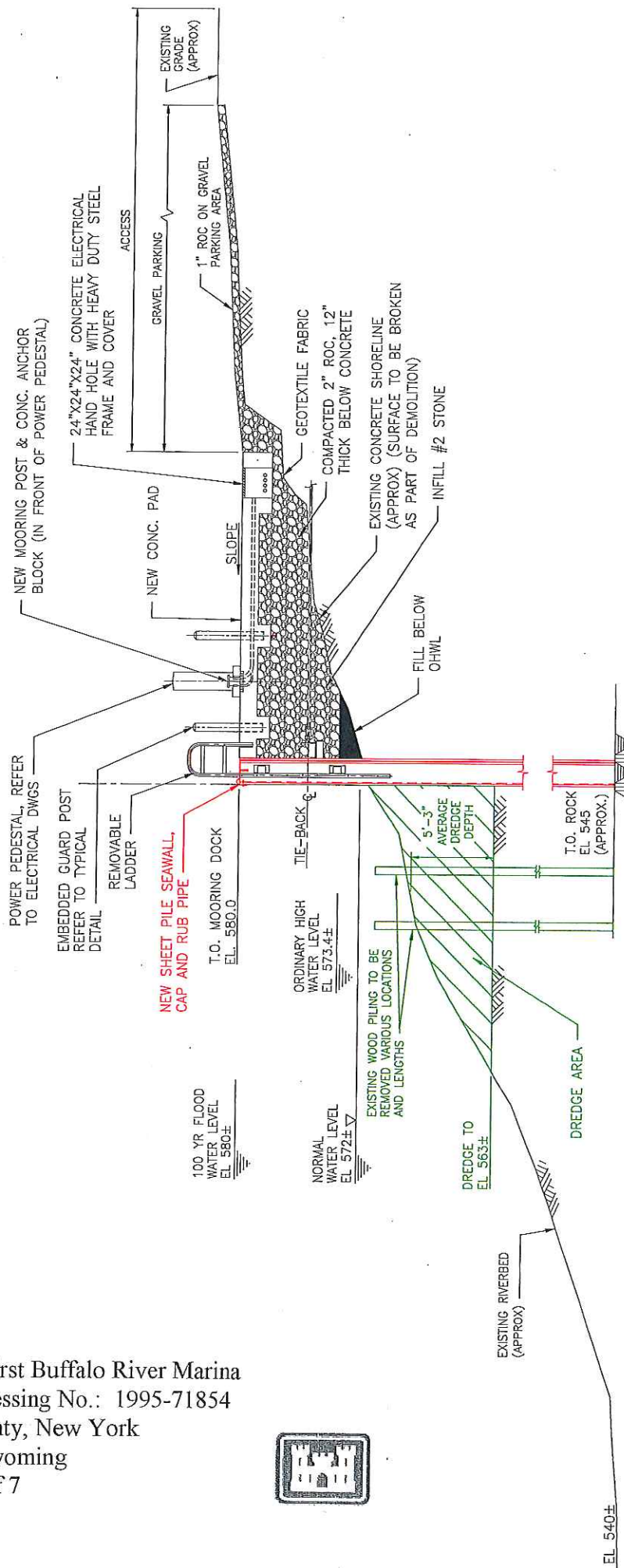
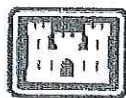
NYPA
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 OF 10

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97	10/15/18	ISSUED FOR PERMIT
98	11/15/18	ISSUED FOR PERMIT
99	12/15/18	ISSUED FOR PERMIT
100	01/15/19	ISSUED FOR PERMIT

NYPA-First Buffalo River Marina
 DA Processing No.: 1995-71854
 Erie County, New York
 Quad: Wyoming
 Sheet 5 of 7



NYPA-First Buffalo River Marina
 DA Processing No.: 1995-71854
 Erie County, New York
 Quad: Wyoming
 Sheet 6 of 7



NOTE: ALL ELEVATIONS IN IGLD 1985 DATUM

SECTION @ STA 1+60
 SCALE 3/8" = 1'-0"
 (28"X40" DRAWING BORDER)

THIS IS A COMPUTER AIDED DESIGN DRAWING. A HISTORY OF THE REVISIONS OF THIS DOCUMENT WITH APPROVAL INITIALS, DATES, AND P.L. SHALL BE MAINTAINED IN THE FILES OF THE NEW YORK POWER AUTHORITY.

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HATCH ASSOCIATES CONSULTANTS, INC.
 100 COLUMBIA PARKWAY, SUITE 100
 ALBANY, NEW YORK 12206
 518-486-1000
 WWW.HATCHCONSULTANTS.COM

NO.	DATE	REVISIONS	BY	CHK	APP
1		ISSUE FOR CONSTRUCTION			
2		ISSUE FOR PERMIT			
3		ISSUE FOR PERMIT			

LEGEND
 RED MODIFICATION
 BLACK EXISTING
 DASH CONSTRUCTION INFO

DRAWN: NIAGARA POWER PROJECT
 CHECKED: LEVISTON, NEW YORK
 REVISIONS: WATERWAYS
 APPROVED: FIRST BUFFALO RIVER MARINA
 DATE: WATER MOORING RELOCATION
 GENERAL CONTRACTOR: GEORGE W. HANCOCK

SCALE: NONE
 SHEET NO.: FIGURE NP-003
 OF: 02

