



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: 2004-00605-YN
Issue Date: November 19, 2004
Expiration Date: December 20, 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 U.S.C. 1344).

APPLICANT: Clinton County Highway Department
736 Route 3
Plattsburgh, NY 12901

ACTIVITY: Discharge fill material into waters of the United States to rehabilitate an existing road and construct a new highway.

WATERWAY: Wetlands adjacent to Lake Champlain and unnamed tributaries to Lake Champlain

LOCATION: Town of Plattsburgh, Clinton 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. It should be noted that the lead agency for reviewing the proposal, the Federal Highway Administration, prepared a Final Environmental Impact Statement (FEIS) for the activity which was distributed to involved and interested parties on April 7, 2004.

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.

**CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00605-YN**

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 U.S.C. 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.

Correspondence from the State Historic Preservation Office (SHPO) indicates that there are cultural resources that may be eligible for inclusion in the National Register of Historic Places in the project vicinity, including the Cumberland Head peninsula, archeological resources, and a farm. Consultation with the SHPO will continue to ensure that the requirements of Section 106 of the National Historic Preservation Act of 1966 are satisfied. 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.

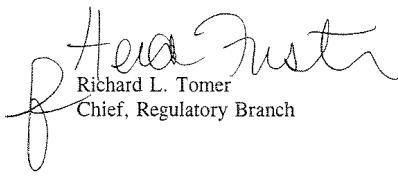
In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Federal Highway Administration - Executive Order 11990, Wetland Finding

New York State Department of Environmental Conservation - Article 24 Permit and SPDES Permit

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 (518) 273-7420 and ask for Christine Delorier.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00605-YN

WORK DESCRIPTION

The applicant, Clinton County Highway Department, has requested Department of the Army authorization to discharge fill material into waters of the United States to rehabilitate a portion of an existing road and construct a new highway. The site is located on the Cumberland Head peninsula in the Town of Plattsburgh, Clinton County, New York.

The work would involve the discharge of fill material into 7.8 acres of wetlands to rehabilitate the Parkway portion of County Route 57 and to construct a new highway that would connect the Parkway to the Lake Champlain Ferries Terminal (Grand Isle Ferry). The Parkway portion of County Route 57 is 0.7 miles in length, starts where it intersects with U.S. Route 9, and ends at the point where the county road splits in two directions to circumnavigate the peninsula. The Parkway would be widened to accommodate two, 4 foot wide bike lanes/road shoulders and would be realigned so that it intersects with the new highway. A left turning lane would be constructed to improve safety at the entrance of the Cumberland Bay State Park. The new two lane limited access highway, or Cumberland Head connector road, would be 3.3 miles long and would run through the center of the peninsula, mostly along an existing corridor for power lines. All ferry traffic would utilize the new highway, leaving County Route 57 for local use. The new road would have 12 foot wide travel lanes and turning lanes and road shoulders of variable widths. A 3 foot wide multi-use path would be constructed along the entire length of the new connector road. Of the wetlands that would be permanently filled, 2.7 acres are forested, 4.7 acres are scrub-shrub, and 0.4 acre are emergent/meadow. It should also be noted that 0.77 acre of the wetland impacts are within the 100 year floodplain of Lake Champlain.

In addition to the permanent impacts to wetlands described above, the applicant proposes to discharge fill material into 3.5 acres of wetlands, mostly scrub-shrub, on a temporary basis to facilitate the accomplishment of the highway construction project by providing additional access for construction equipment and to install erosion and sediment control devices. The temporary impacts would occur up to twenty feet beyond the proposed cut and fill limits shown on the attached drawings. At the conclusion of each construction phase, any wetland that was temporarily disturbed would be restored to pre-existing elevations and seeded with a wetland mix.

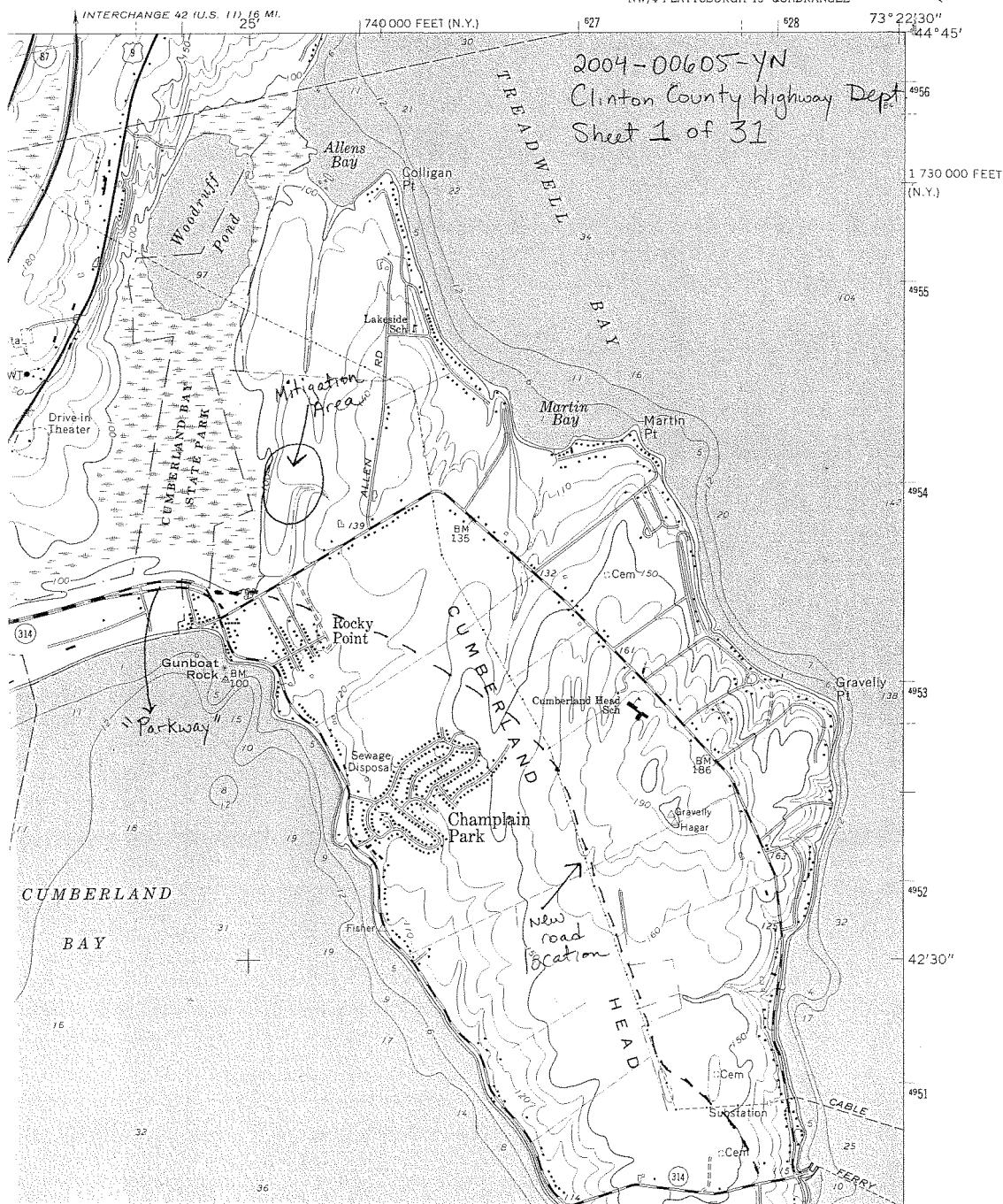
To mitigate the proposed impacts to aquatic resources, the applicant proposes to establish a complex of wetlands and open water for waterfowl habitat, flood storage, and sediment and pollutant treatment. The 16 acre mitigation area is proposed to consist of 48% forested wetlands, 12% scrub shrub wetlands, 26% emergent wetlands/littoral fringe, and 14% open water. In addition, the applicant proposes to establish and preserve a 12.4 acre forested upland buffer around the wetland mitigation area. The buffer would be planted with the following species of trees 15 feet on center: red maple (*Acer rubrum*), sycamore (*Platanus occidentalis*), and green ash (*Fraxinus pennsylvanica*). The buffer would also be seeded with a conservation/wildlife mix. The applicant proposes to monitor the entire mitigation site for a period of 5 years, and provide status reports to the U.S. Army Corps of Engineers in years 1, 3, and 5.

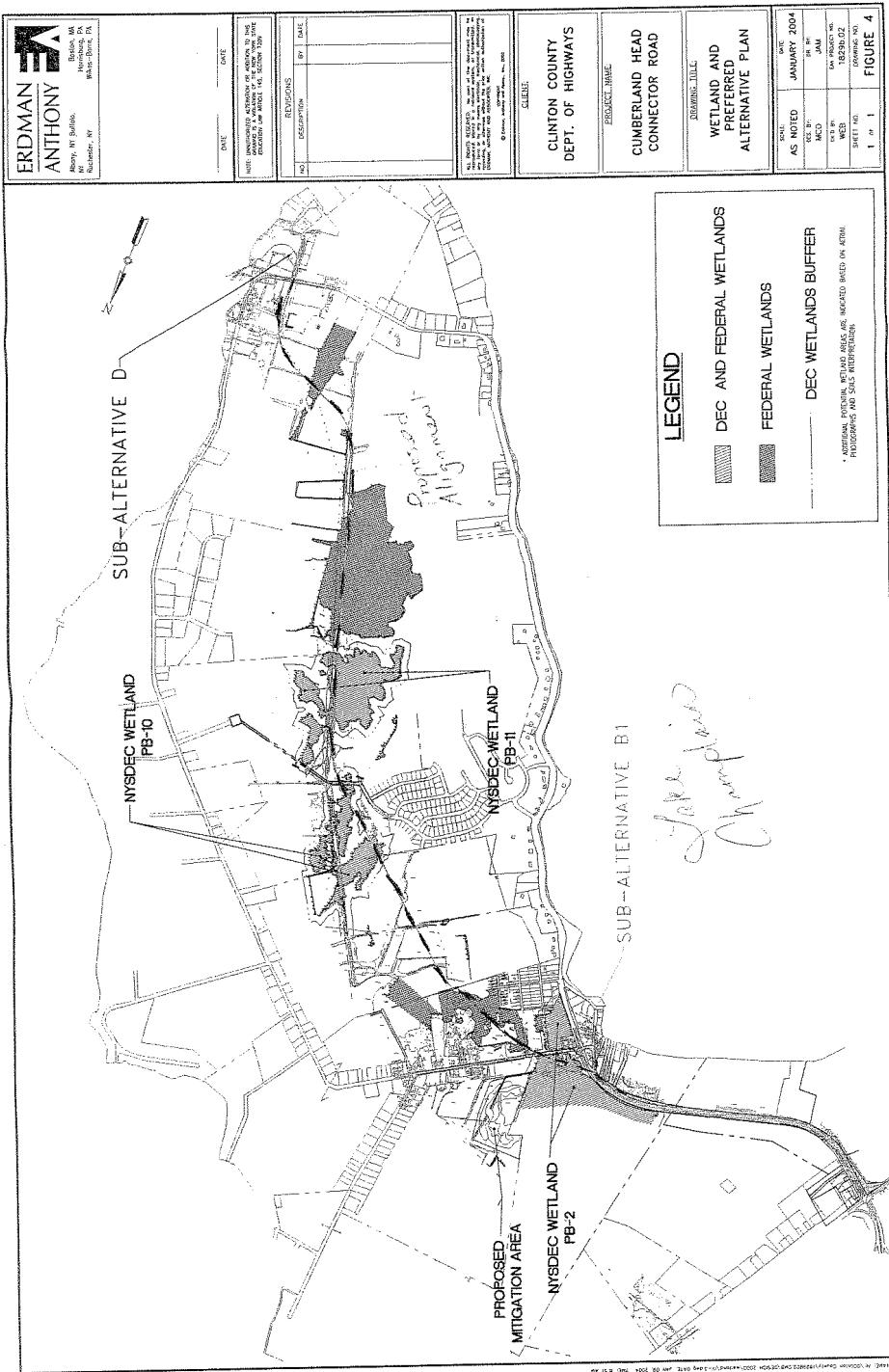
The stated purpose of this project is to improve safety, reduce traffic volume, and reduce travel speeds on County Route 57, which is primarily residential.

PLATTSBURGH QUADRANGLE
NEW YORK—VERMONT
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW 1/4 PLATTSBURGH 15' QUADRANGLE

6573 IV SE
(NORTH HER)

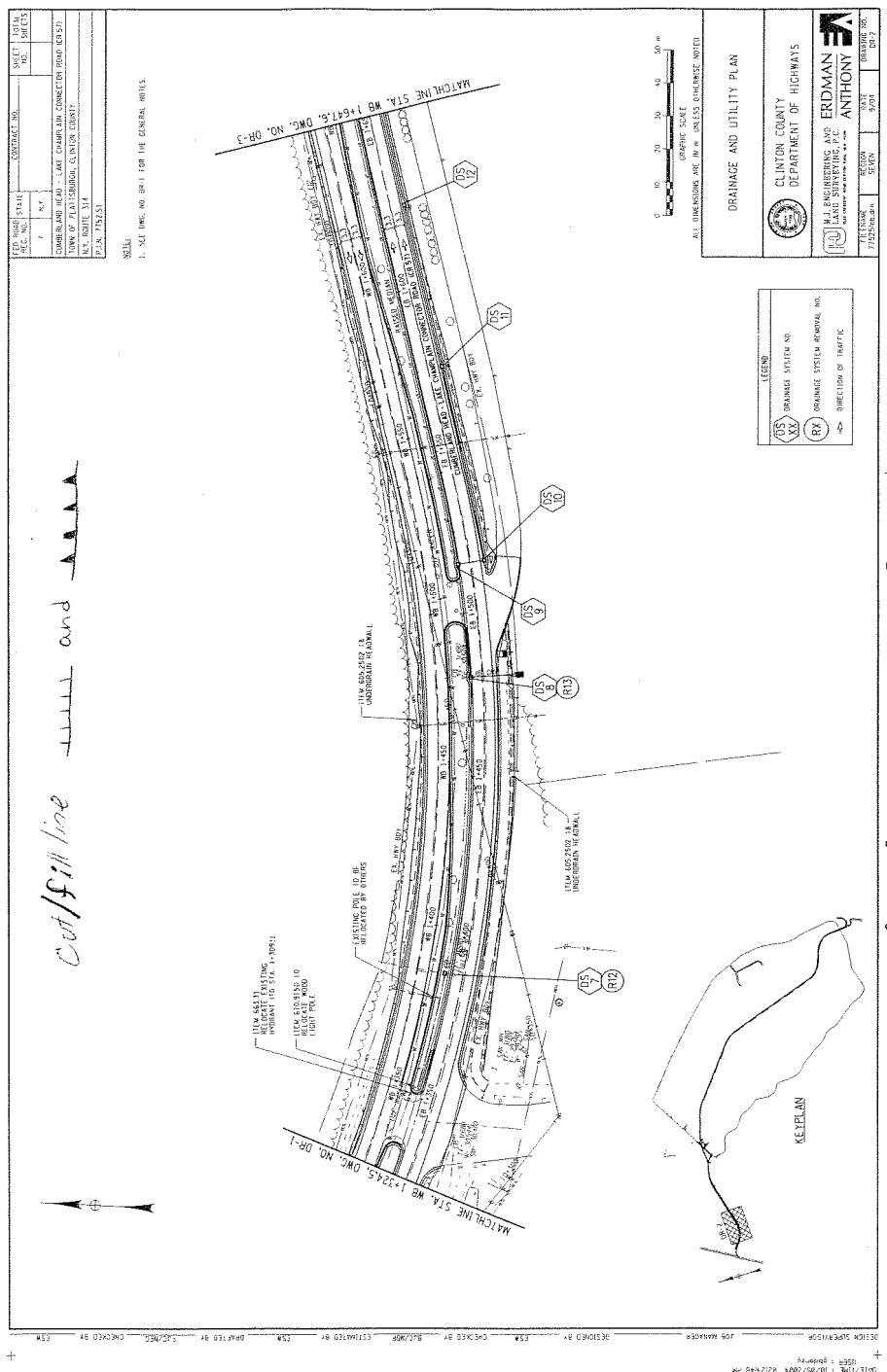
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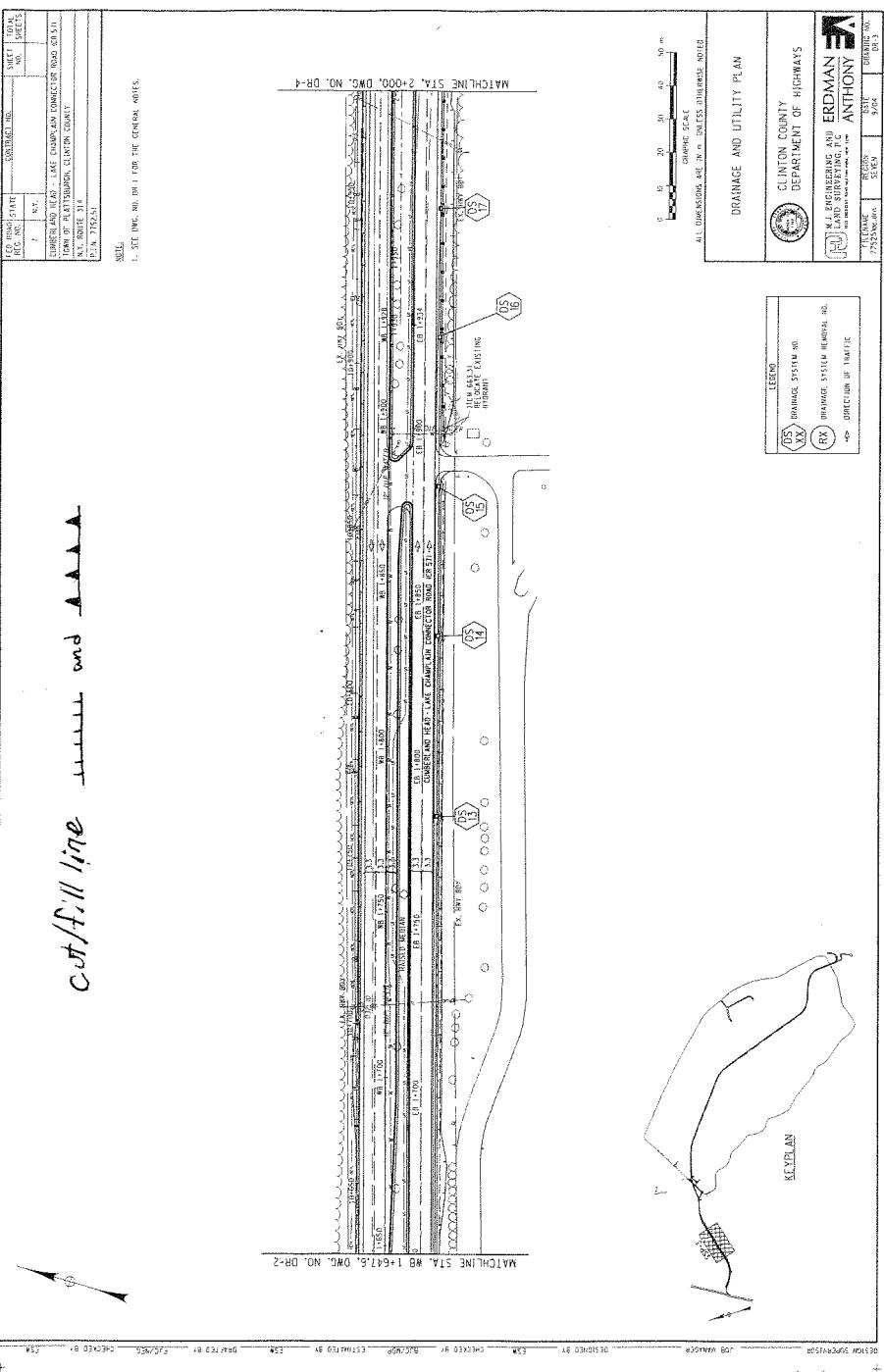


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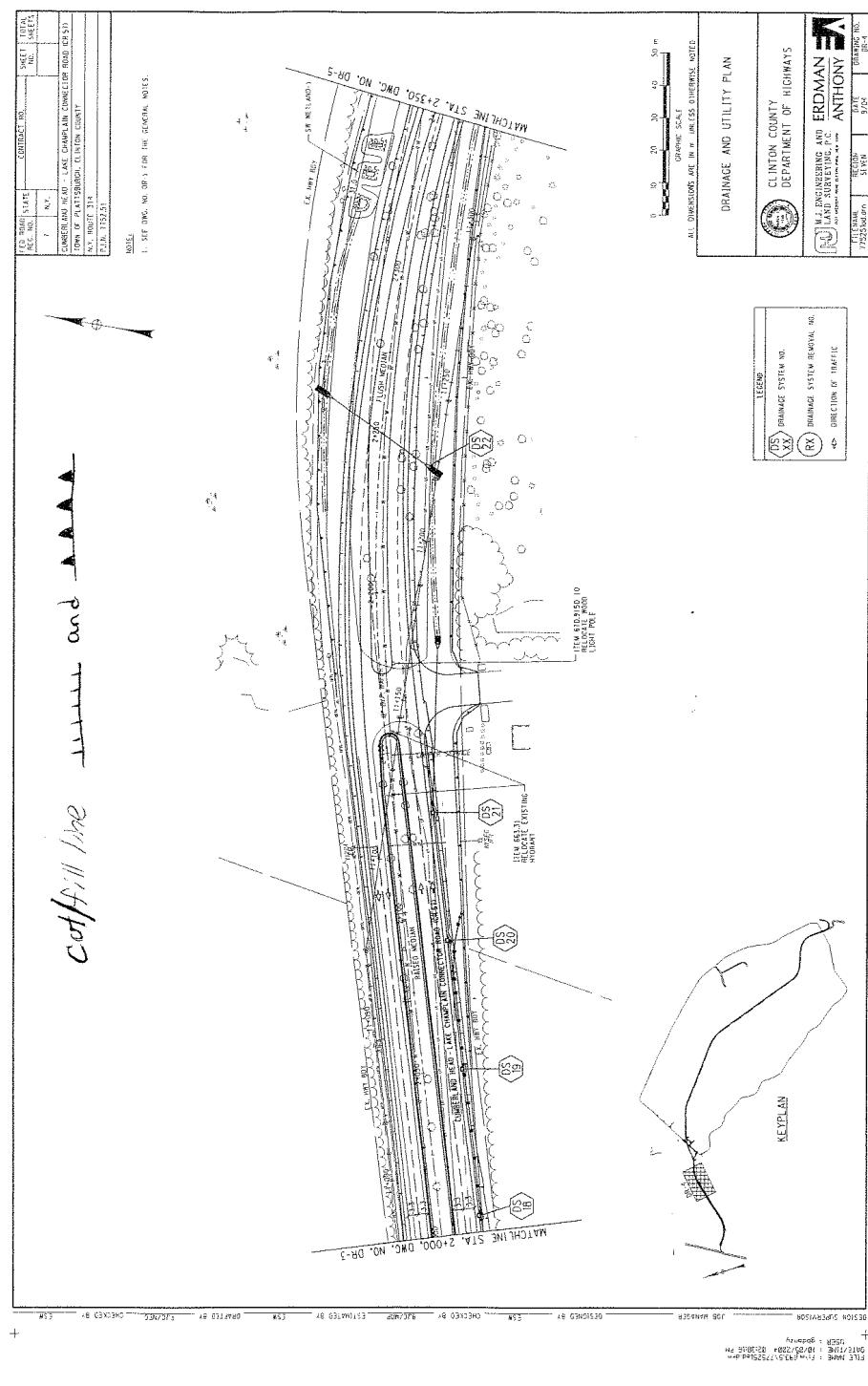


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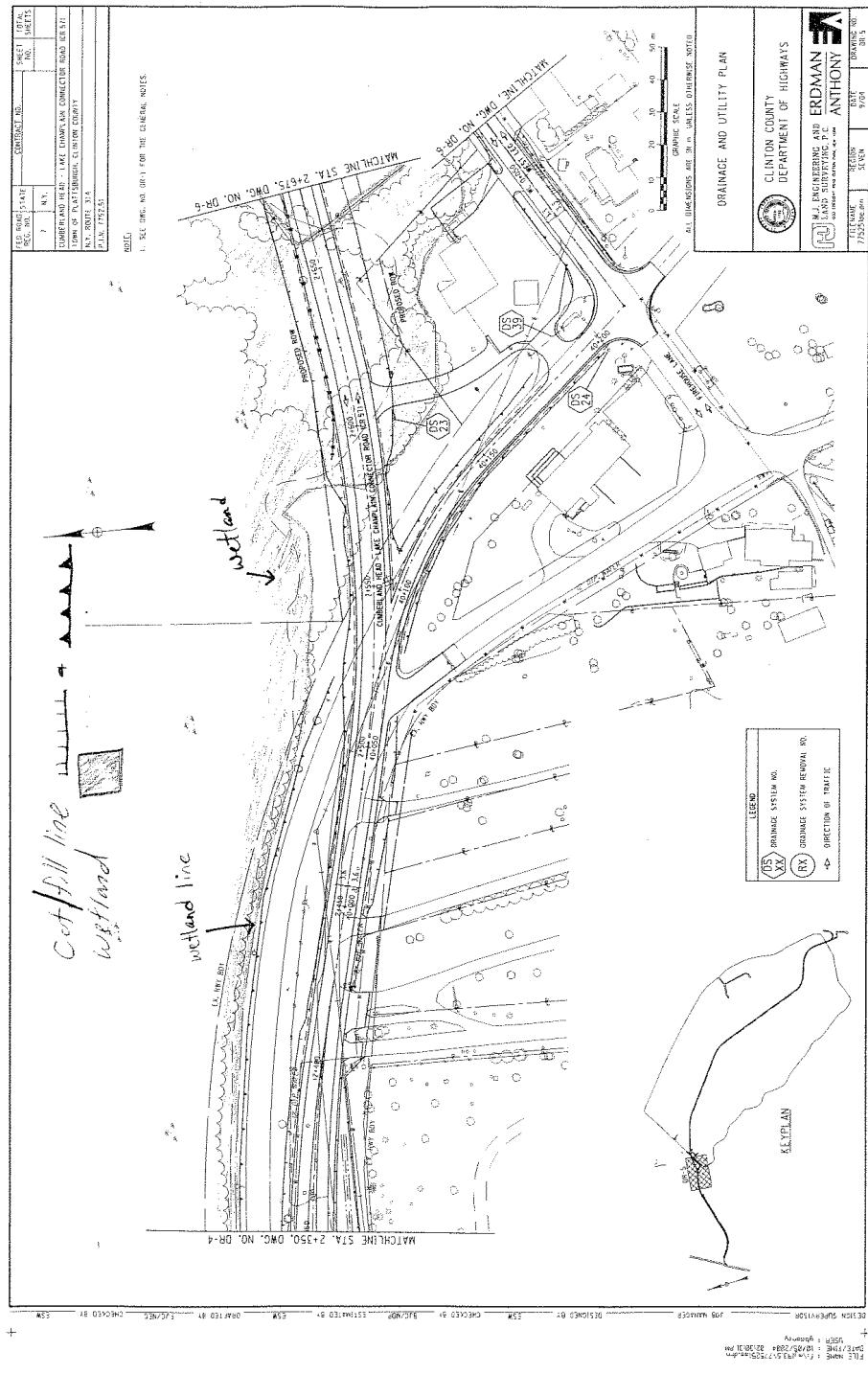


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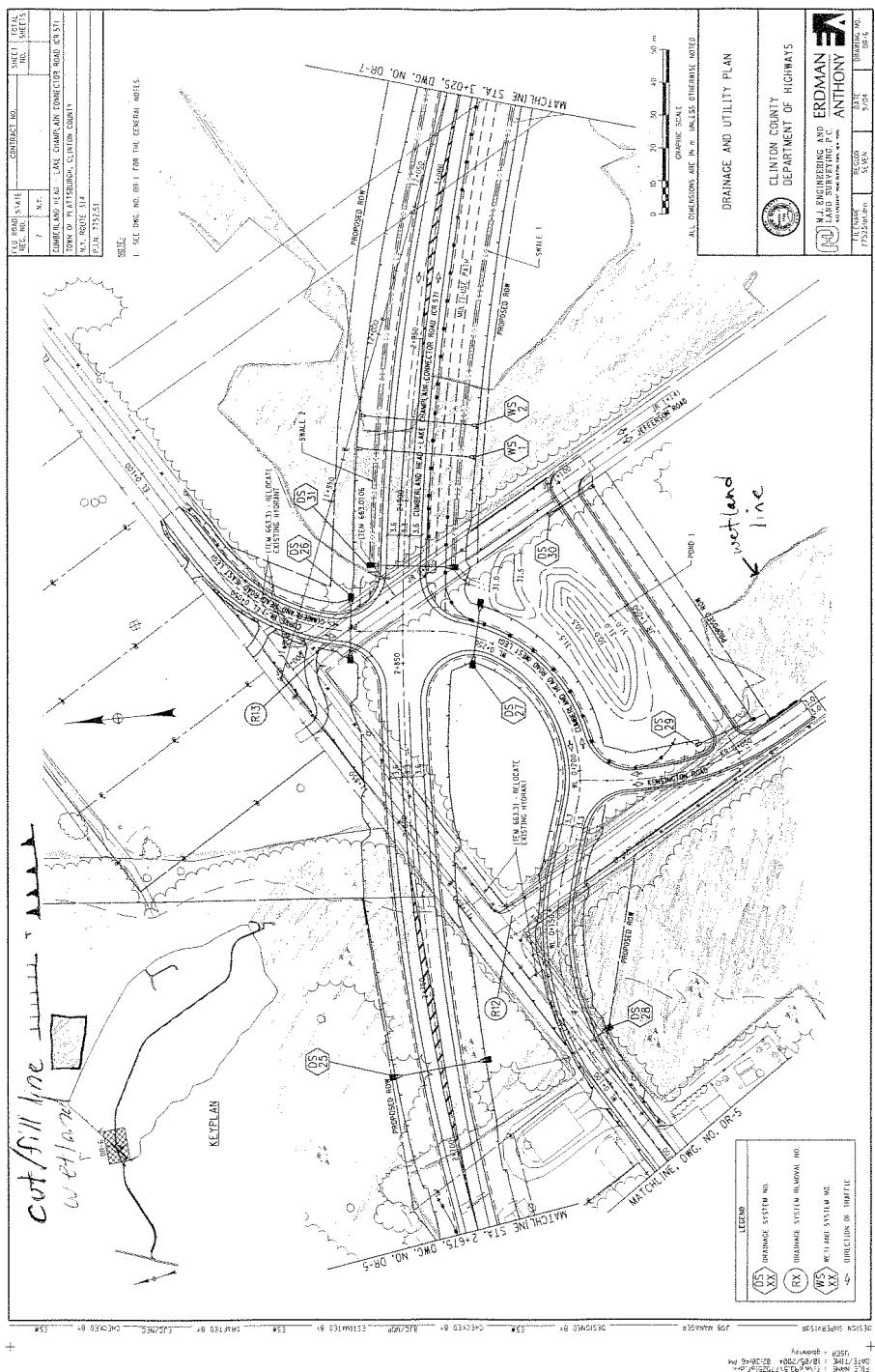
Revised: 8/2004
File #2004-000605-4N
Rev. 7/22/2004



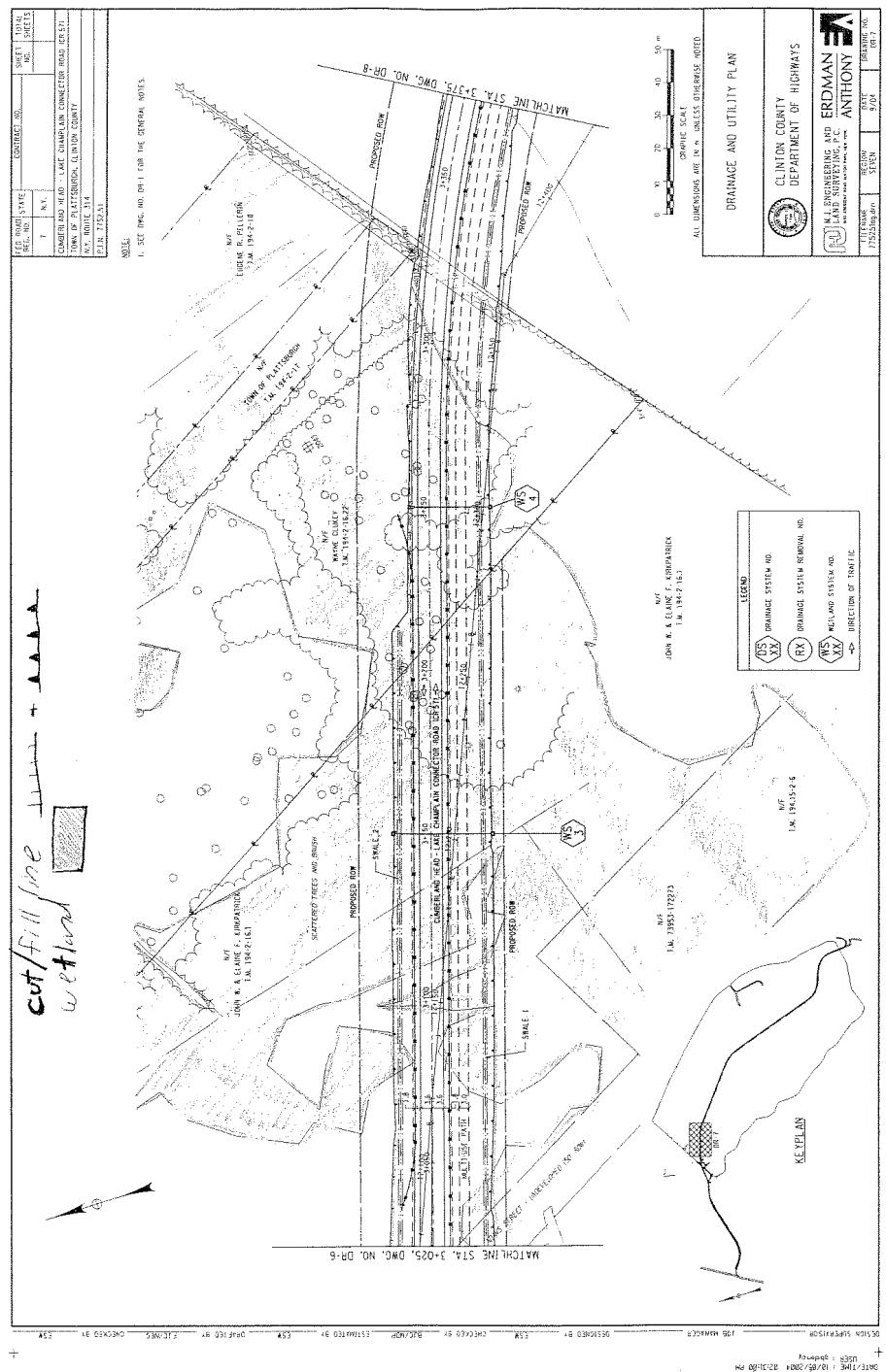
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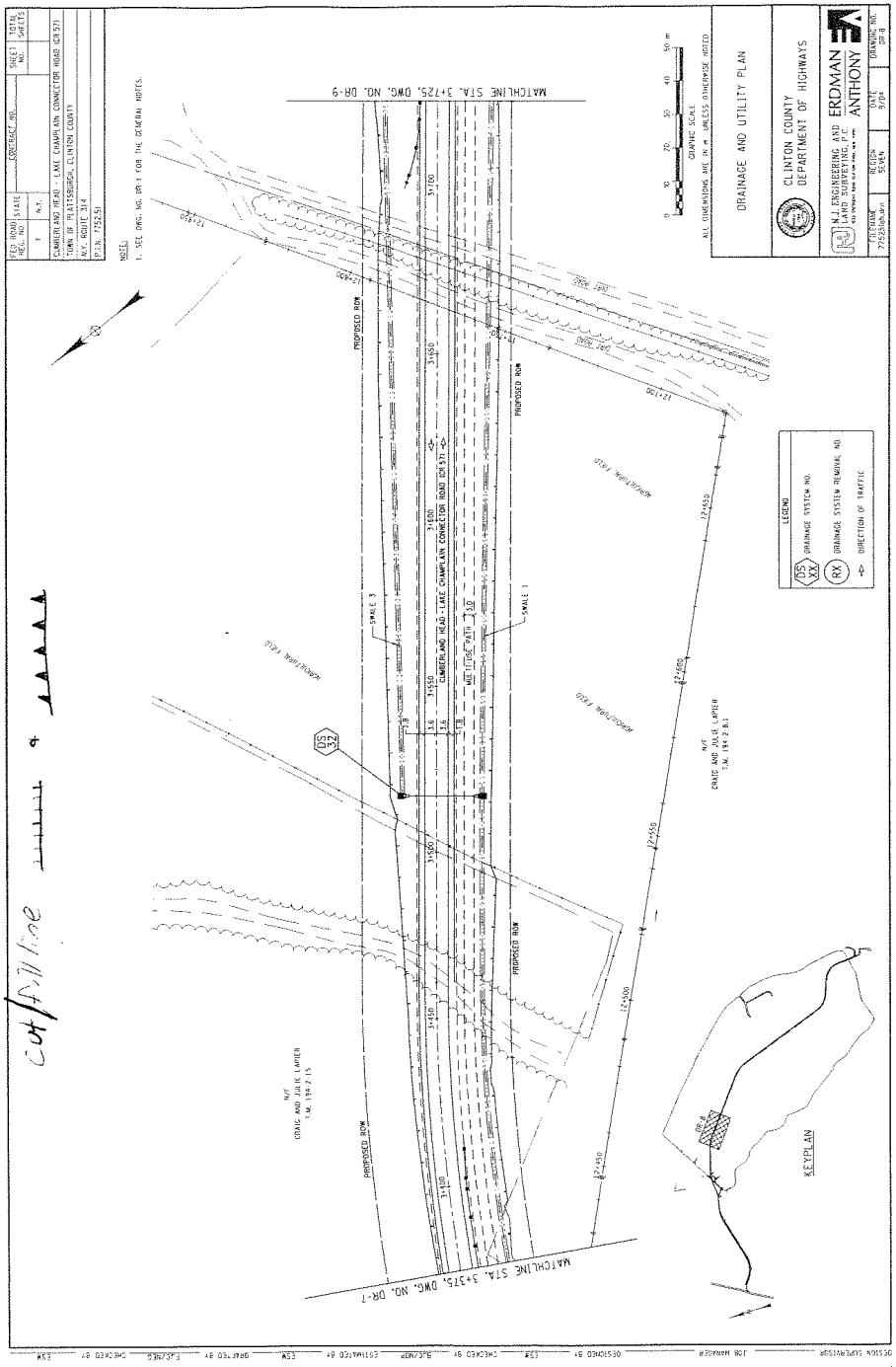
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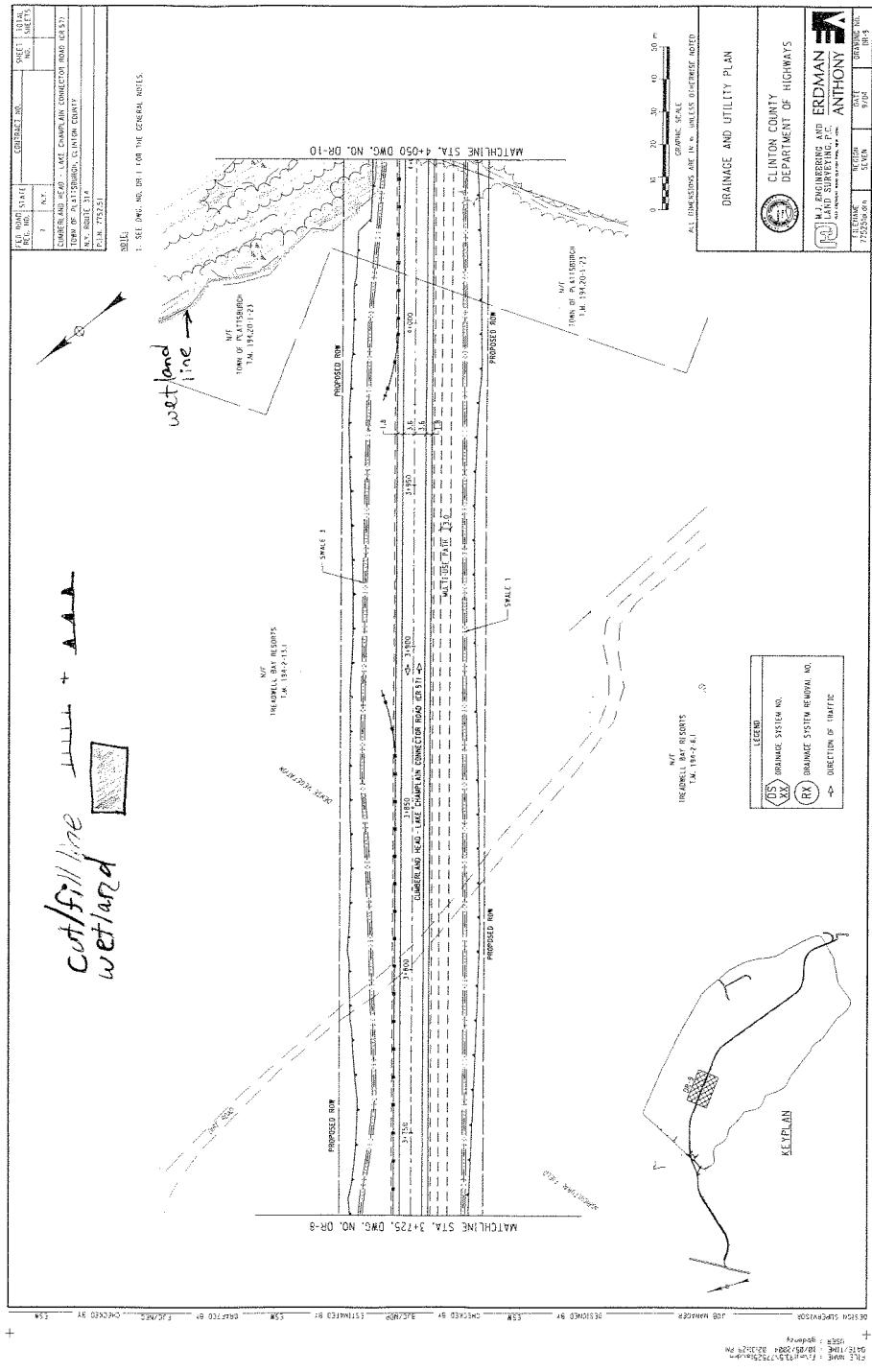
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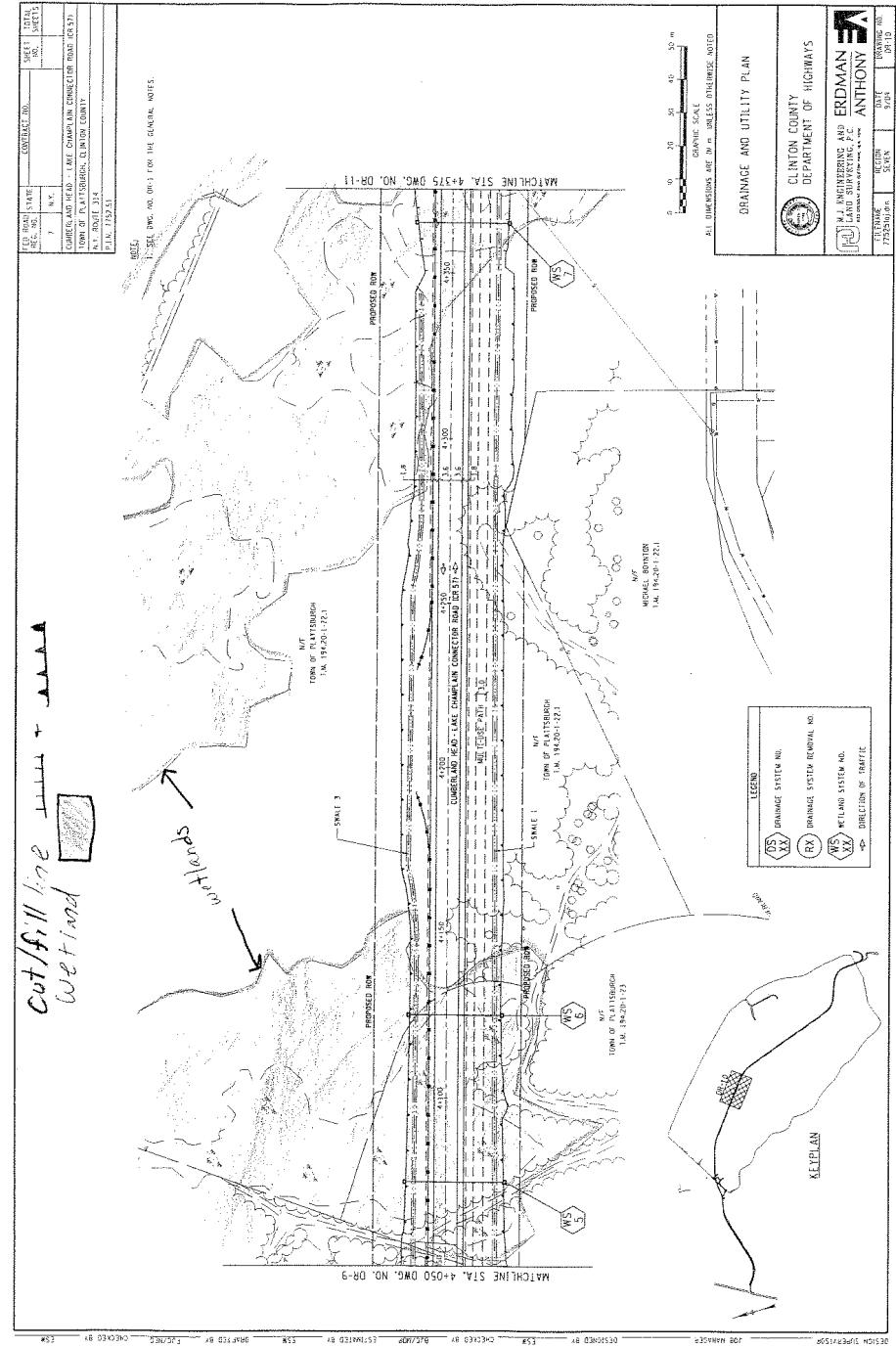
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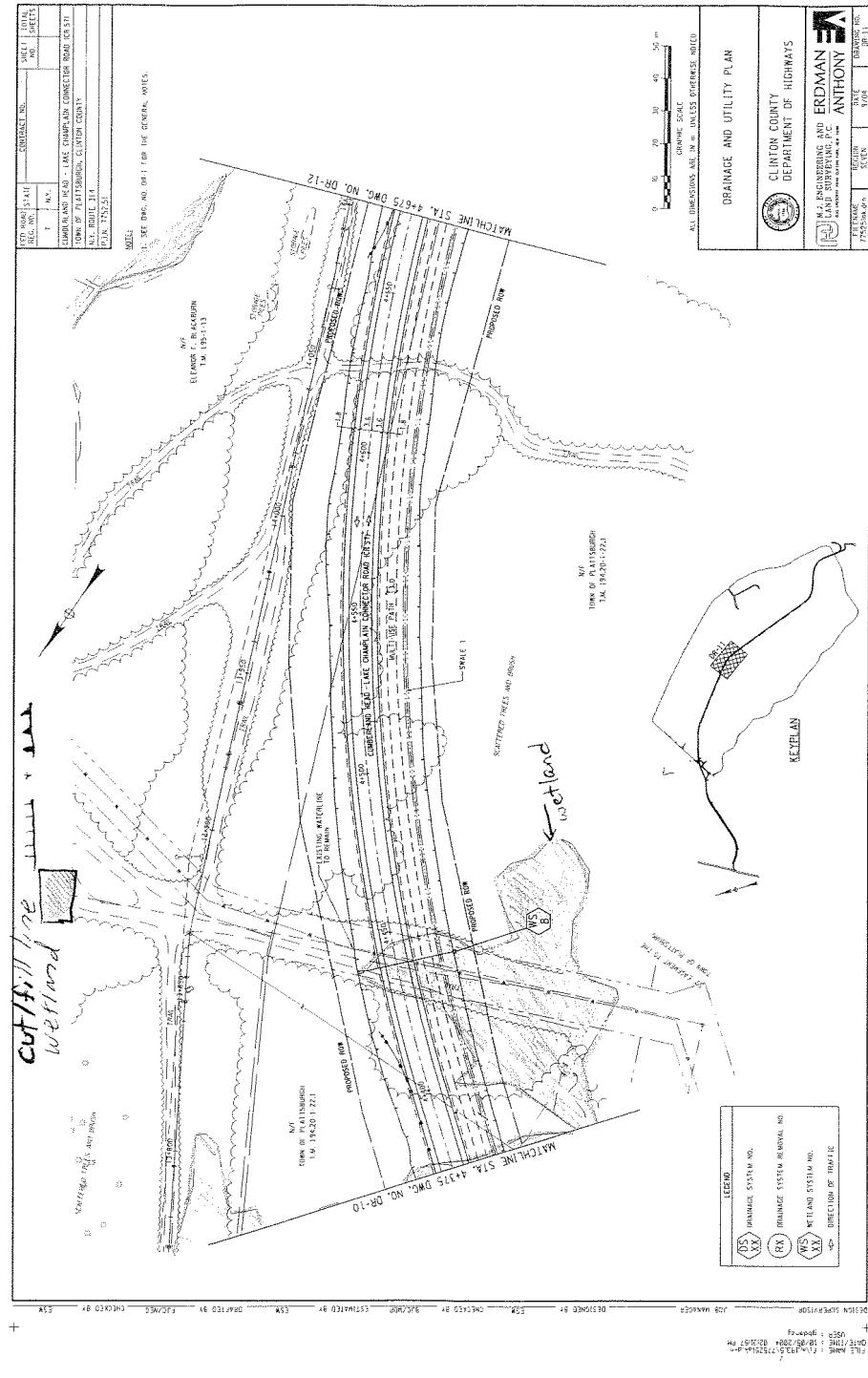
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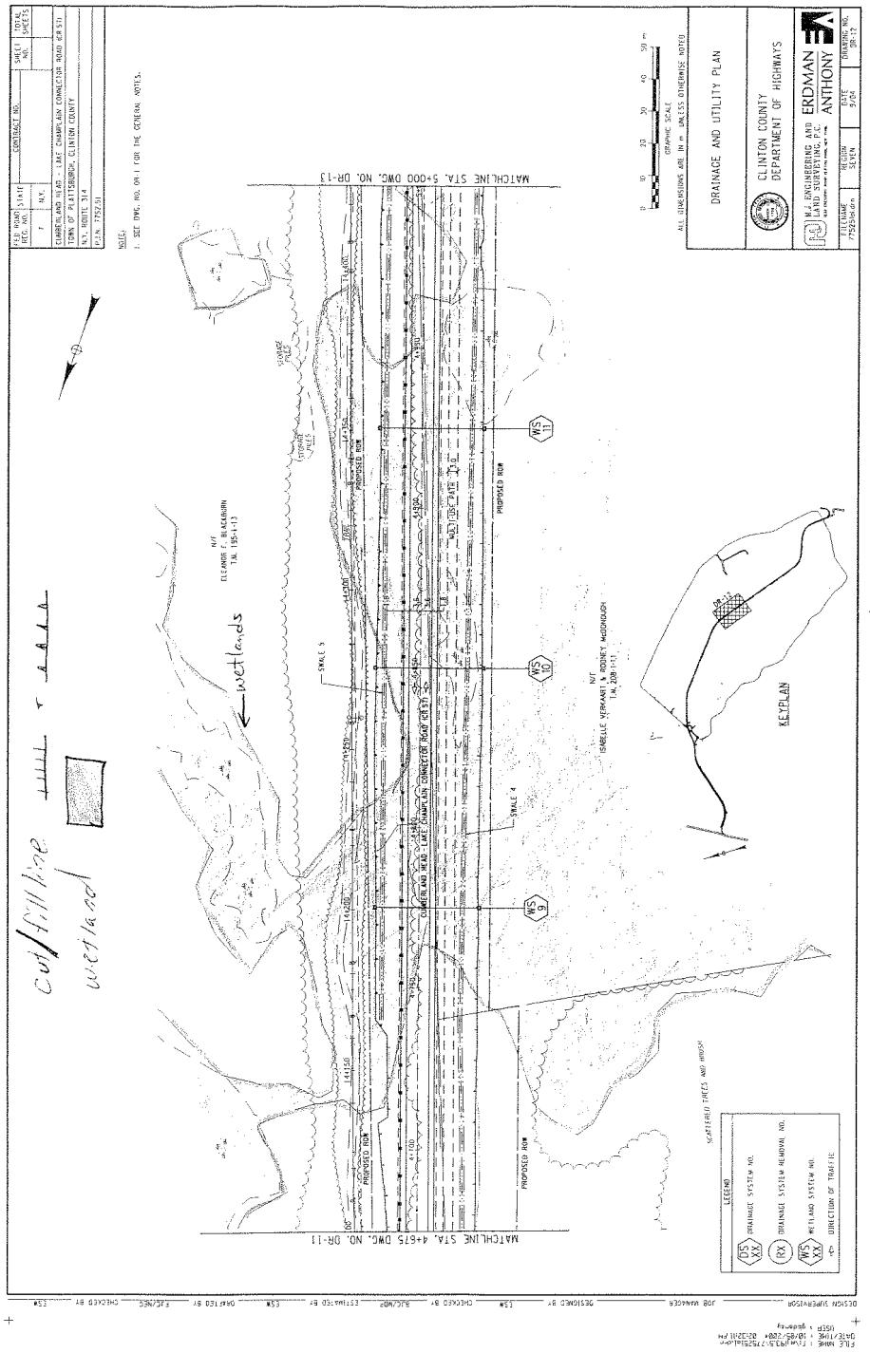
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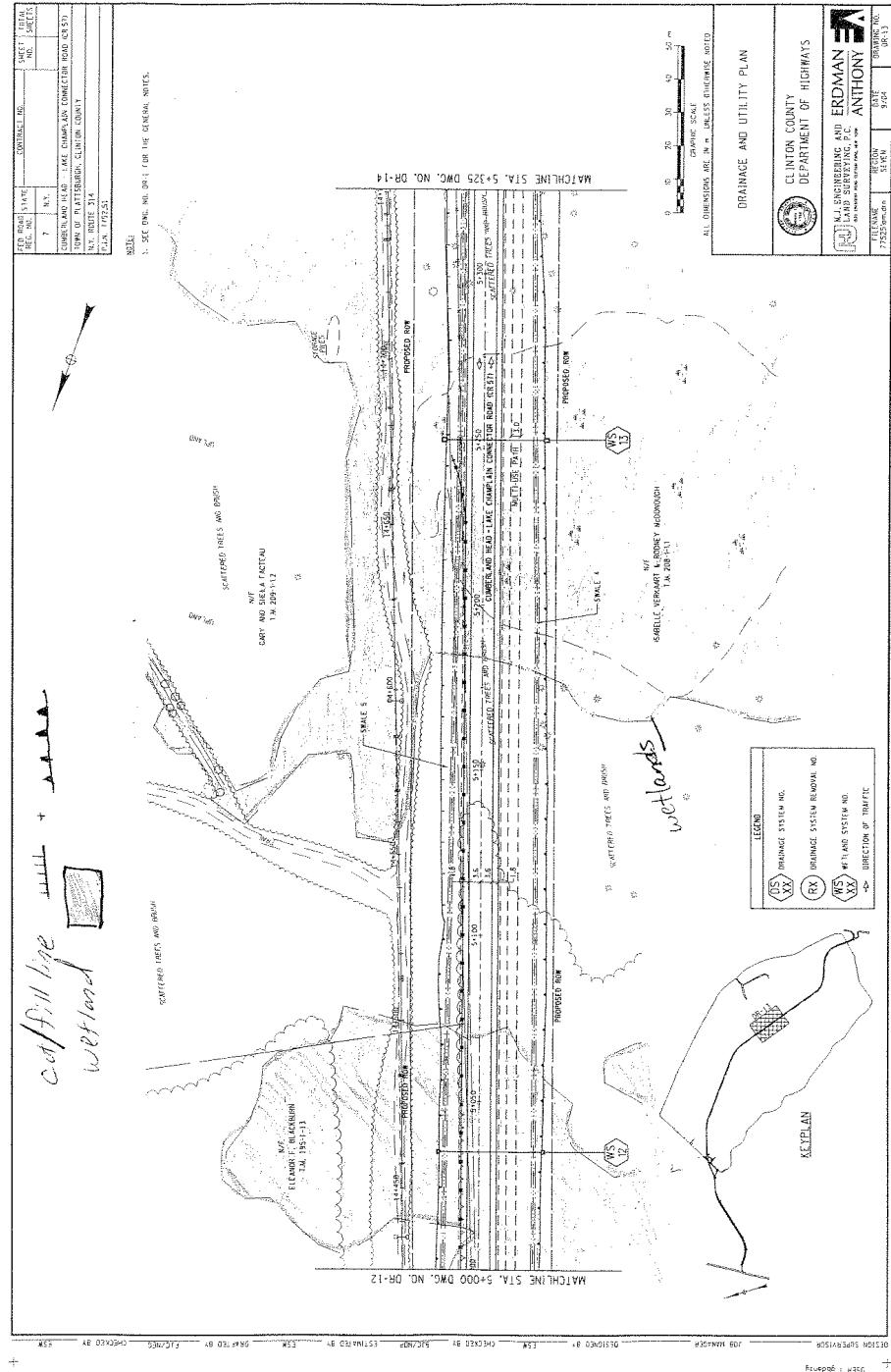
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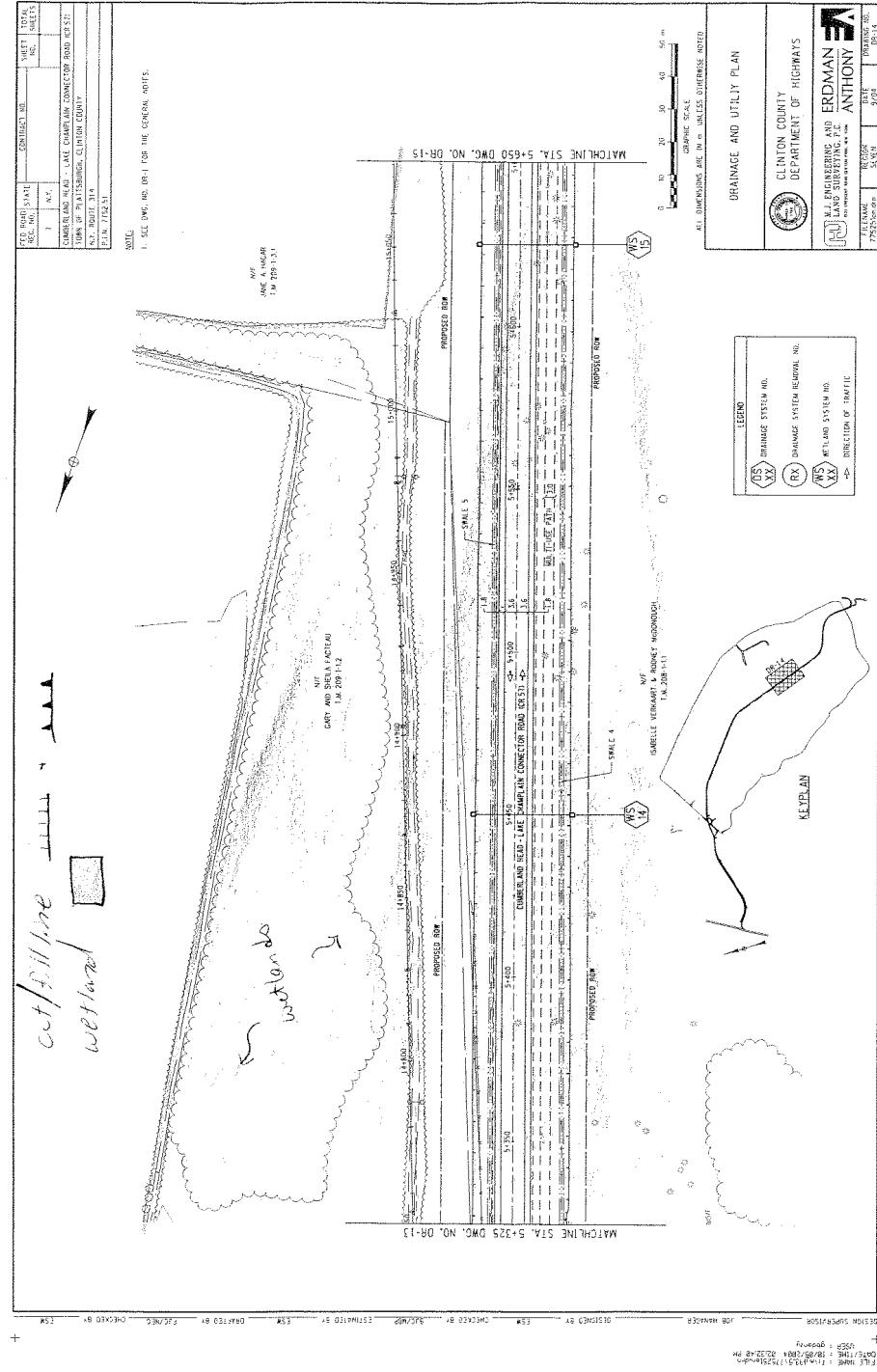
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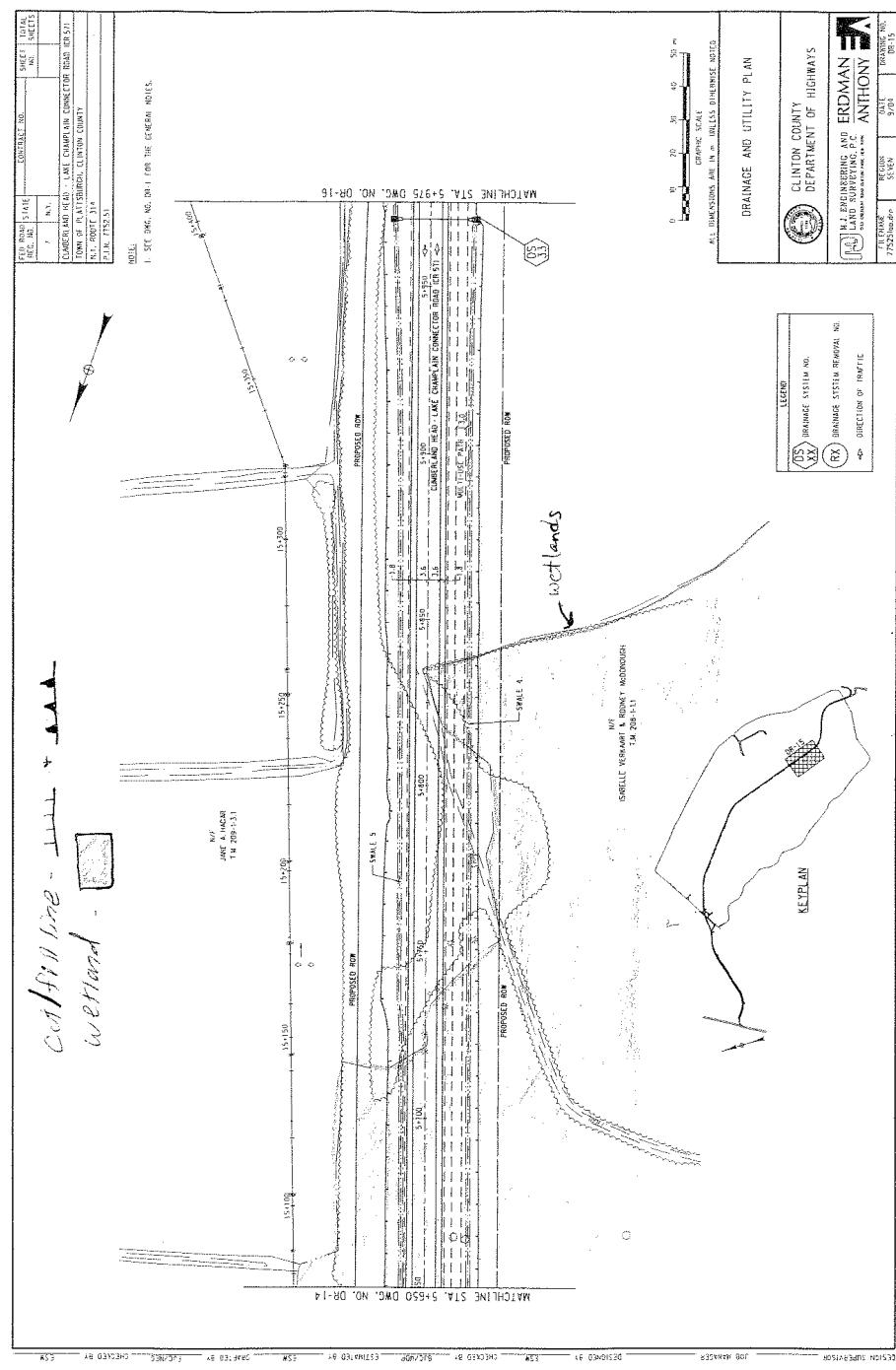
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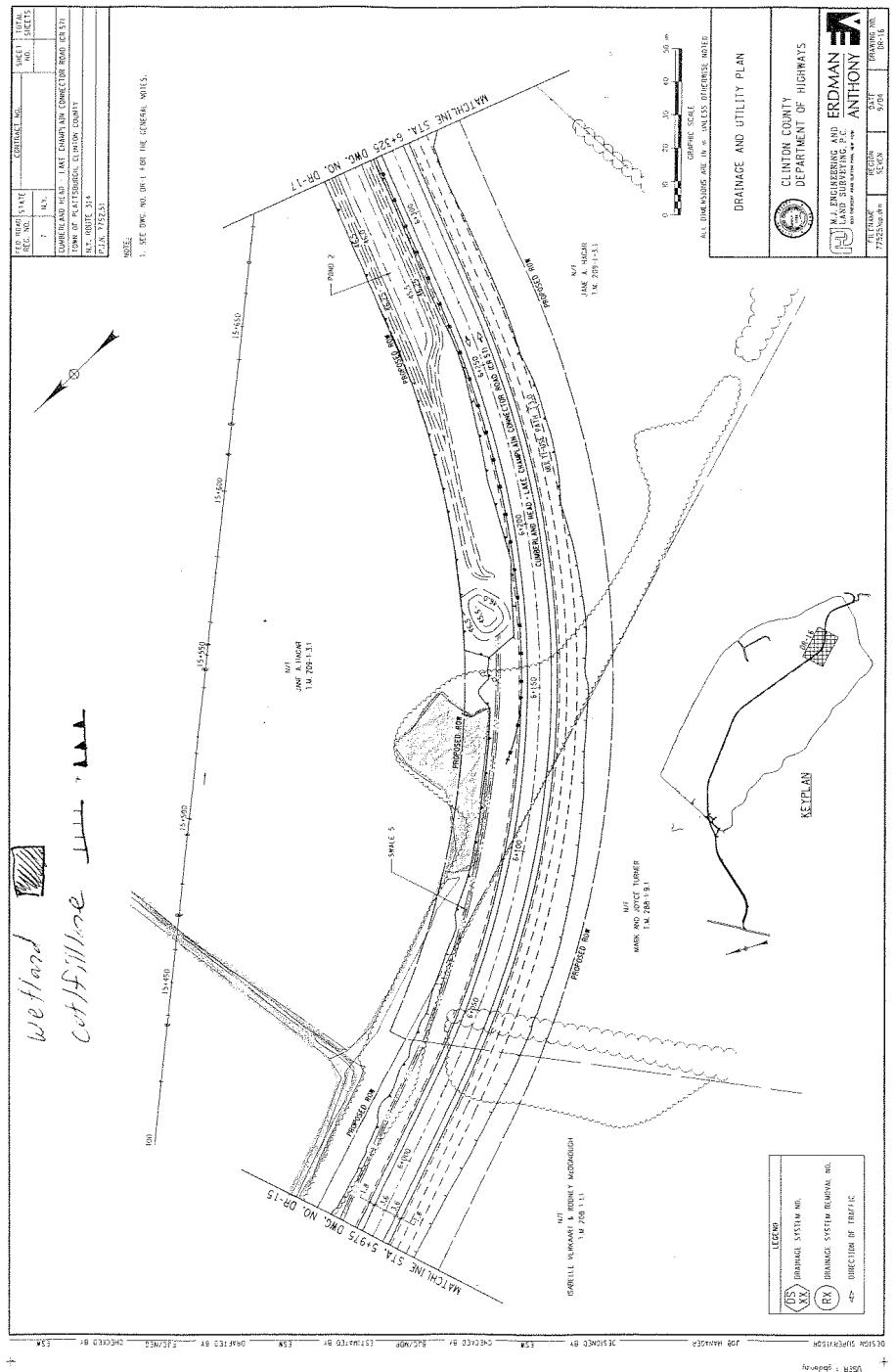
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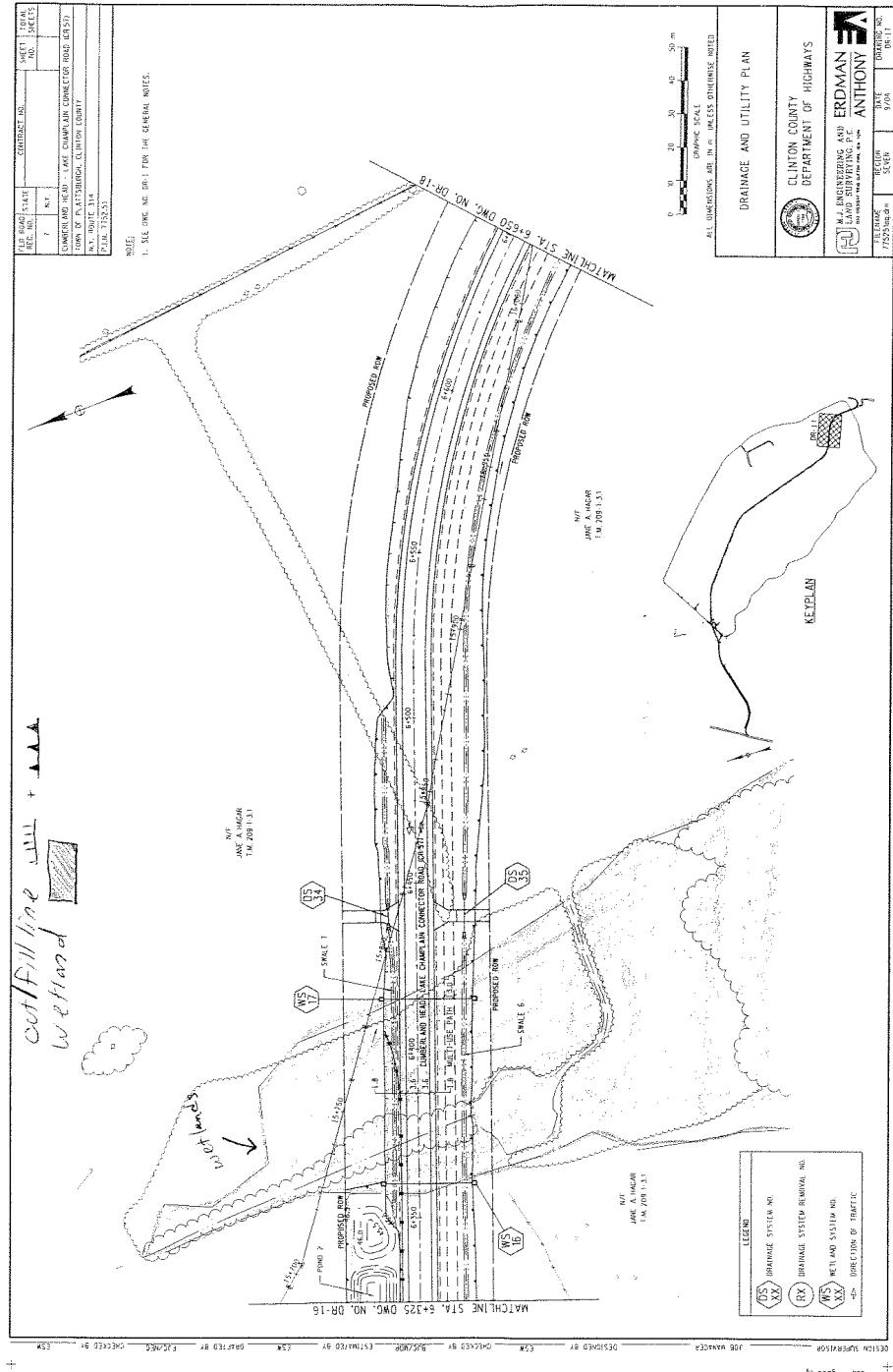
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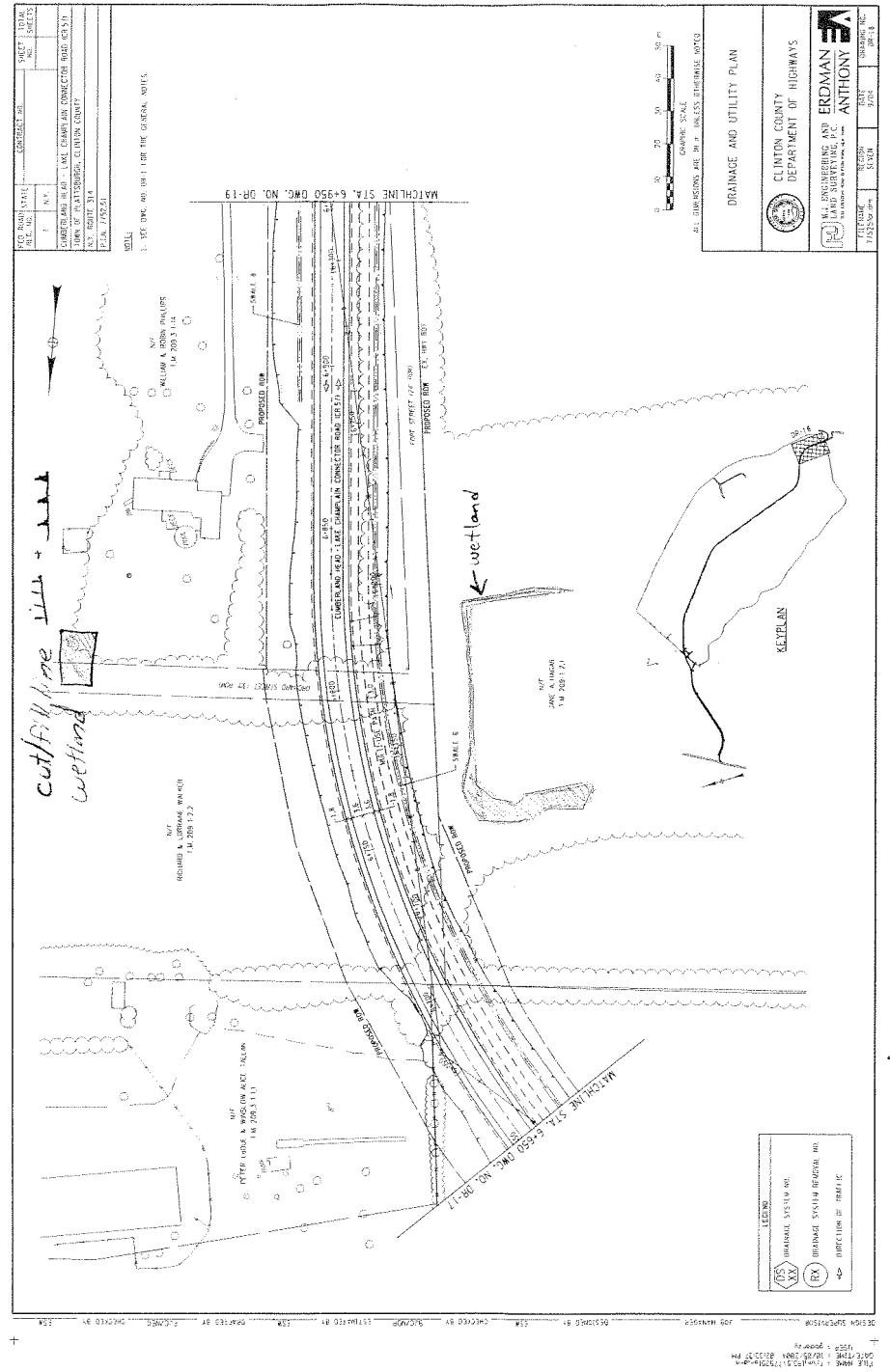
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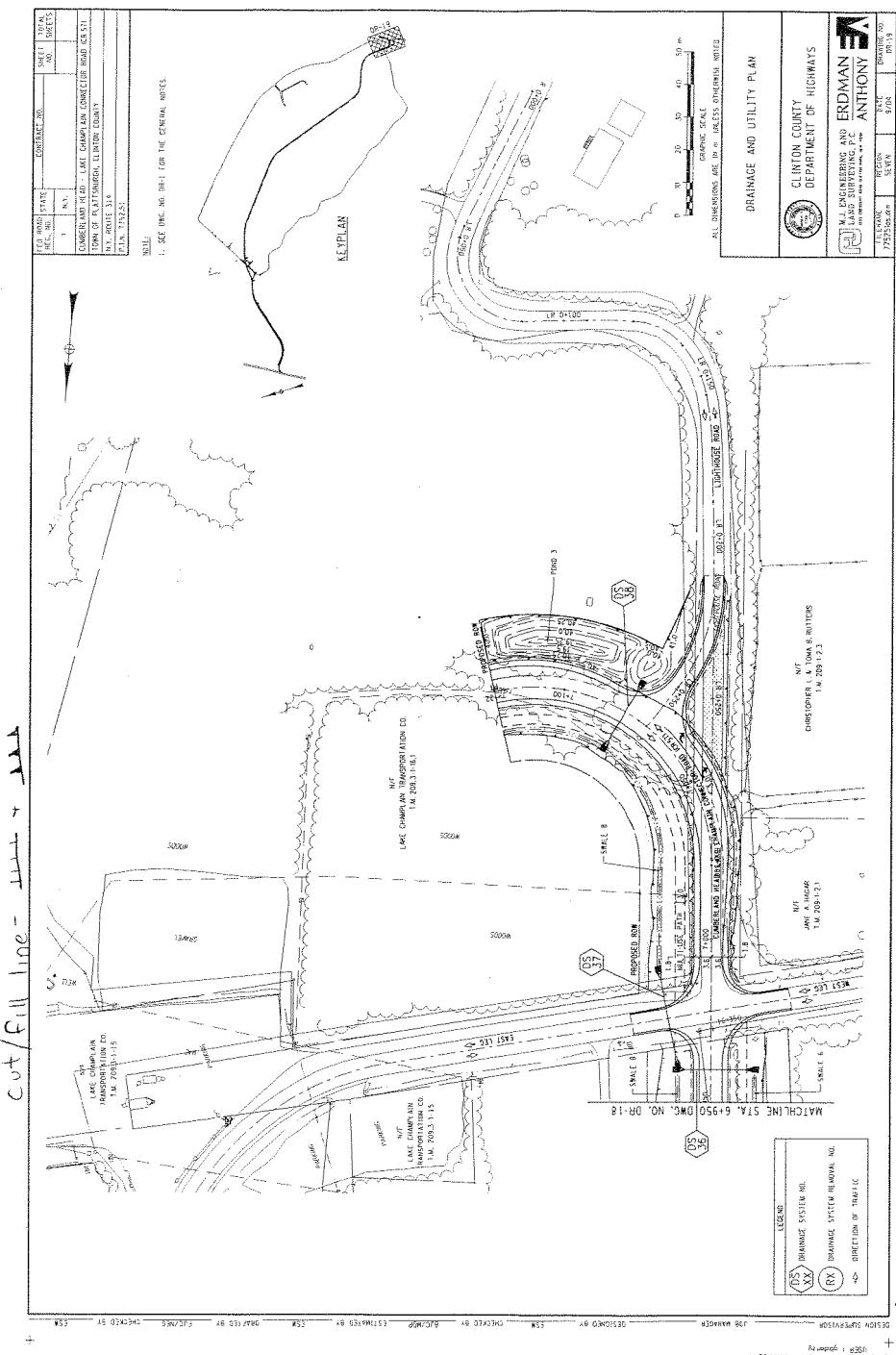
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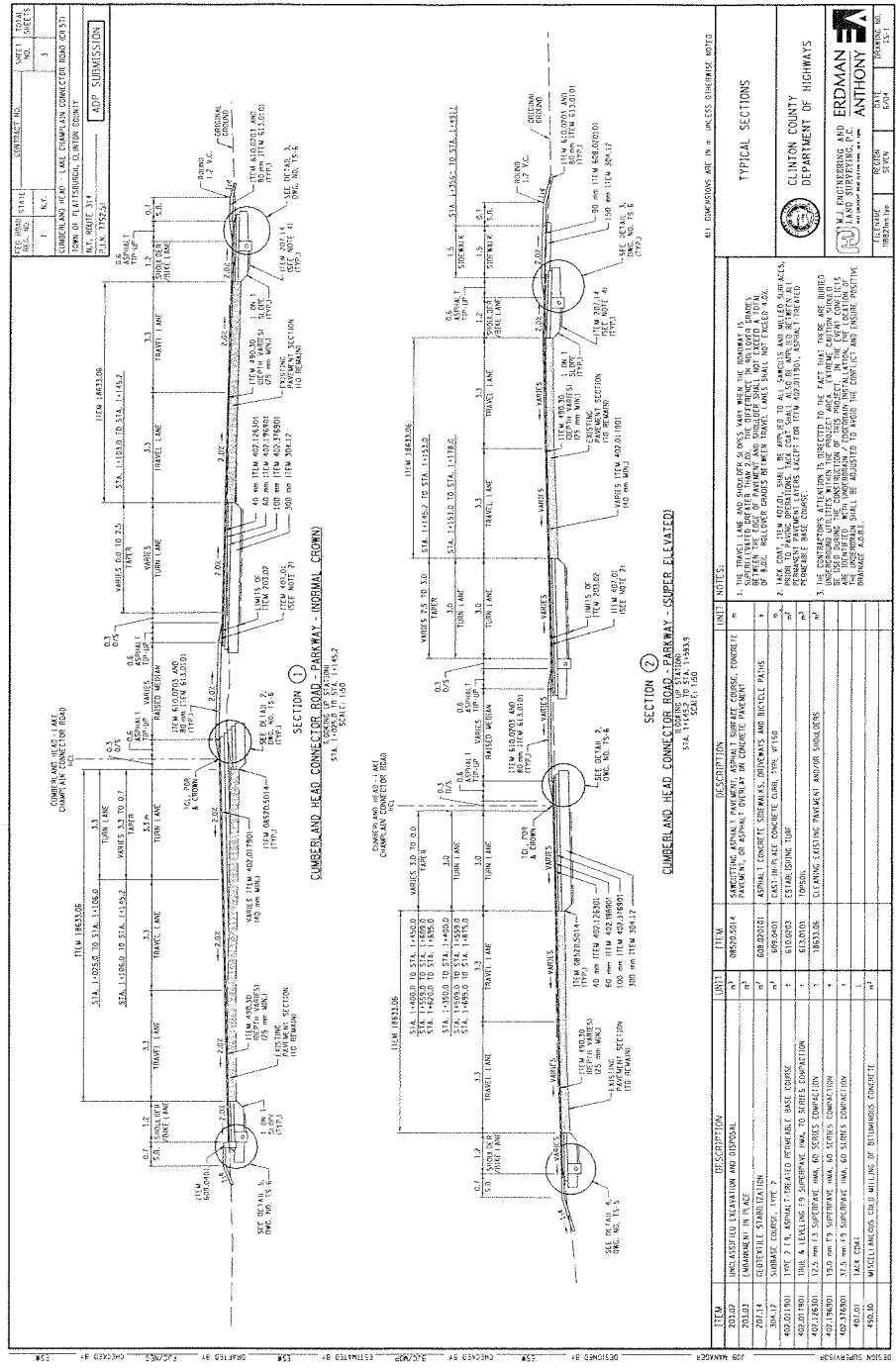
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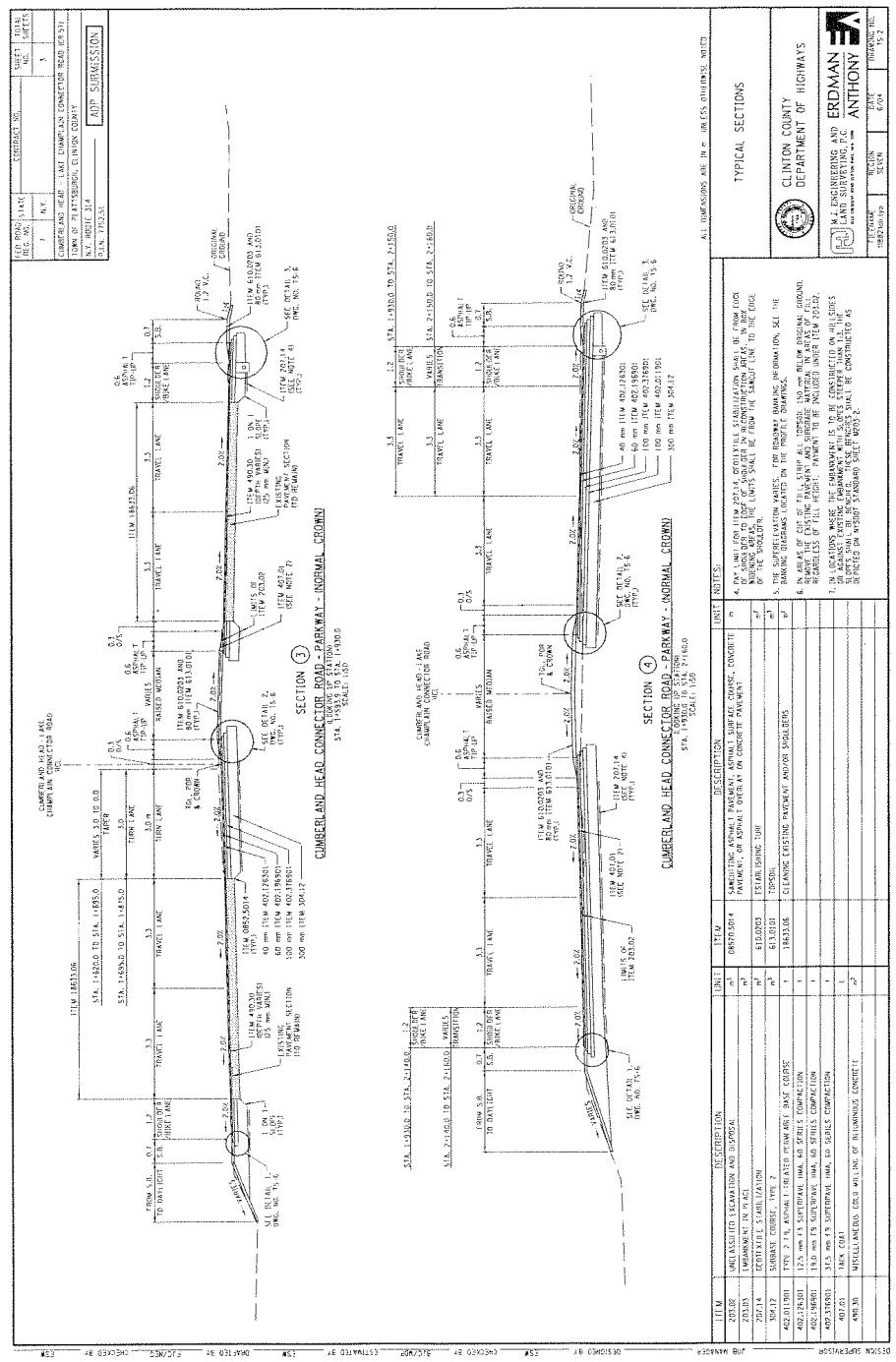
Permit Application No. 2004-00605-YN, Clinton County Highway Dept., Street 20 of 31



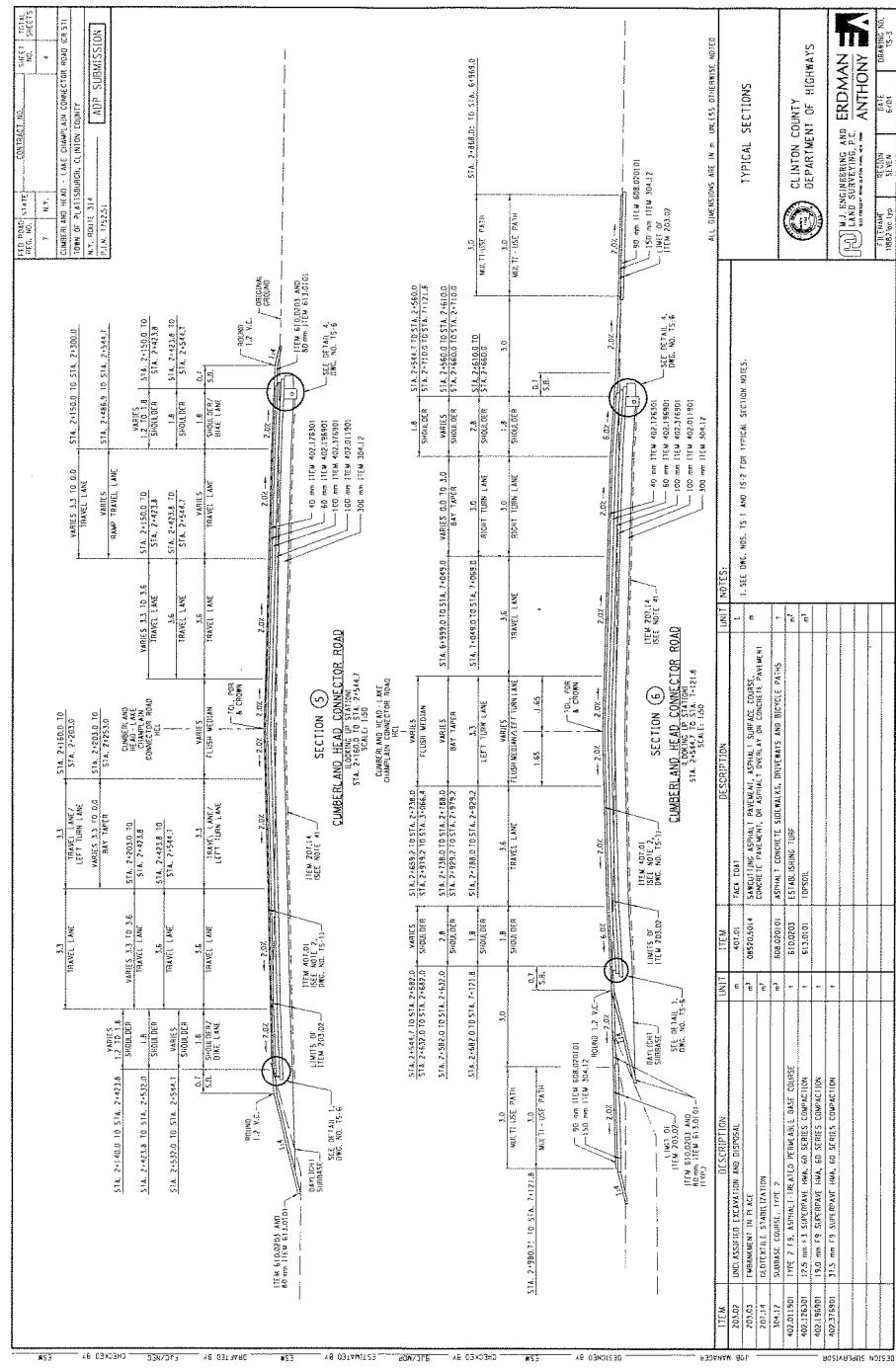
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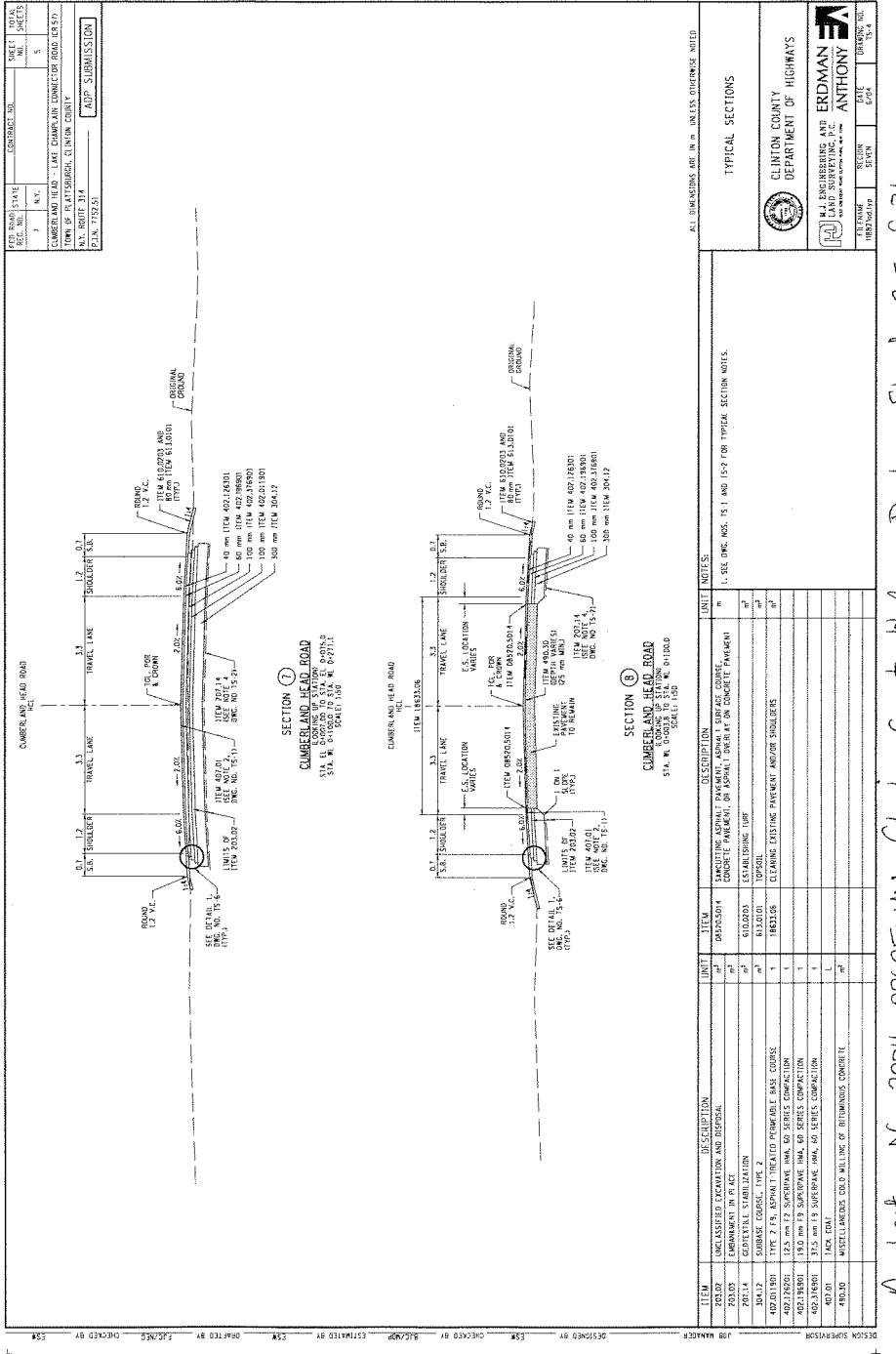
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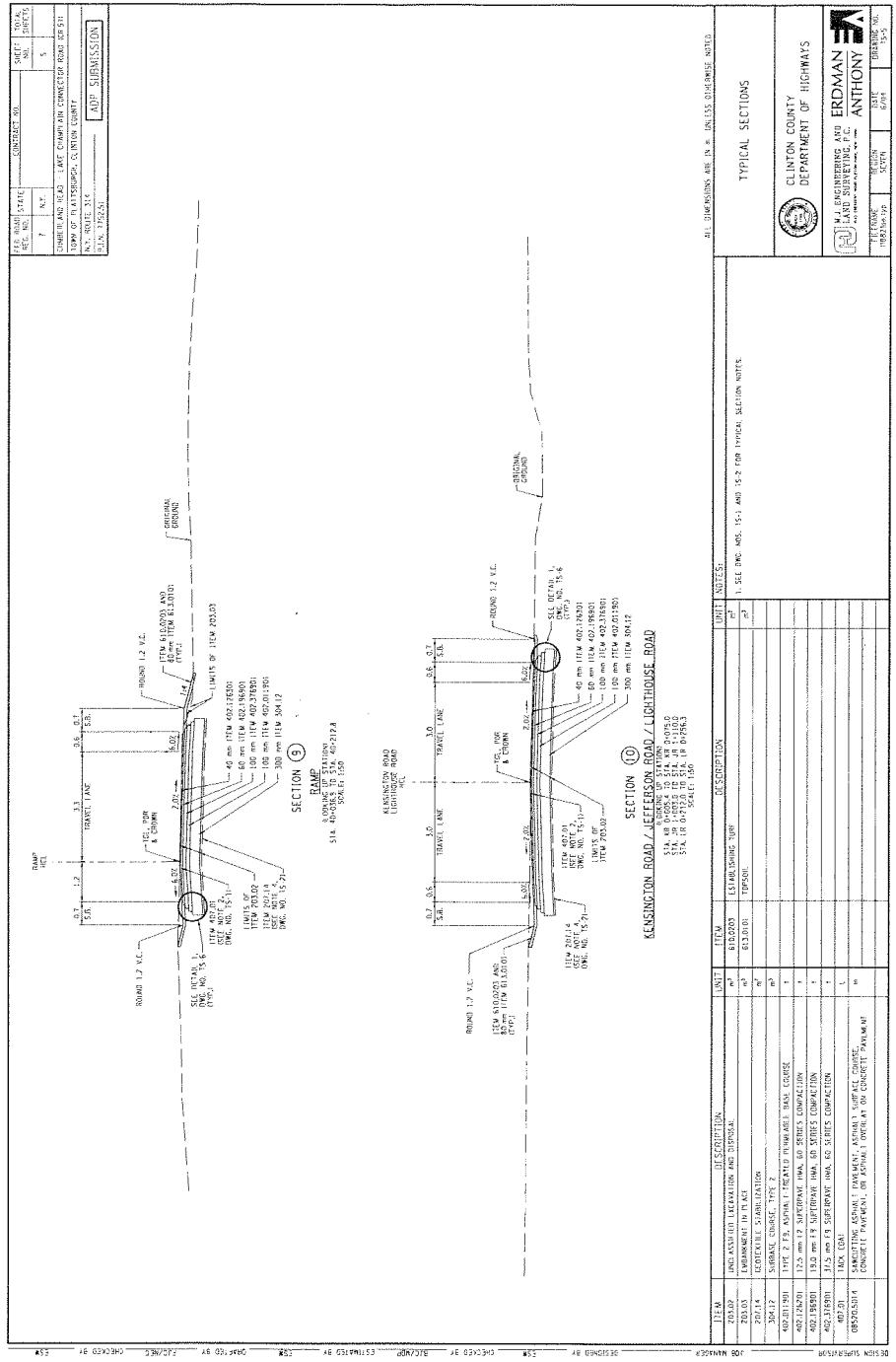
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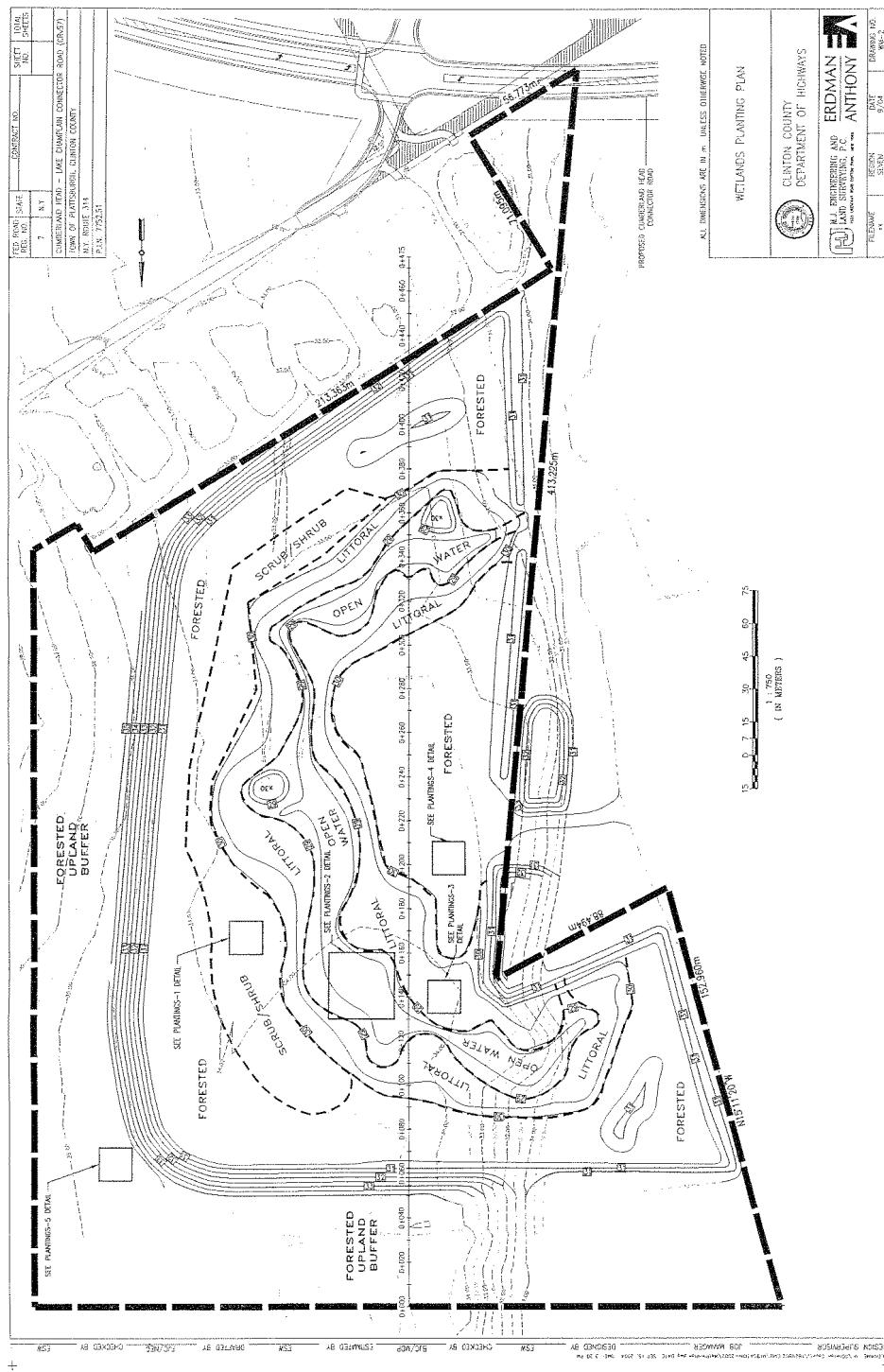


Application No. 2004-006054N1

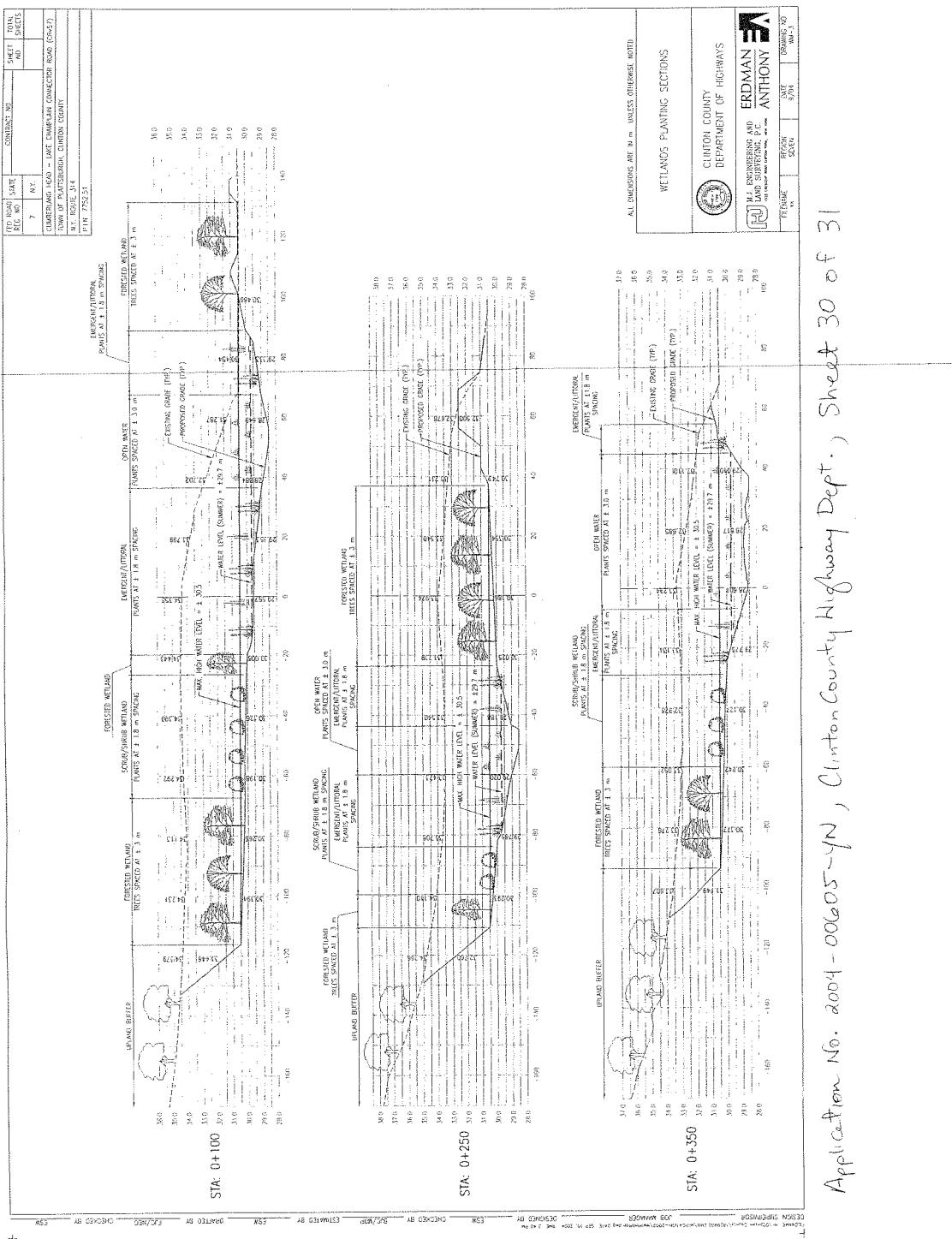


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REF ROAD NAME	CONTRACT NO.	SHEET NO.	TONS
RGC 60	7	W	40
CUMBERLAND RD - LAKE CHAMBERS CONCTOR ROAD (SR 41)			
TOWN OF PATTERSON, CLINTON COUNTY			
AT: RGE 134			
UTM 1725241			

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