



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: 2002-00144-YN
Issue Date: 3 August 2004
Expiration Date: 3 September 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Mr. Wilbur C. Smith
14352 C. Harbor Landing Drive
Fort Myers, FL 33908

ACTIVITY: Discharge fill material into waters of the United States in order to repair/rehabilitate an existing dam

WATERWAY: Burpee Brook in the Lake Champlain Basin

LOCATION: Town of Lewis, Essex County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit 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 those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration 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 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 USC 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

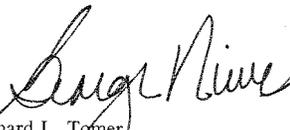
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

A Protection of Waters Permit from the New York State Department of Environmental Conservation

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-0184 and ask for Mark Steven Roth. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

FOR/ 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RW
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WORK DESCRIPTION

The applicant, Mr. Wilbur C. Smith, has requested Department of the Army authorization to discharge fill material into waters of the United States, Burpee Brook, in the Lake Champlain Basin, on Burpee Road in the Town of Lewis, Essex County, New York.

The work would involve the discharge of fill material into waters of the United States in order to perform the following activities:

A) Repair a man made breach in an existing dam that has been filled by a beaver dam and other debris. Subsequent to clearing activities, repairs to the breach would be performed in the dry by using a silt fence and straw bales to temporarily divert incoming water through the open breach. After creating the water diversion, a new primary discharge pipe would be installed. Once repairs are complete, the temporary diversion would be removed and the new primary discharge pipe would be allowed to function;

B) Discharge field stone rip rap around the inlet and outlet areas of the primary discharge conduit; discharge bedding material below the primary discharge outlet conduit. This discharge would occur in an area of approximately 90 square feet;

C) Raise the height of the dam by discharging approximately 35 cubic yards of stone fill and backfill on top of the present dam;

D) Excavate approximately 15 cubic yards of material from two, two foot deep and two foot high trenches extending across the face of the dam, one each at the top and bottom of the inlet side of the dam. These trenches would be approximately 100 feet long. Prior to refilling of the trenches, a geotextile fabric would be placed in the trenches;

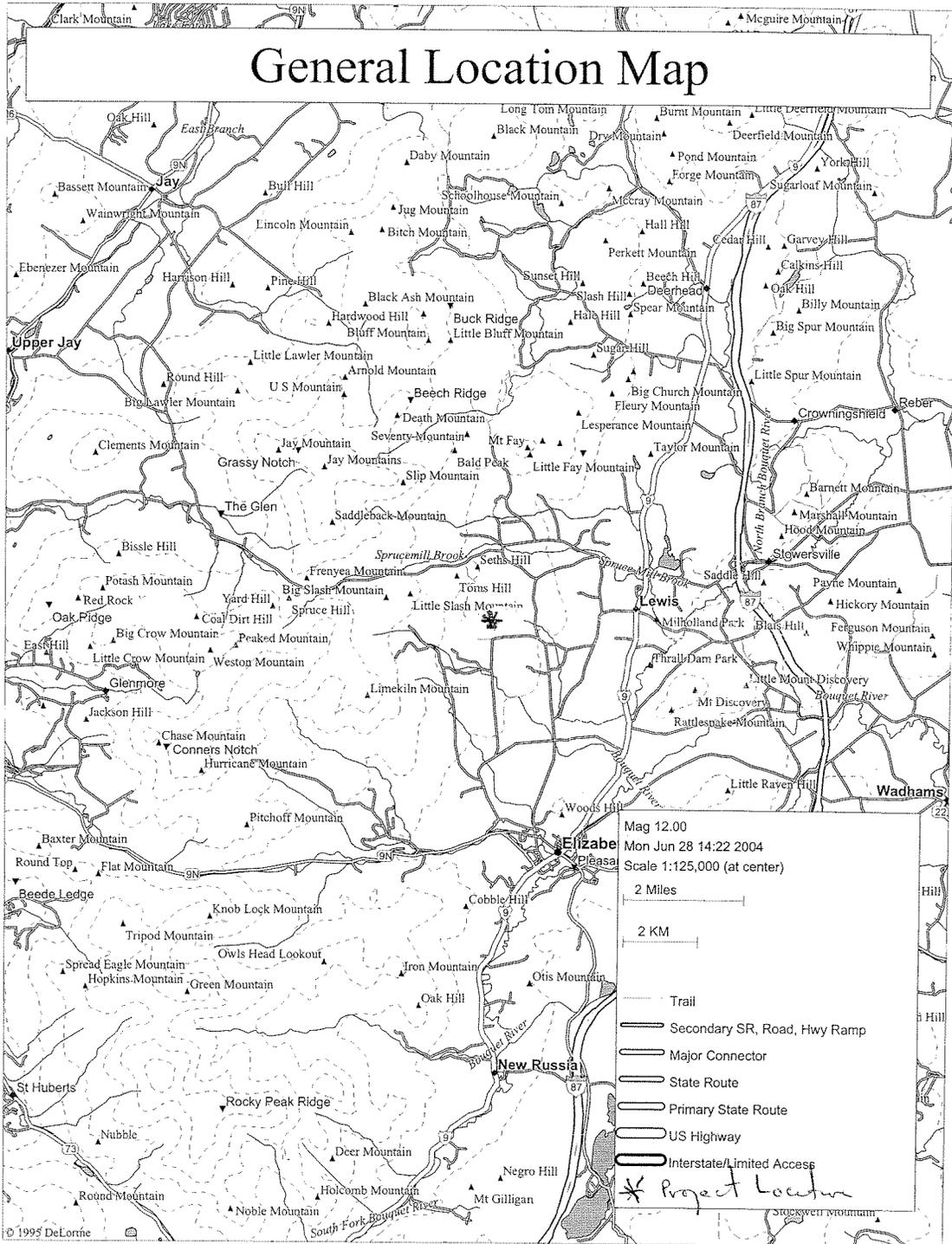
Associated with the discharges of fill material noted above are various structural repairs that do not require a discharge of fill material.

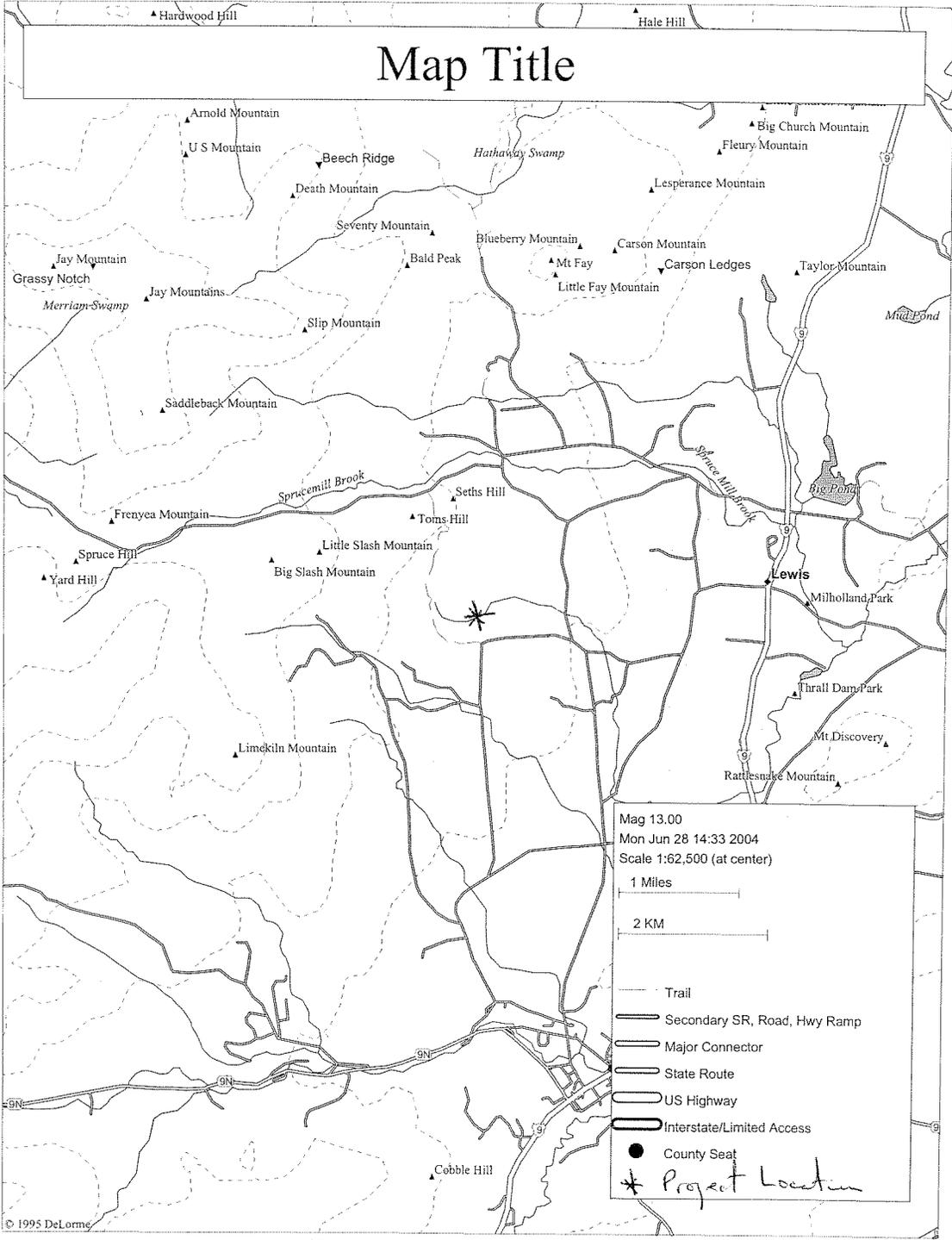
It should be noted that one of the impacts of the dam repairs would be an increase in the area of impounded water from approximately 0.7 acres to approximately 1.2 acres of waters of the United States including wetlands.

The applicant proposes to compensate for the proposed loss of wetlands through the natural establishment, and possible artificial enhancement, of new wetlands around the perimeter and in the shallow areas of the enlarged pond.

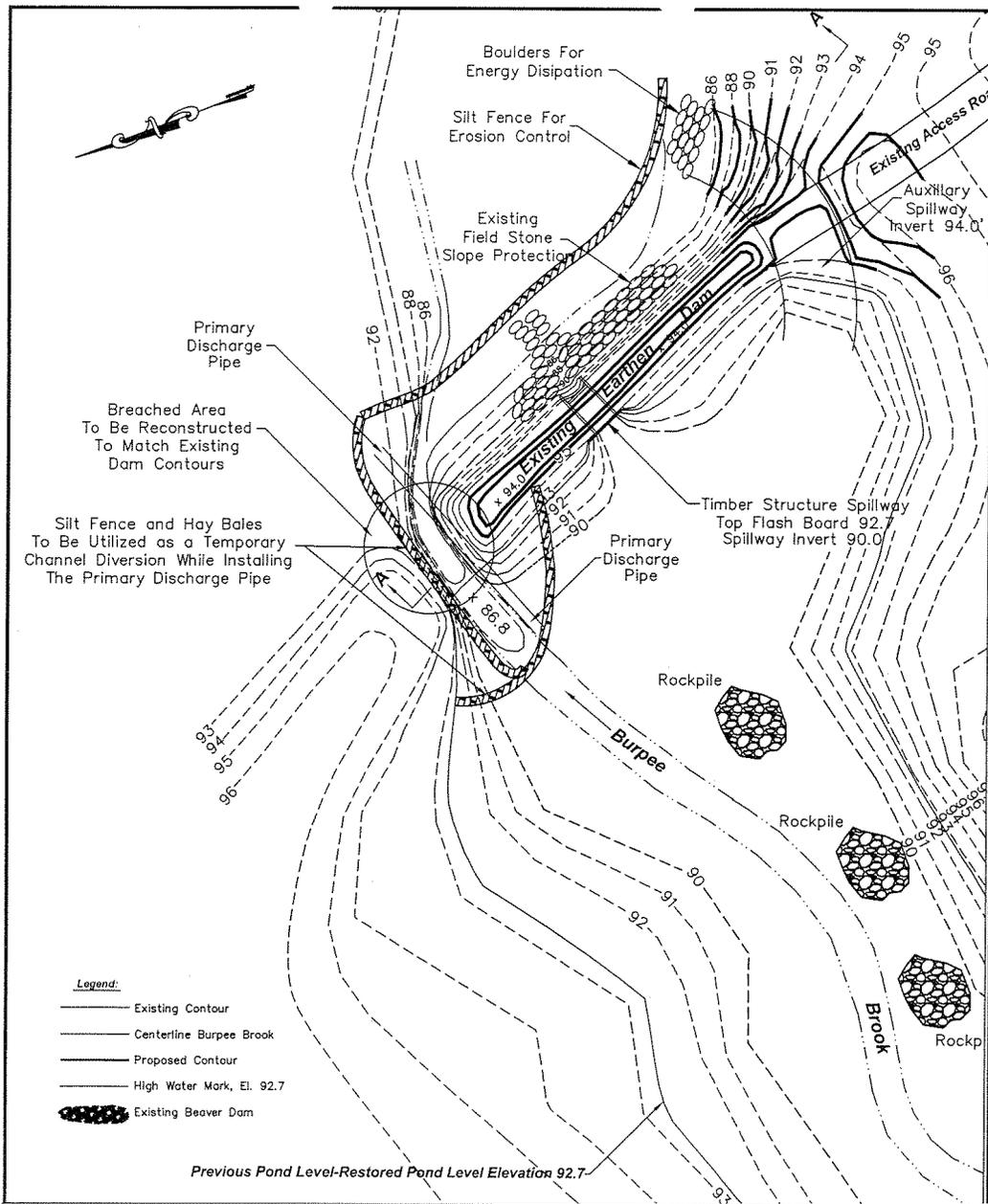
The stated purpose of this project is to repair/rehabilitate an existing dam.

General Location Map





SHEET 2



Topographic Map and Grading Plan Burpee Road Dam Repair – Phil Jackson Town of Lewis Essex County, New York	SCALE 1" = 30'	PROJECT No. CD2149	DATE 4-13-04
	ATLANTIC TESTING LABORATORIES, LTD. CANTON, NY CICERO, NY UTICA, NY MANCHESTER, NH BURLINGTON, VT ENDICOTT, NY		

SHEET 3

