



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 reply to:

Public Notice Number: 2004-00673-YN
Issue Date: October 26, 2004
Expiration Date: November 29, 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: New York State Department of Transportation
Region 1
328 State Street
Schenectady, NY 12305

ACTIVITY: Discharge fill material into waters of the United States to facilitate the realignment of a section of County Route 82 (formerly County Route 22), the construction of a bridge, and the construction of intersections with existing roads and the new section of County Route 82.

WATERWAY: East Branch Ausable River, Potash Creek, unnamed tributaries, and adjacent wetlands (Lake Champlain Basin)

LOCATION: Town of Jay, 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.

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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.

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.

Based on coordination among the New York State Office of Parks, Recreation and Historic Preservation (SHPO), the New York State Department of Transportation, Essex County, and the Federal Highway Administration, the SHPO has determined that the proposed activity would have No Adverse Effect on the Jay Covered Bridge and three historic districts, which are either listed in or eligible for inclusion in the National Register of Historic Places, provided certain conditions are met. For this project, the Federal Highway Administration (FHWA) is the lead Federal agency responsible for ensuring that the requirements of Section 106 of the National Historic Preservation Act of 1966 are satisfied. The FHWA has concurred with the findings of the SHPO. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Based upon a review of the National Rivers Inventory of the National Park Service, the project would take place in the East Branch of the Ausable River, a waterway designated for further study for its potential inclusion into the National Wild and Scenic Rivers System due to its scenic value. The National Park Service has determined that the project will not adversely impact the River segment's eligibility for designation as a National Wild and Scenic River. Therefore, it has been determined that further coordination with the National Park Service is not necessary.

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:

1. Adirondack Park Agency - Article 24 Permit
2. Federal Highway Administration - determination of compliance with the National Environmental Policy Act and Executive Order 11990
3. Town of Jay - site approval
4. New York State Department of Environmental Conservation - SPDES permit

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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>

FOR / George Nives
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, New York State Department of Transportation, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the realignment of a portion of County Route 82 (formerly County Route 22), the construction of a bridge, and the construction of intersections with existing roads and the new section of County Route 82. The project site is located in the Town of Jay, Essex County, New York.

Historically, County Route 22 crossed the East Branch of the Ausable River via the Jay Covered Bridge. After an inspection conducted by the New York State Department of Transportation, the bridge was determined to be unsafe for public use and was closed to all traffic on May 14, 1997. A temporary single lane bridge replaced the Jay Covered Bridge in that year. In accordance with an agreement among the New York State Department of Transportation, the Federal Highway Administration, Essex County, and the New York State Office of Parks, Recreation and Historic Preservation, the historic Jay Covered Bridge is currently being restored and would be placed back at its original location. The bridge, and the existing section of County Route 22 that approaches it, would be incorporated into a multi-modal trail system and recreational area along the river that the applicant proposes to enhance. Vehicular traffic would not be allowed to access this area. The recreational component of this project, including the trail, fishing access, picnicking and viewing areas, would occur in uplands.

To accommodate vehicular traffic, the applicant proposes to realign County Route 22, to become County Route 82, and construct an associated bridge over the East Branch of the Ausable River approximately 400 feet downstream from the location of the Jay Covered Bridge. The applicant proposes to discharge fill material into 0.22 acre of scrub shrub wetlands adjacent to Potash Creek, 0.52 acre of wet meadow/emergent wetlands associated with unnamed tributaries, and a total of 260.3 linear feet of stream channel (Potash Creek and unnamed tributaries) to facilitate the realignment of County Route 82 between Route 9N and Glen Road, to terminate North Jay Road and Glen Road with cul-de-sacs, to realign a 0.25 mile section of the North Jay Connector Road so that it links with County Route 82 south of the new bridge, to lengthen a culvert at John Fountain Road, and to add embankment fill at the intersection of Stickney Bridge Road and Randy's Lane (formerly North Jay Road). The new section of County Route 82 would be 0.6 miles long and would have two, 11 foot wide travel lanes with 4 foot wide stabilized shoulders. The reconstructed connector roads would have two, 9 foot wide travel lanes with 2 foot wide paved shoulders. The above impacts to waters of the United States include impacts associated with road and embankment fill, new culverts, culvert lengthening, and rock fill proposed to provide scour protection at the culverts. Of the stream impacts noted above, 128 linear feet of those impacts involve installing a 95 foot long culvert and scour protection where County Route 82 would cross Potash Creek. Temporary cofferdams would be used at each of the three locations where stream impacts are proposed.

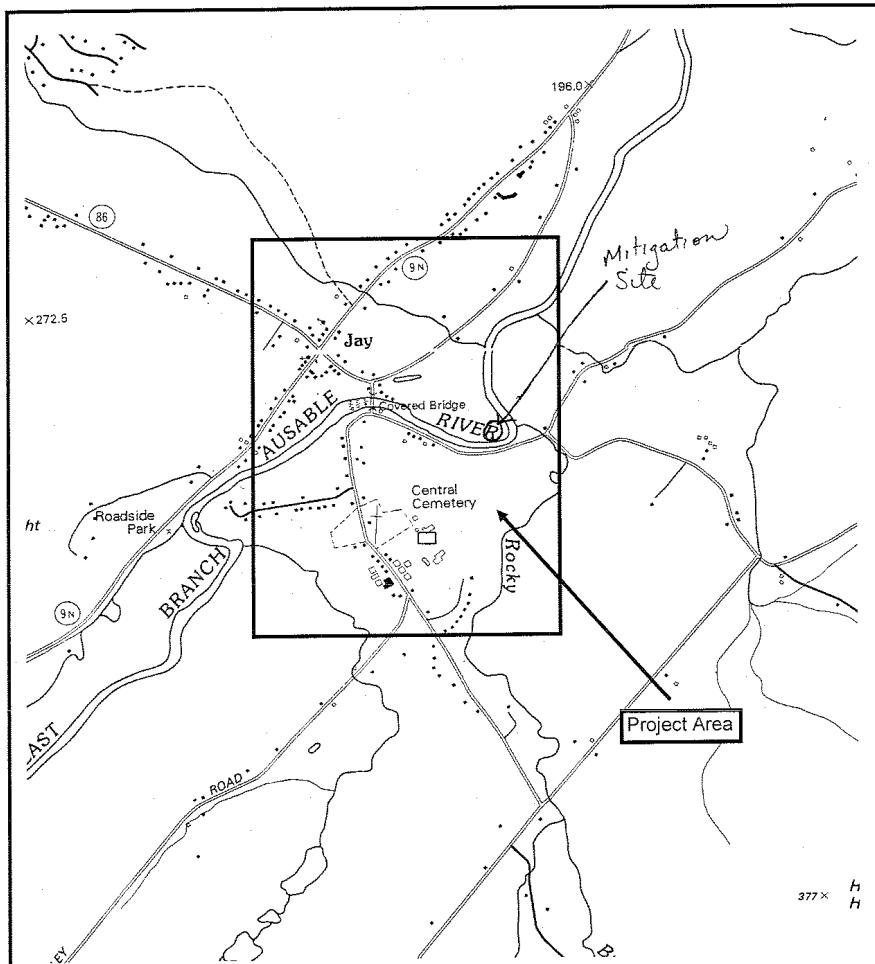
The proposed bridge would be a two span, multiple steel girder structure with a concrete deck. The span across the East Branch of the Ausable River would be 193.9 feet long and the lowest portion of the bridge would be 8.03 feet above the ordinary high water elevation of the waterway. The other span is located in uplands. The two bridge abutments and the center pier would be located above the ordinary high water mark of the East Branch of the Ausable River,

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however, the applicant proposes to discharge 191 cubic yards of large rock into 1,840 square feet of the river to provide scour protection around the north abutment. In addition, 99 cubic yards of large rock would be discharged into 947 square feet of the river to provide scour protection around the center pier. A temporary cofferdam would be installed around each of the two fill areas to complete the work in the dry. The applicant also proposes to discharge 291 cubic yards of fill material into 1,808 square feet of the river to construct a temporary access pad for a crane that is needed to lift the bridge girders into place. The 1,808 square foot area would be restored to pre-existing conditions when equipment access in the river is no longer needed. It should be noted that a Department of the Army permit is not required for the structural components of the bridge, including the abutments, pier and deck.

As mitigation for the impacts to aquatic resources, the applicant proposes to establish 1.1 acres of wet meadow/emergent wetlands adjacent to the East Branch of the Ausable River. Soils from the wetland impact areas would be used in the mitigation area. The applicant anticipates that the mitigation area would naturally vegetate with the seed sources in these soils. Therefore, the applicant only proposes to seed the site with annual ryegrass to stabilize the soil until the seeds within the hydric soil germinate and mature. In addition, the applicant proposes to establish and maintain a 0.53 acre scrub shrub upland buffer around three sides of the wetland mitigation area.

The stated purpose of the proposed work is to replace the Jay Covered Bridge and temporary one lane bridge with a permanent bridge that is capable of handling two way vehicular traffic.



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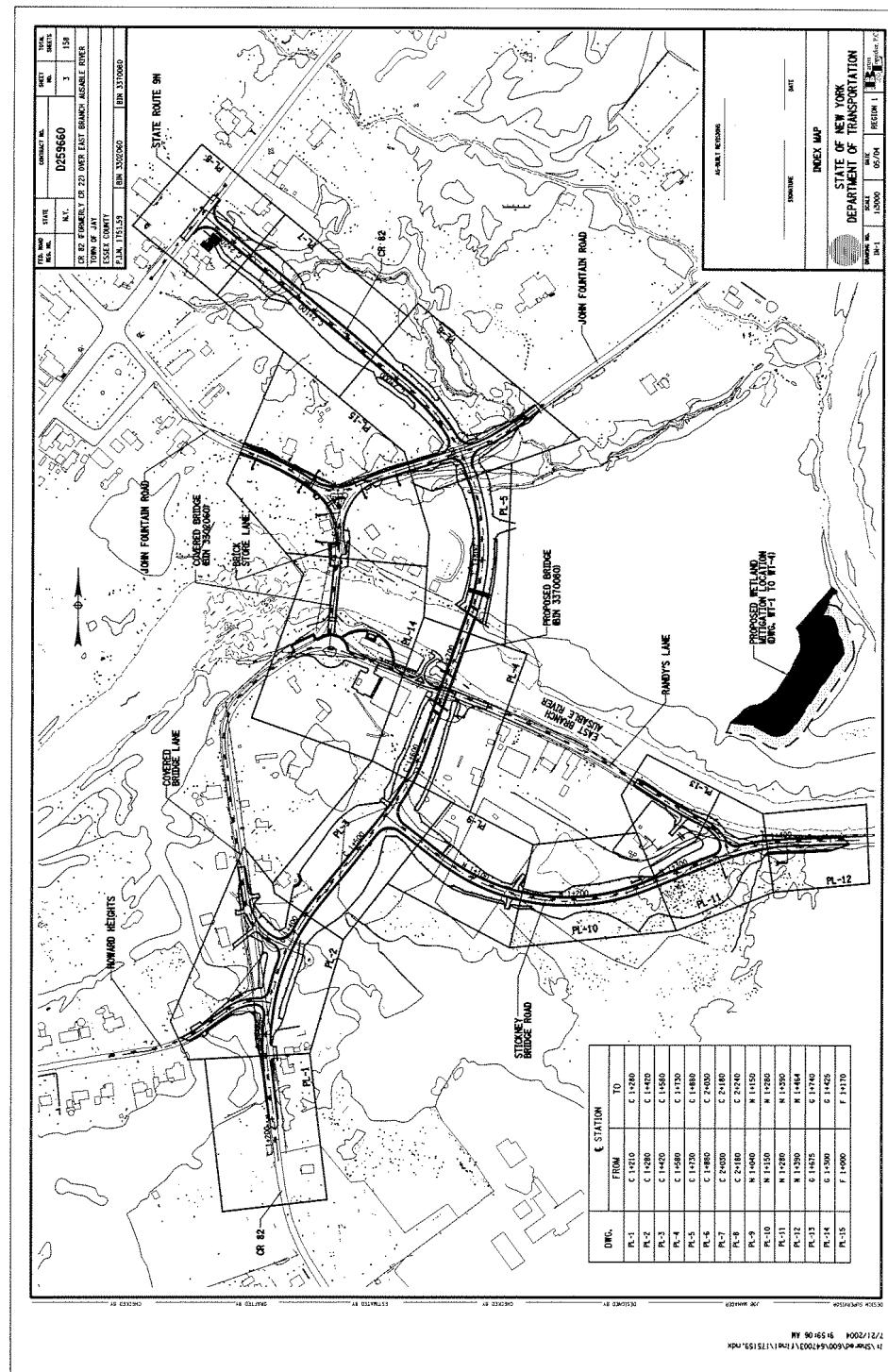
Realignment of County Route 82
 (Formerly CR 22) over the East Branch Ausable River
 Project Location

Essex County

New York

Barton
& Loguidice, P.C.
Consulting Engineers

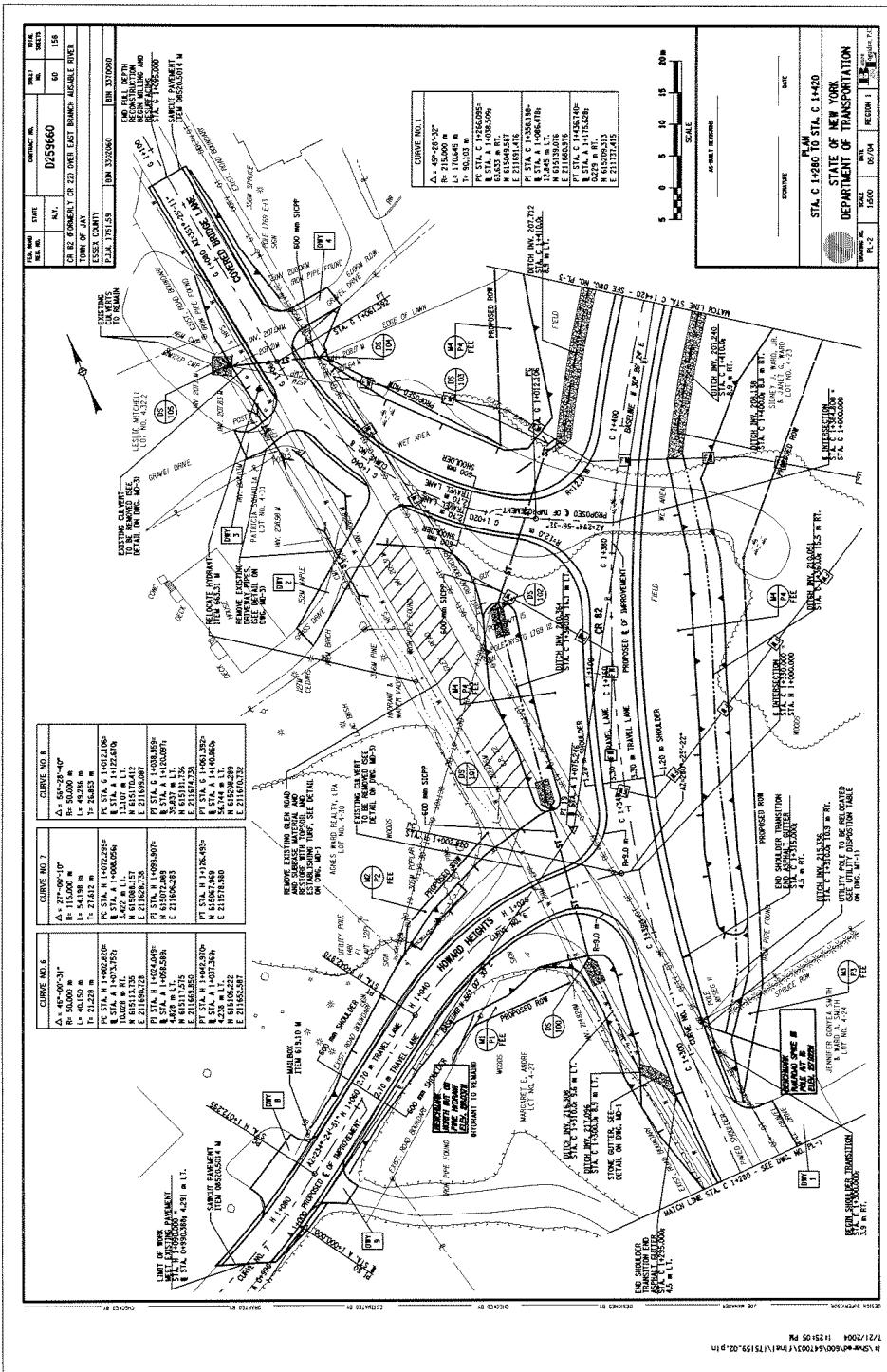
Source: NYSDOT Topographic Quadrangles, Ausable Forks and Jay Mountain

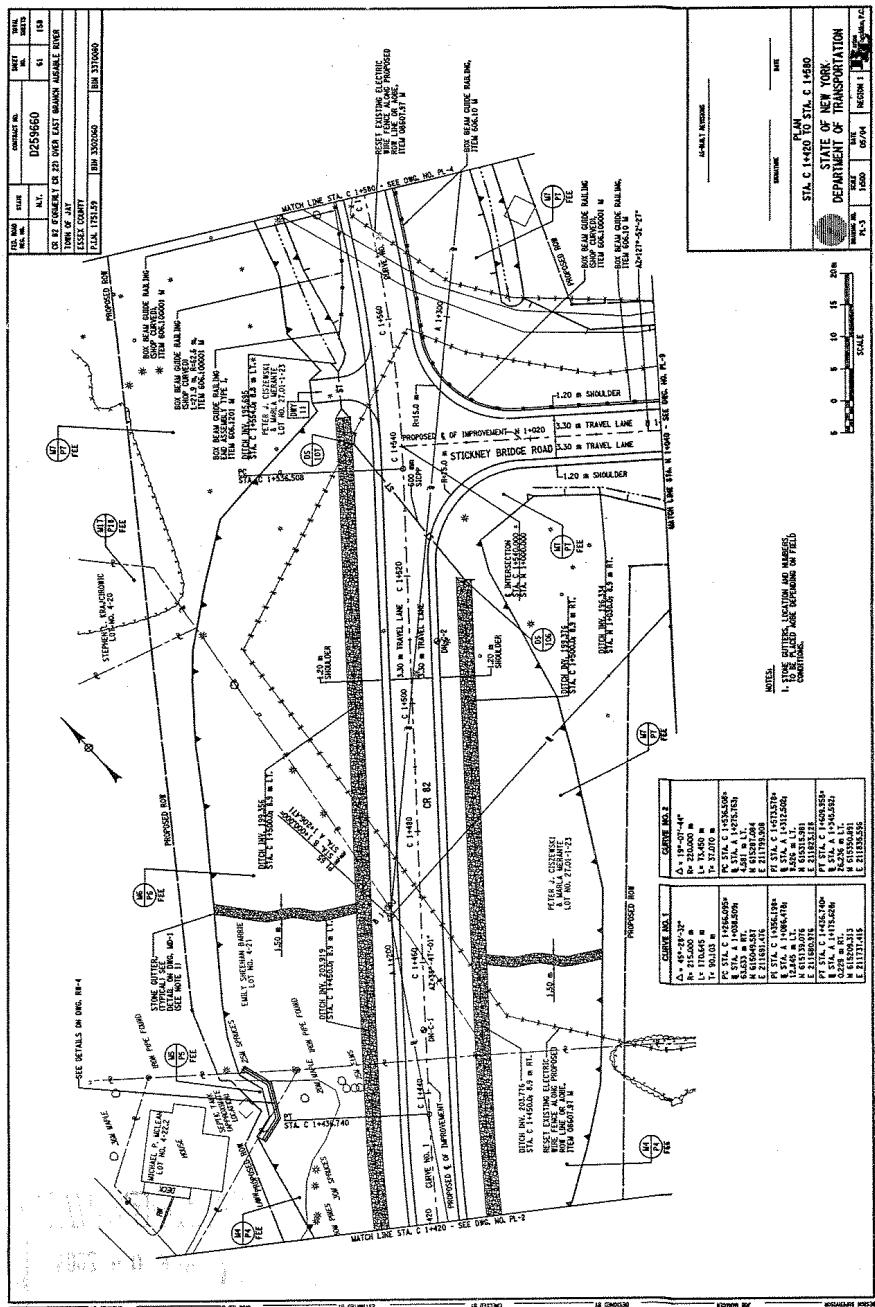


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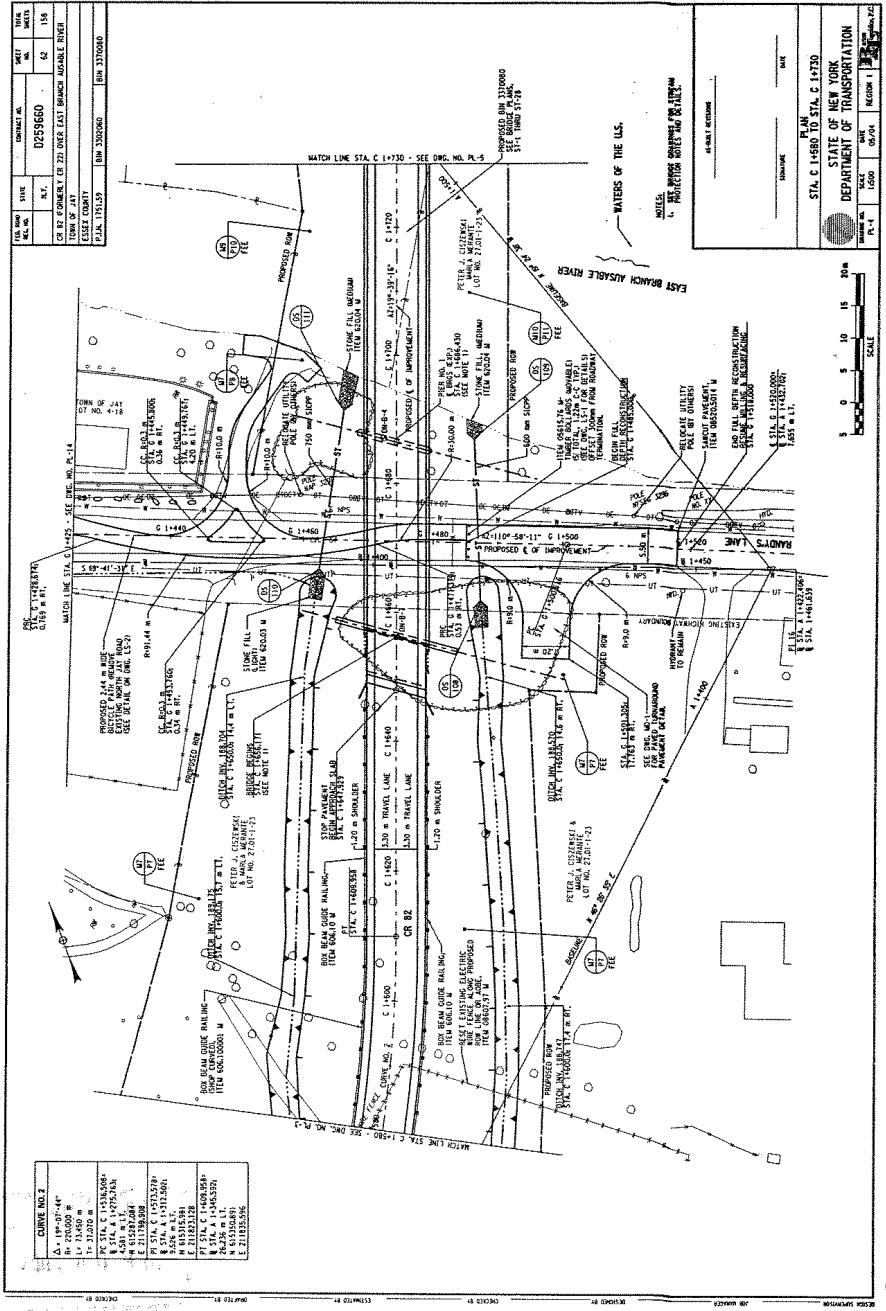
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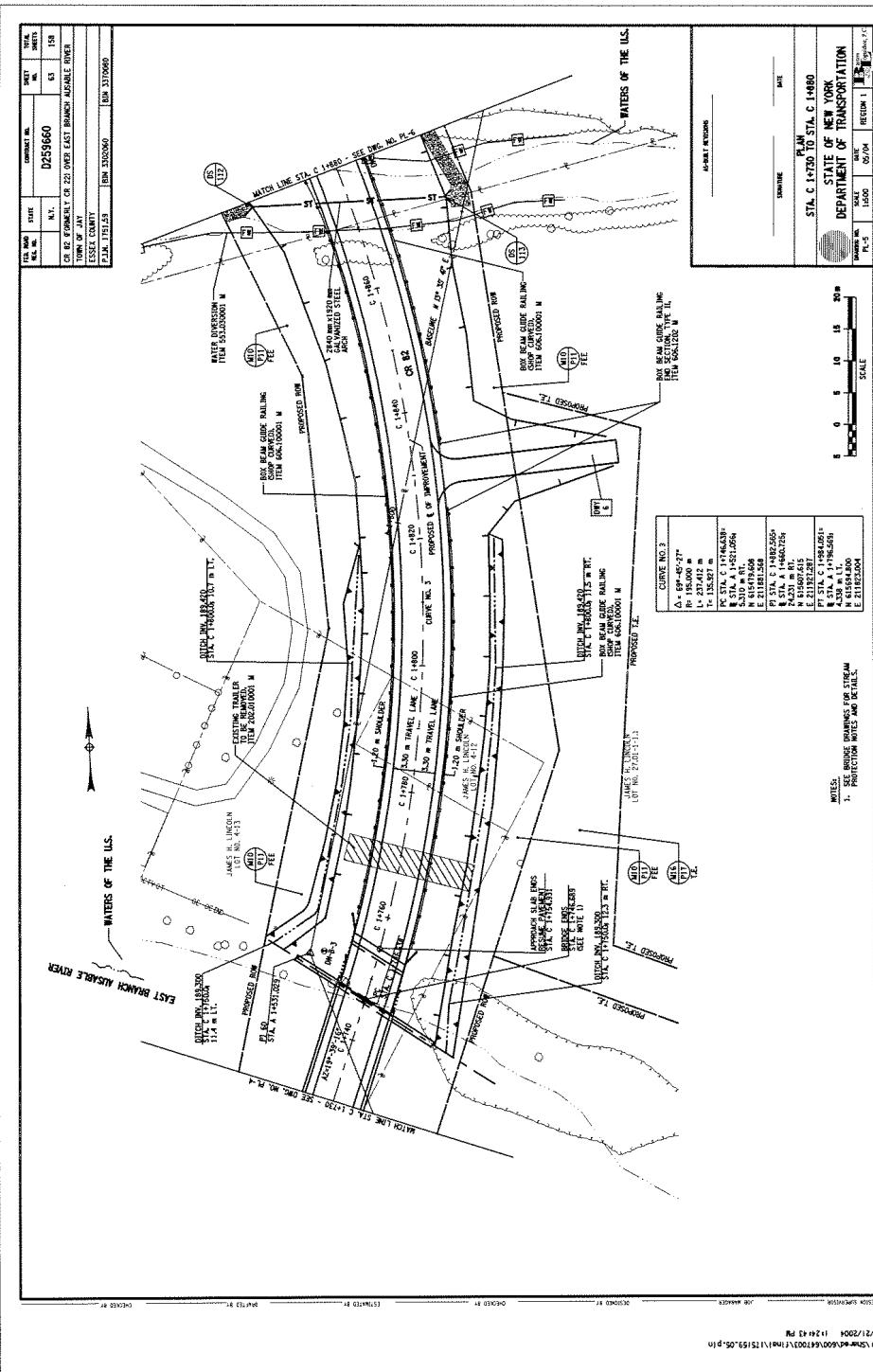




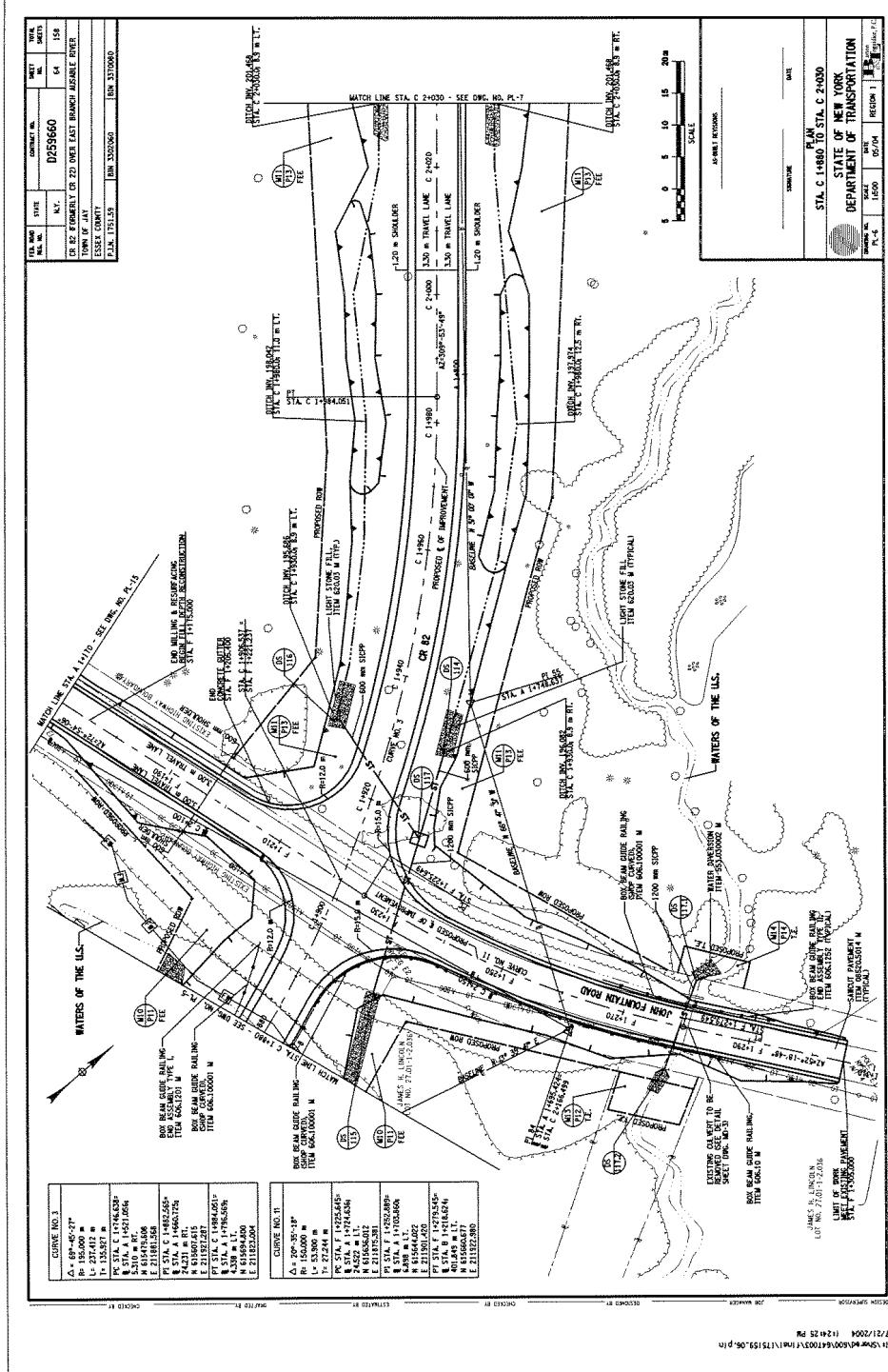
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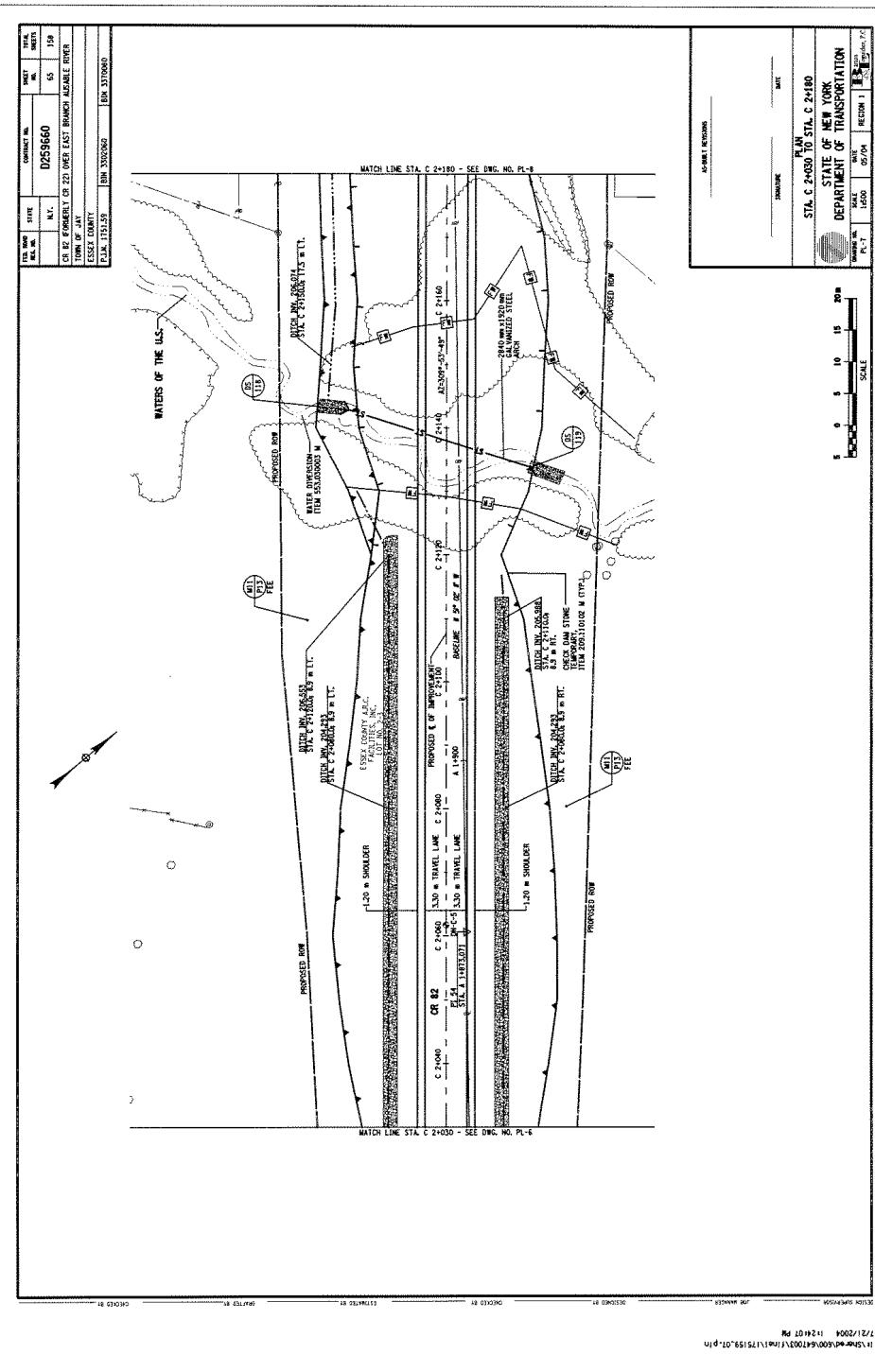
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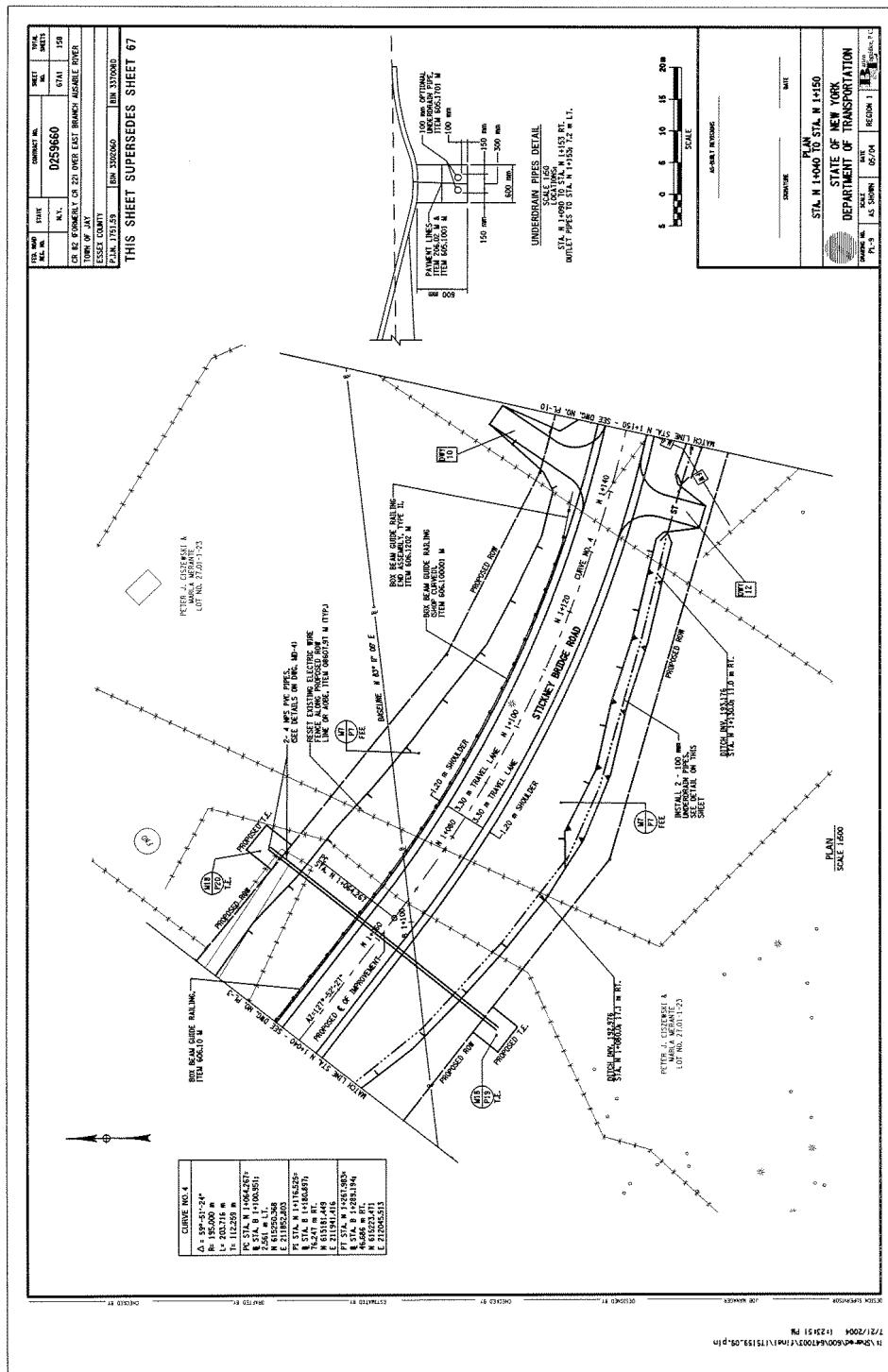
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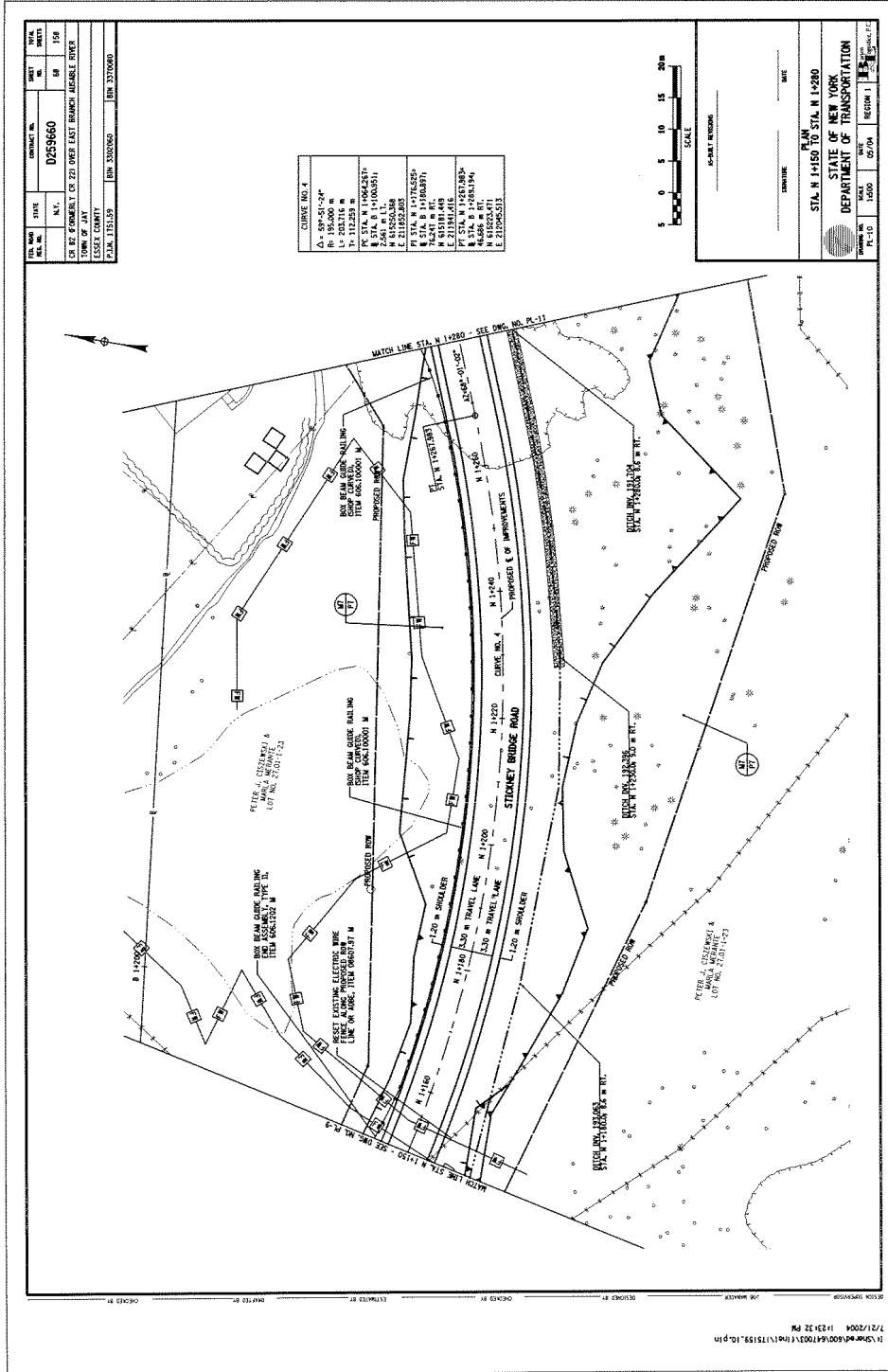


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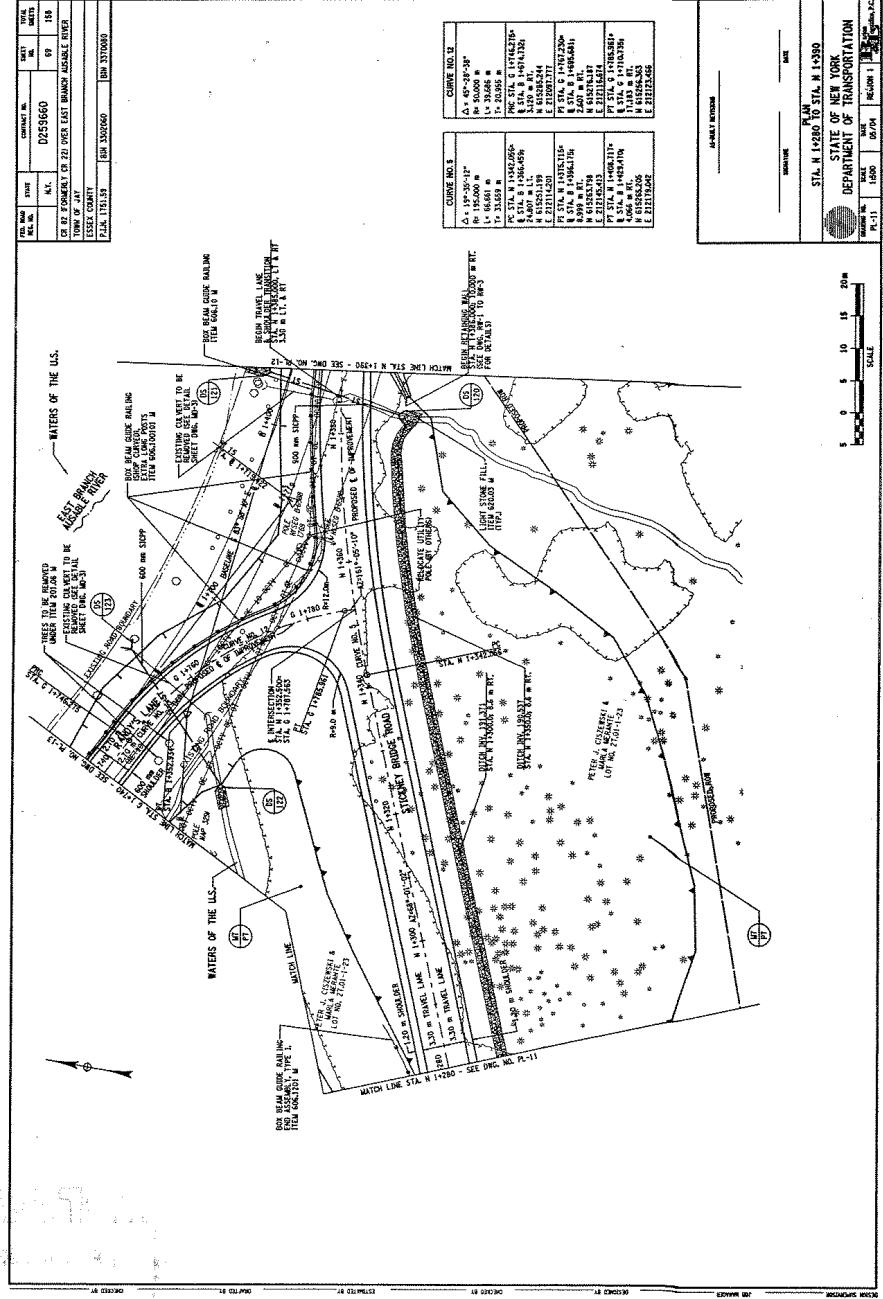


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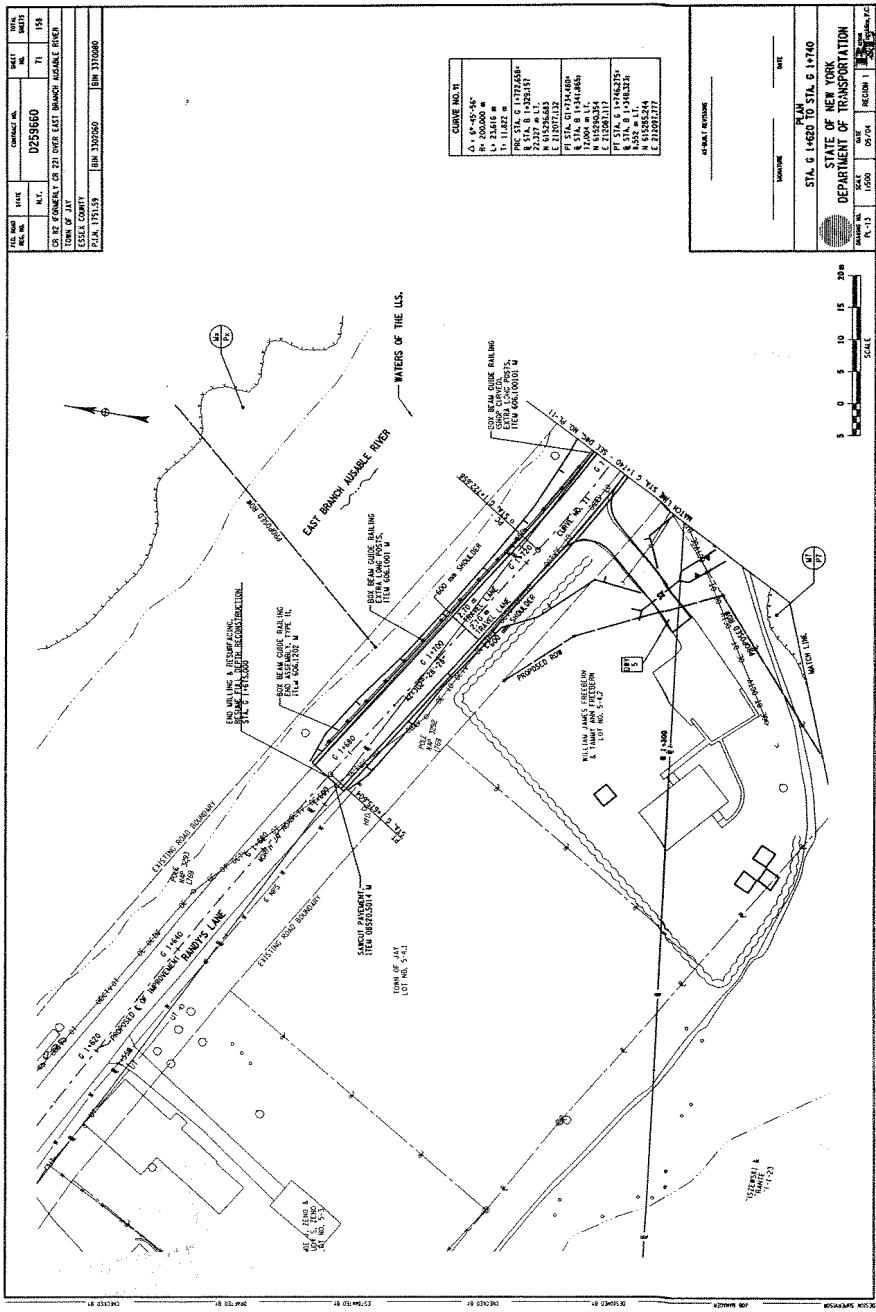




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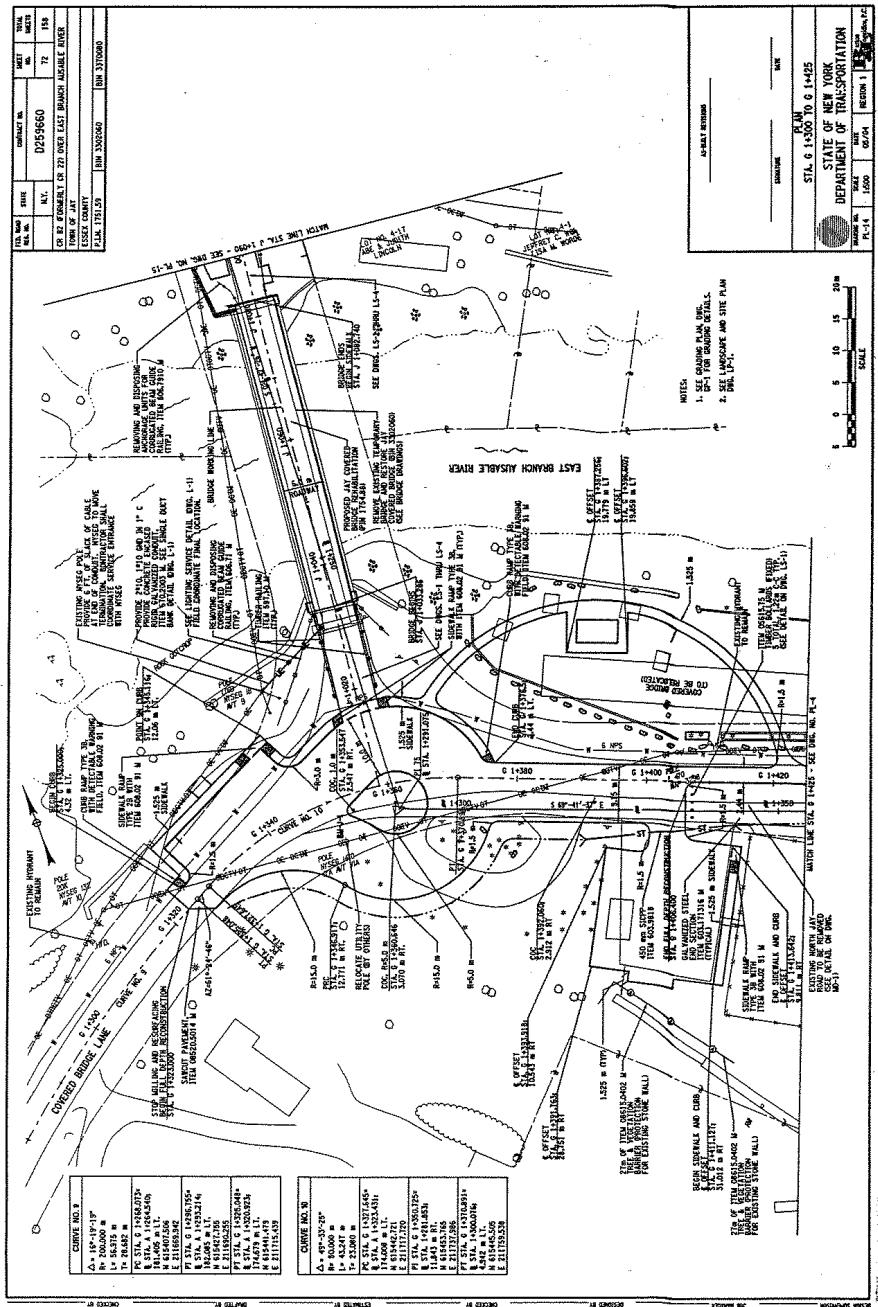
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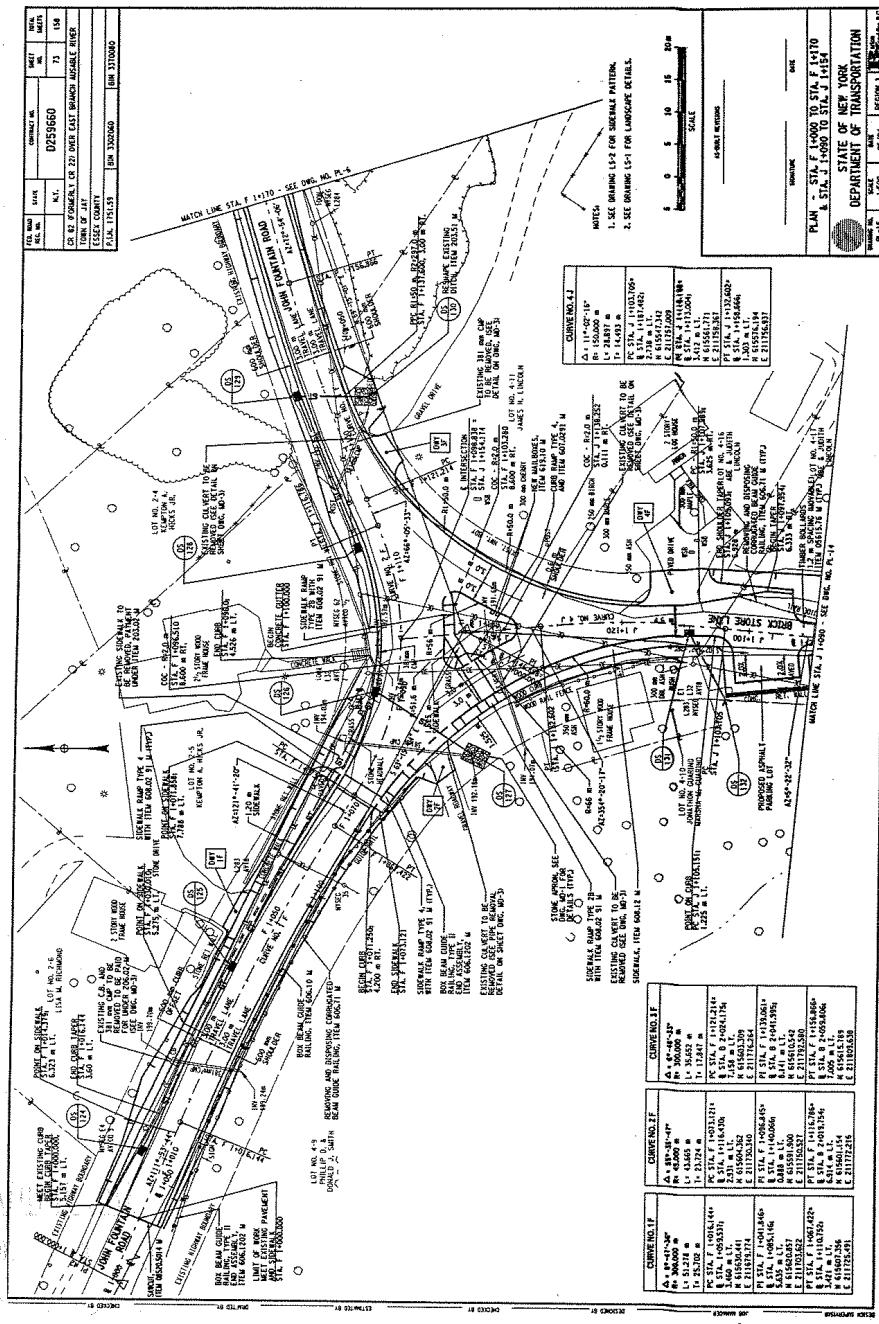
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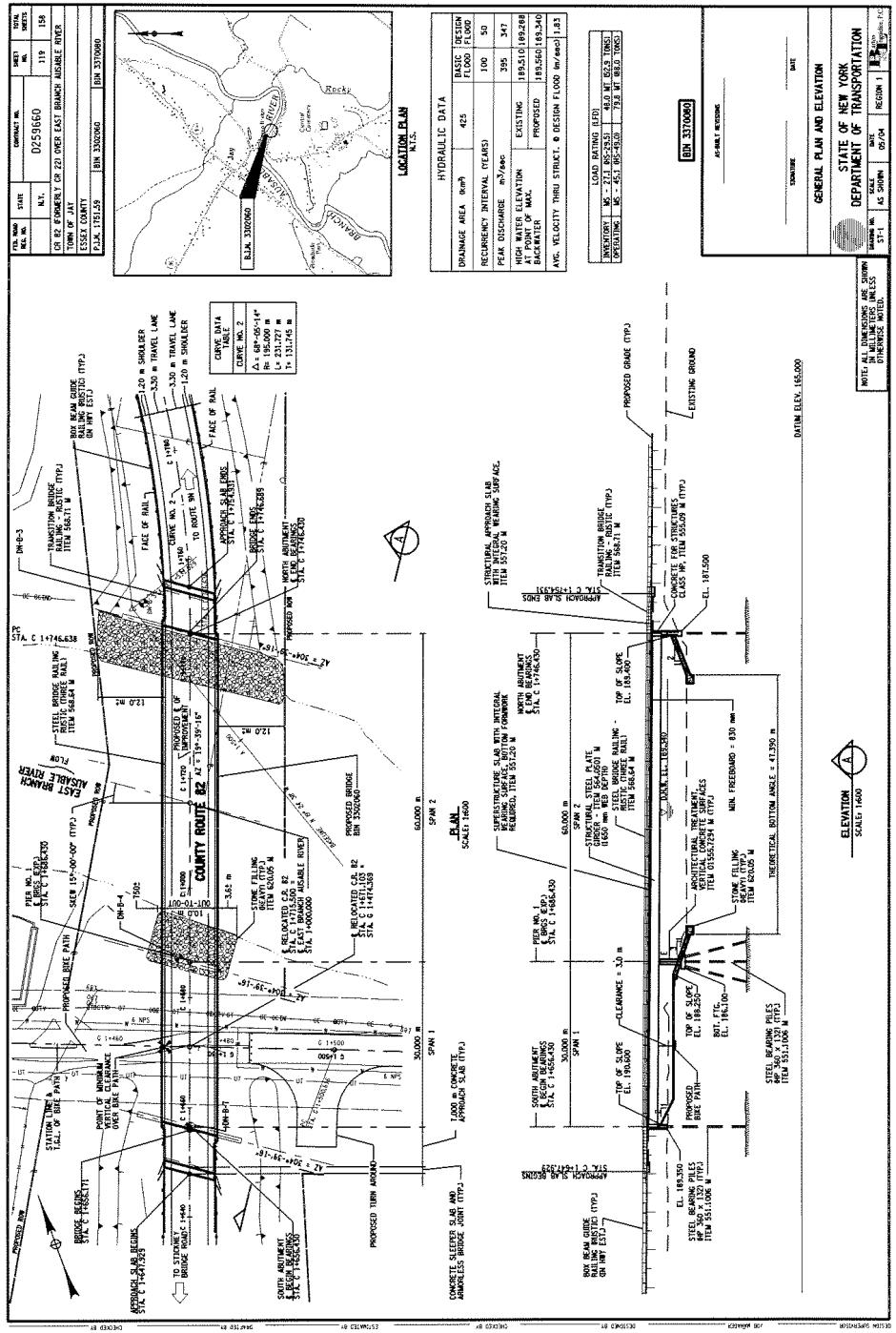
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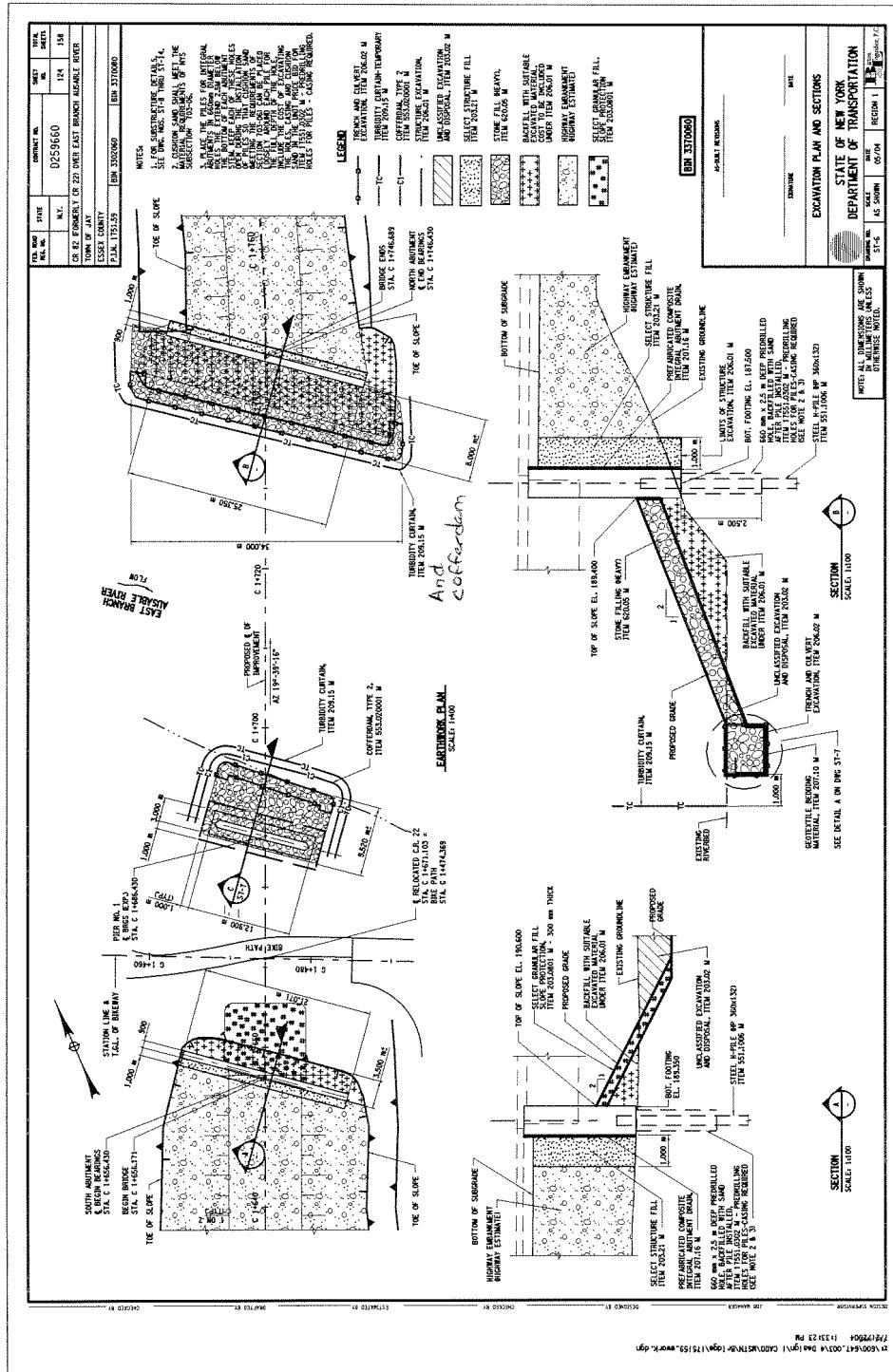
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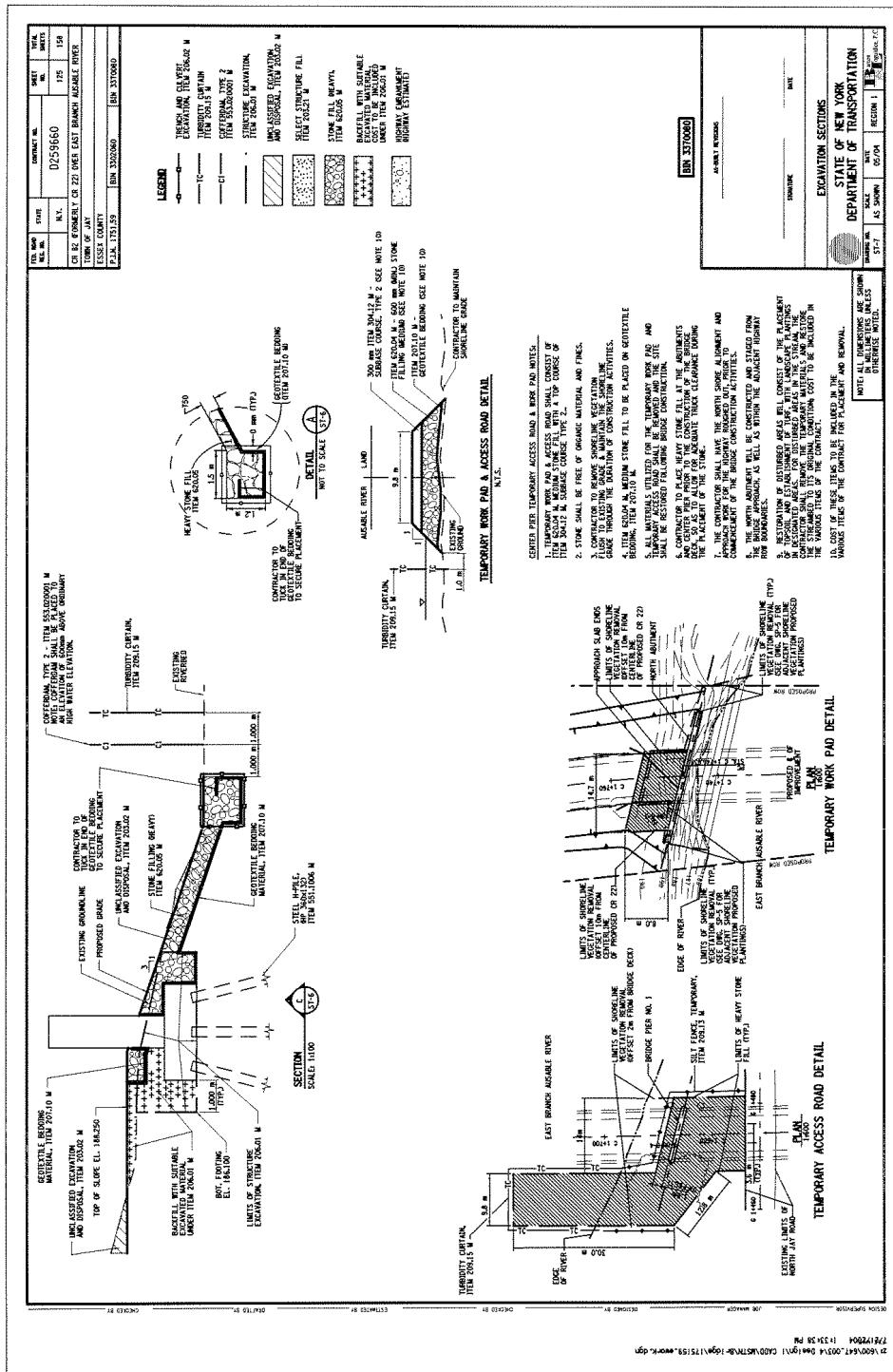
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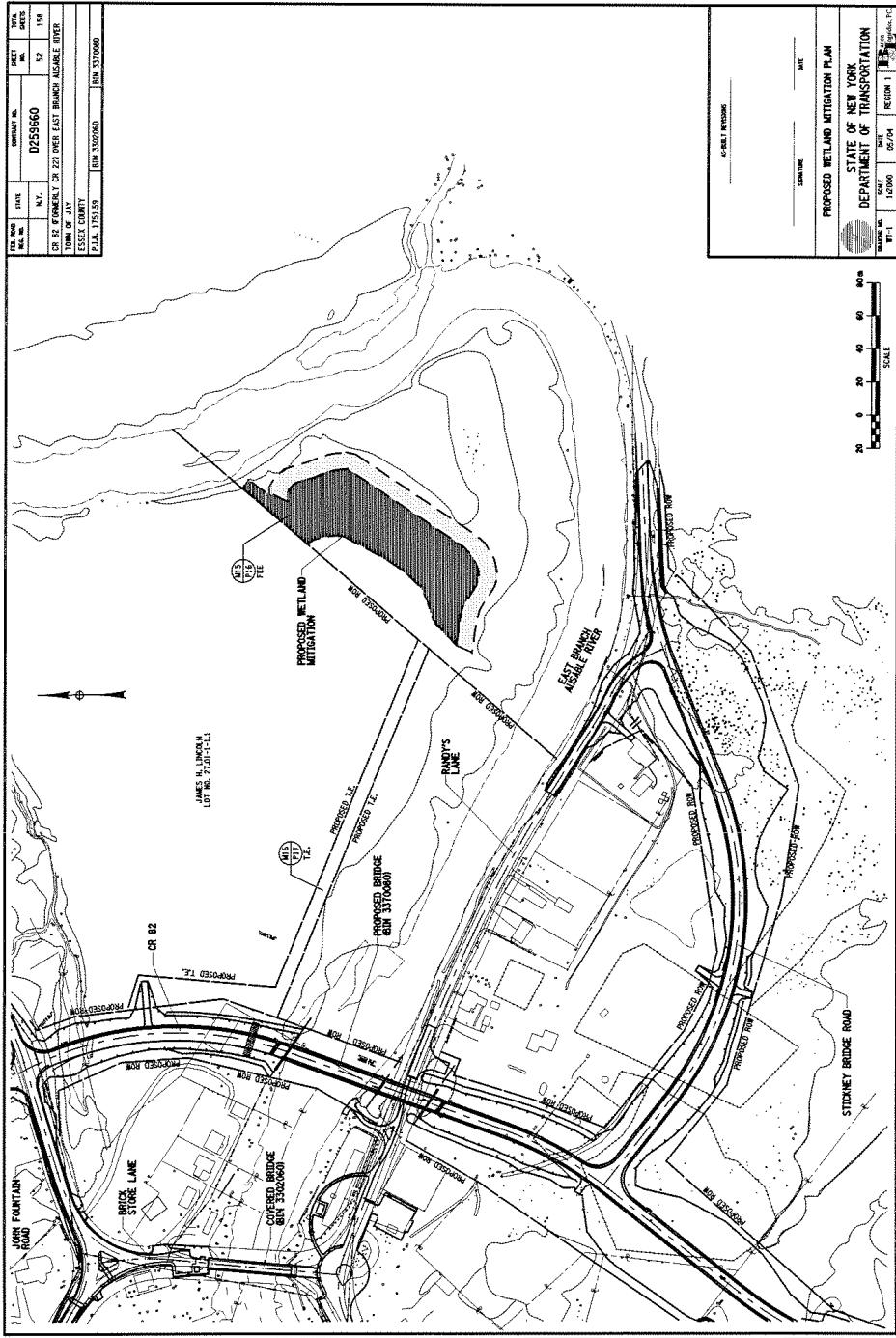


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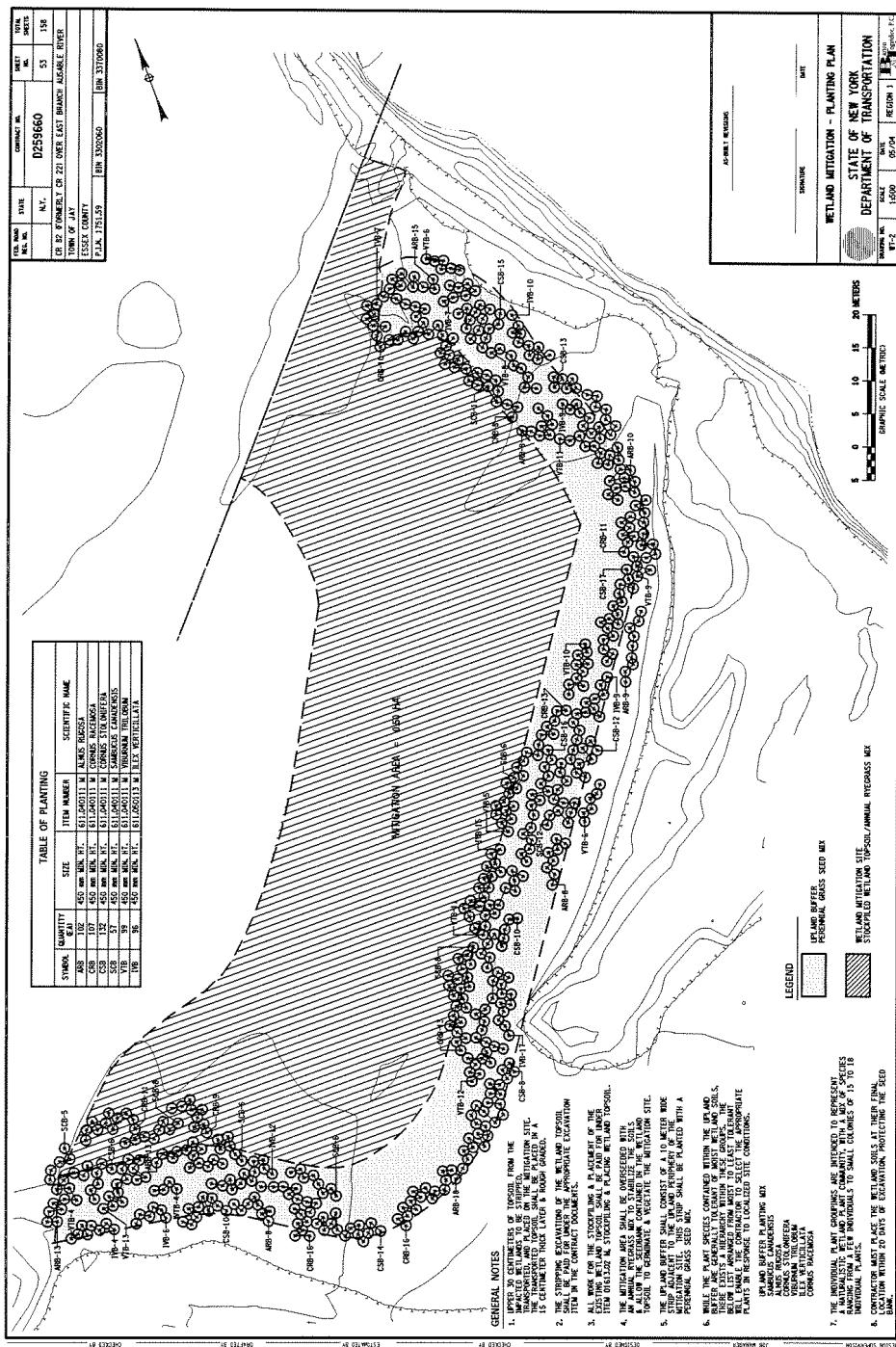


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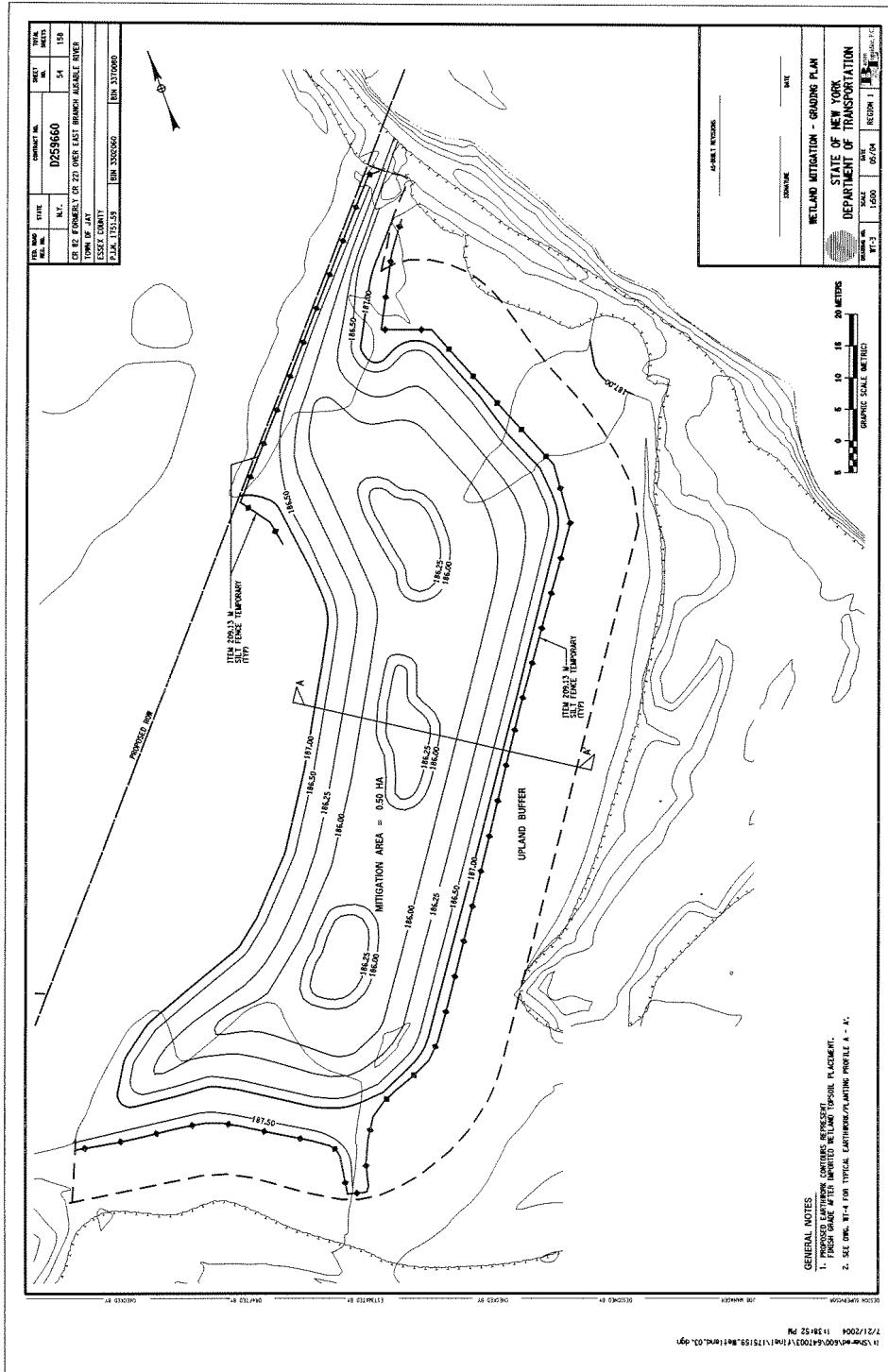




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