

# 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: 2005-00433-YN  
Issue Date: October 17, 2005  
Expiration Date: November 17, 2005

**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  
328 State Street  
Schenectady, NY 12305

**ACTIVITY:** Discharge fill material into waters of the United States to correct a slope failure along New York State Route 2 and stabilize a section of streambank.

**WATERWAY:** Dayfoot Brook and adjacent wetlands (Hudson River Basin)

**LOCATION:** Town of Petersburg, Rensselaer 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 benefit 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, historic properties, fish and wildlife values, flood hazards, 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, 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 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.

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

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. 2005-00433-YN**

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 adversely affect the Federally endangered Indiana bat (*Myotis sodalis*) or its critical habitat. The District Engineer is consulting with the appropriate Federal agency to ensure that the requirements of Section 7 of the Endangered Species Act (16 U.S.C. 1531) are satisfied.

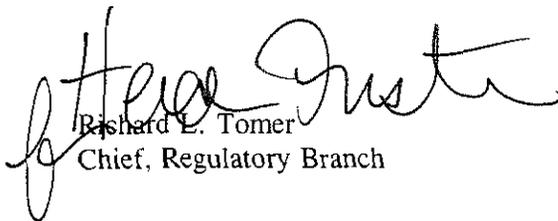
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished 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 the applicant has obtained or requested the following governmental authorization for the activity under consideration: NONE

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

**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 correct a slope failure along New York State Route 2 and stabilize a section of streambank. The site is located in the Town of Petersburg, Rensselaer County, New York.

The slope on which New York State Route 2 sits is failing and is sliding toward Dayfoot Brook. To stabilize the slope, the applicant proposes to construct a berm on the north side of the highway that is of sufficient mass to prevent the road and embankment from sliding further toward the brook. The work would involve the discharge of fill material into 265 linear feet of Dayfoot Brook and 0.56 acre of adjacent emergent and scrub-shrub wetlands to construct a 443 foot long by 115 foot wide earthen berm. A new 211 linear foot section of stream channel would be constructed approximately 53 feet to the north of the existing channel, and would result in the loss of an additional 0.07 acre of wetlands. An existing cross culvert that discharges runoff into a wetland that would be filled would be extended through the berm and would be conveyed to the stream via a new stone lined ditch. A combination of 84 cubic yards of rock and live willow stakes would be used to provide scour protection along the new streambed and southern streambank. In addition, 157 cubic yards of fill material would be discharged below the ordinary high water mark of Dayfoot Brook to stabilize a 144 linear foot section of streambank located to the east of the berm. Live willow stakes would also be utilized to establish vegetation at this location.

Before the existing stream channel would be filled, the applicant proposes to excavate the native streambed material and use it as streambed material in the constructed channel. The applicant also proposes to establish a step-pool system in the new channel, with random boulder placement, as the proposed channel would be steeper than the existing channel. The existing channel within the impact area contains riffle and pool complexes. To further mitigate the stream impacts, the applicant proposes to plant native trees and shrubs along both sides of the stream within the project area.

As mitigation for the loss of wetlands, the applicant proposes to establish 0.63 acre of emergent and shrub-scrub floodplain wetlands on the northern side of Dayfoot Brook. Fill material would be discharged into a 30 foot wide, or 600 square foot, portion of the stream to provide temporary construction access to the mitigation site. The applicant also proposes to preserve the remaining 0.65 acre of wetlands on the project site.

The applicant proposes to monitor the stream and wetland mitigation areas for a duration of three years.

Temporary cofferdams would be used to facilitate the accomplishment of all in-stream work.

Berlin Quadrangle

Project Location

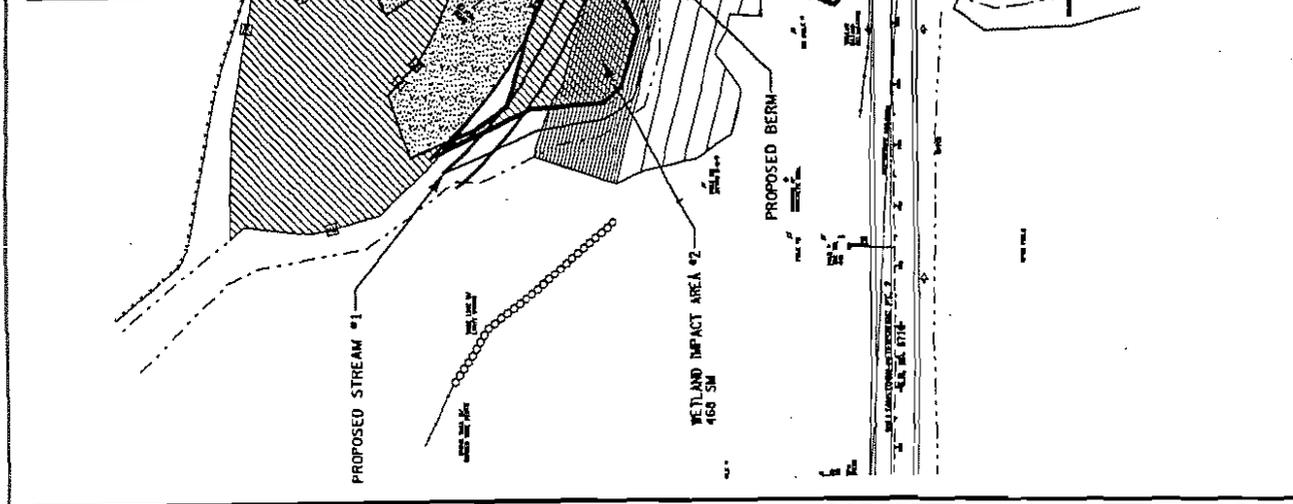


Application No. 2005-00433-YN  
 NYS Department of Transportation  
 Sheet 1 of 9

FED. ROAD DIST. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	NY		1	1
P.L.N. 100134		B.L.N.		
ROUTE 2, S.K. 5712				
TOWN OF PETERSBURG				
RENSSELAER COUNTY				

CALCULATED WETLAND LOSS/GAIN			
IMPACTED WETLANDS	MITIGATED WETLANDS		
AREA	STATION	AREA	STATION
1	2058	1	2526
2	468		
TOTAL = 2526 SM		TOTAL = 2526 SM	

STREAM IMPACTS			
PROPOSED STREAM	STATION	LENGTH OF IMPACTS	LENGTH OF PROP. STREAM
1		80.66 LM	64.11 LM
		15.25 LM	
		NET LOSS	REMARKS



**LEGEND**

- EXISTING WETLANDS
- IMPACTED WETLANDS
- MITIGATED WETLANDS

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED  
AS BUILT REVISIONS

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

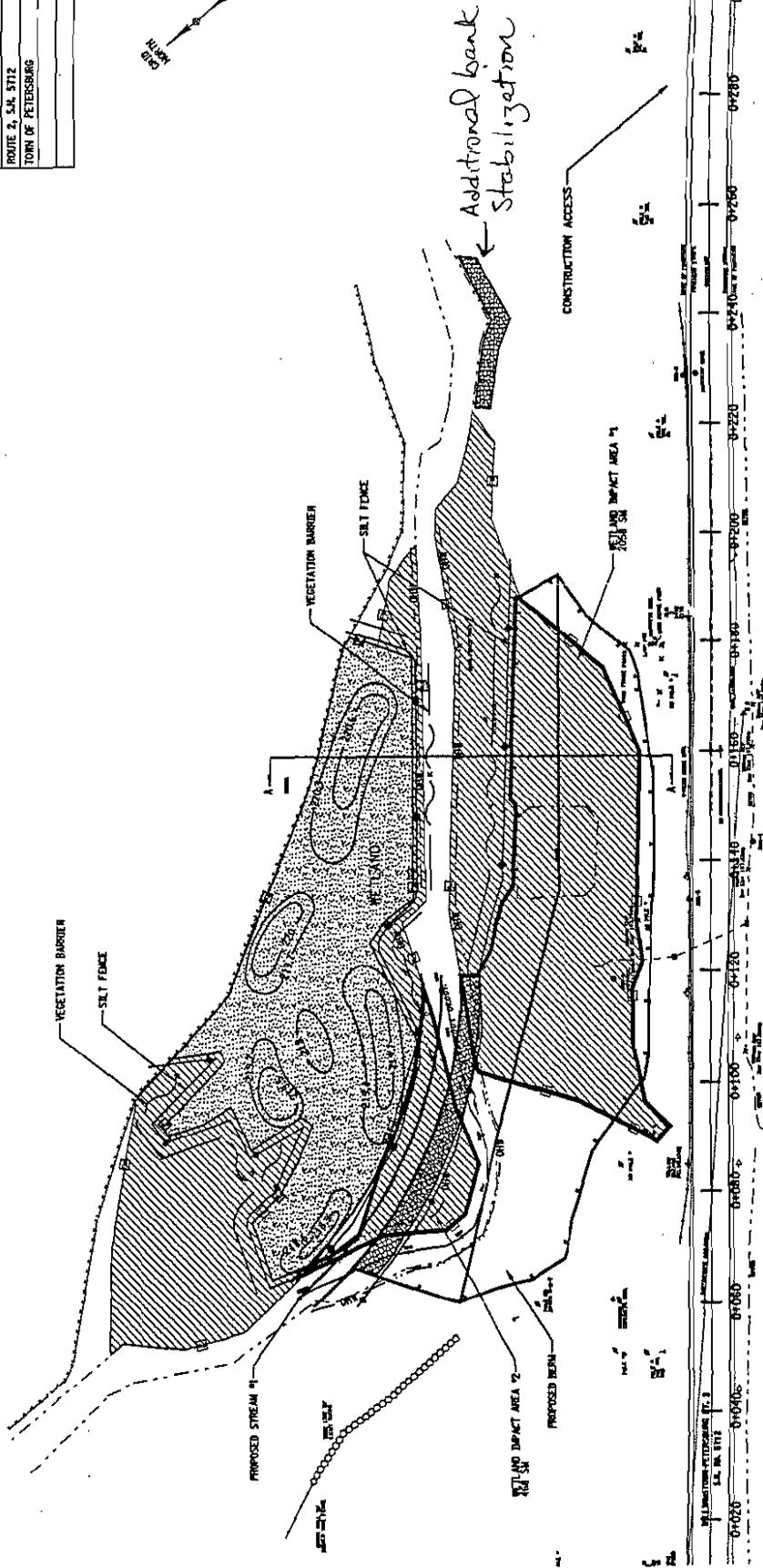
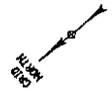
**WETLANDS**

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

DOCUMENT NAME: WETLANDS REGION: DATE: 2/7/05 DRAWING NO.:

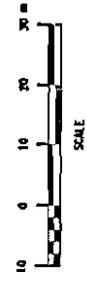
Application No. 2005-00433-YN, NYS Dept. of Transportation, Sheet 2 of 9

FEED ROAD	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	NY		1	1
PLK 100134		GJK		
ROUTE 2, SLOPE FALLS				
ROUTE 2, S.A. 5172				
TOWN OF PETERSBURG				
ROUSELLE COUNTY				



ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED  
AS BUILT REVISIONS

LEGEND	
	EXISTING WETLANDS
	IMPACTED WETLANDS
	MITIGATED WETLANDS



**NOTES**  
IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT THE EXISTING ADJACENT WETLANDS REMAIN UNDISTURBED AND ALL PROTECTION MEASURES ARE IN PLACE PRIOR TO ANY CONSTRUCTION IN THESE AREAS. ALL CONSTRUCTION ACTIVITIES AND EQUIPMENT SHALL ACCESS THE PROPOSED WETLAND MITIGATION AREAS AS SHOWN ON THE PLANS AND AT NO TIME WILL ACCESS BE ALLOWED ACROSS THE EXISTING WETLANDS.

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

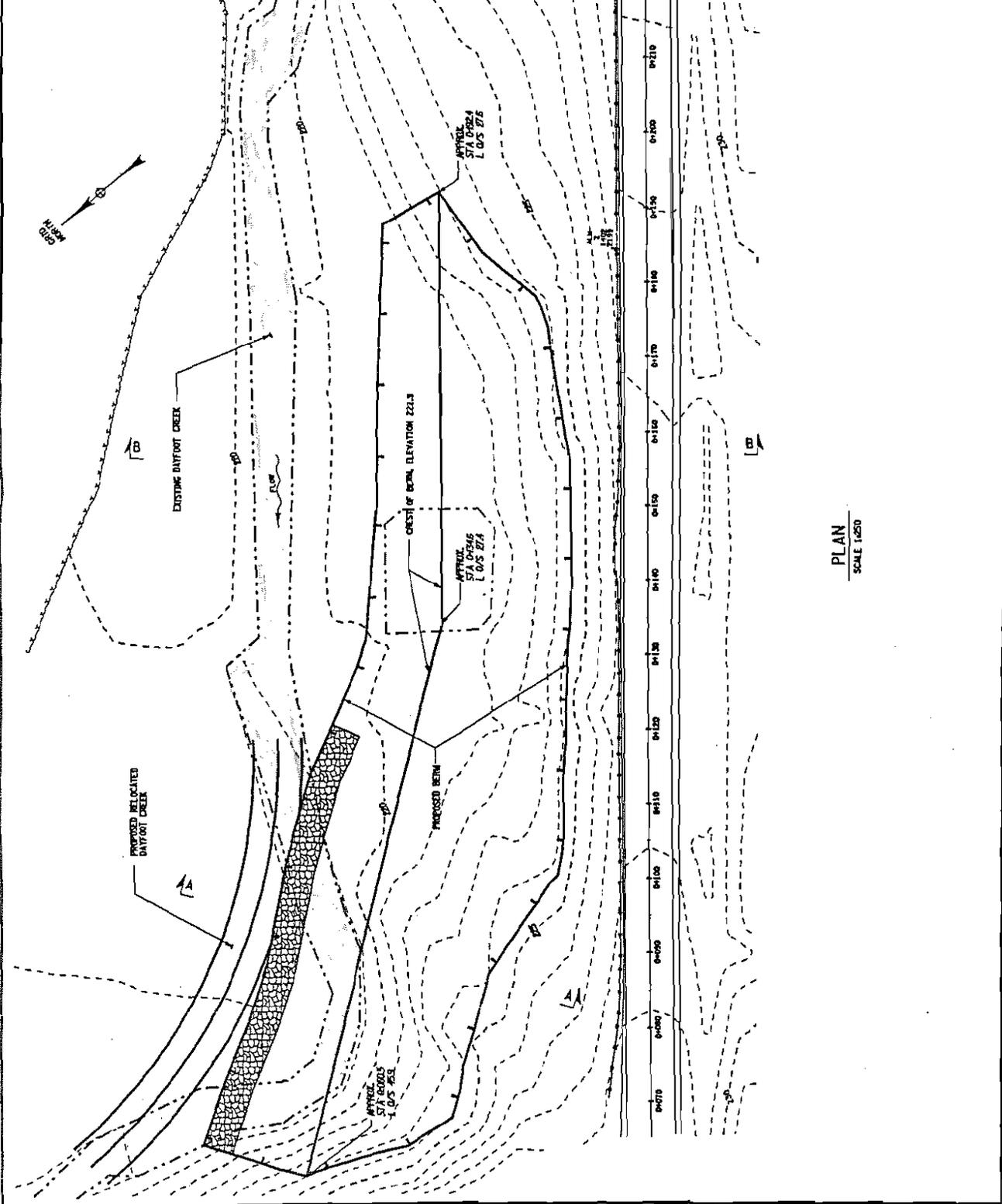
DOCUMENT NAME	REGION	DATE	REVISION NO.
10013472.PLK.DWG	1	7/20/05	01-2

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FED. ROAD DIST. REG. NO.	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	1	1	1
P.J.M. 100134	B.L.K.	ROUSSELET COUNTY	
ROUTE 2 SLOPE FAILING, PETERSBURG			
RN 2199-99			



PLAN  
SCALE 1:6250

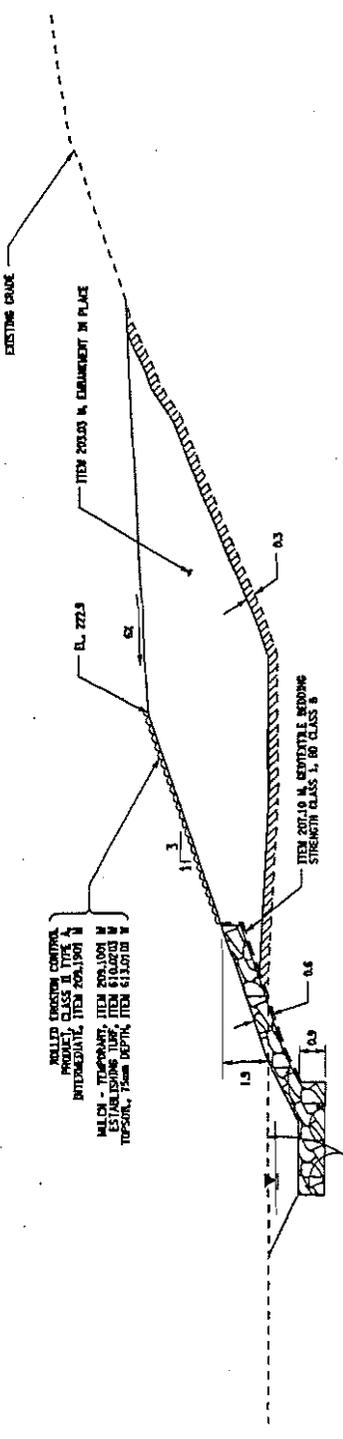
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APPROVED 6/20/05	
R. A. BURDOTT ACTING DIRECTOR GEOTECHNICAL ENGINEERING BUREAU AS BUILT REVISIONS	
SIGNATURE	DATE
STABILIZATION BERM PLAN VIEW	
STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION	
DESIGNER'S NAME	REGION
DATE	DRAWING NO.

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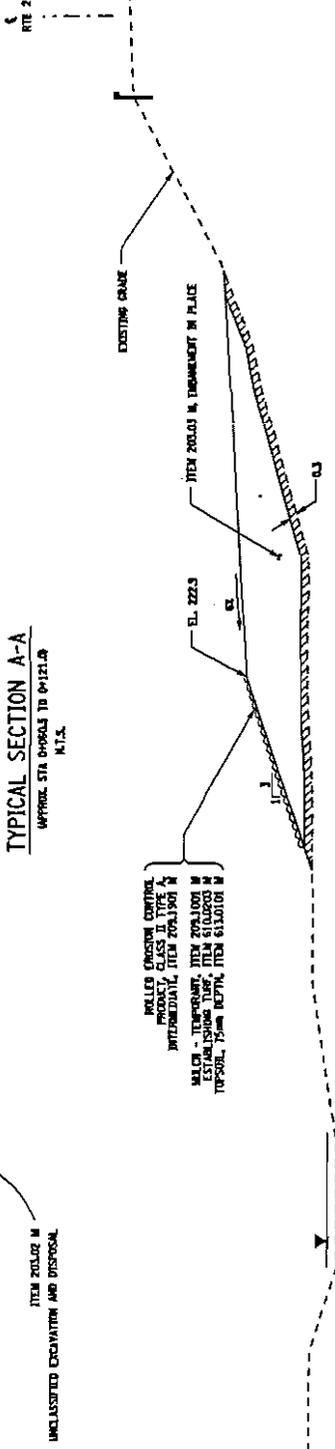
RECEIVED  
SEP 06 2005  
BY: *[Signature]*

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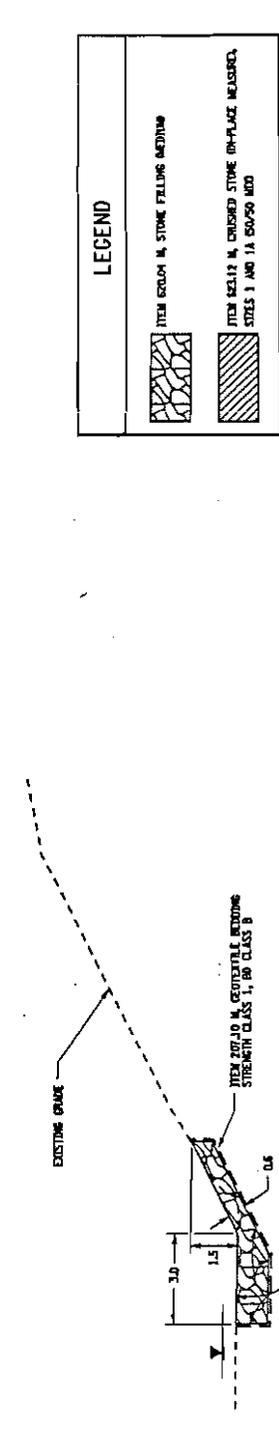
FED. ROAD DIST. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	NY			
P.L.N. 100134		RENSSELAER COUNTY		
ROUTE 2 SLOPE FAILURE, PETERSBURG				
RM 2194-99				



**TYPICAL SECTION A-A**  
APPROX. STA. 04904.0 TO 04921.0  
N.T.S.



**TYPICAL SECTION B-B**  
APPROX. STA. 04914.0 TO 04922.0  
N.T.S.



**TYPICAL SECTION C-C**  
APPROX. STA. 04924.0 TO 04931.0  
N.T.S.

**LEGEND**

- ITEM 600.04 M. STONE FILLING METHOD
- ITEM 624.12 M. CRUSHED STONE ON-PLACE MEASURED, STILES 1 AND 1A 50:50 MCD

ALL DIMENSIONS ARE IN " UNLESS OTHERWISE NOTED

APPROVED 6/20/05

R. A. Burnett  
ACTING DIRECTOR  
GEOTECHNICAL ENGINEERING BUREAU  
AS BUILT REVISIONS

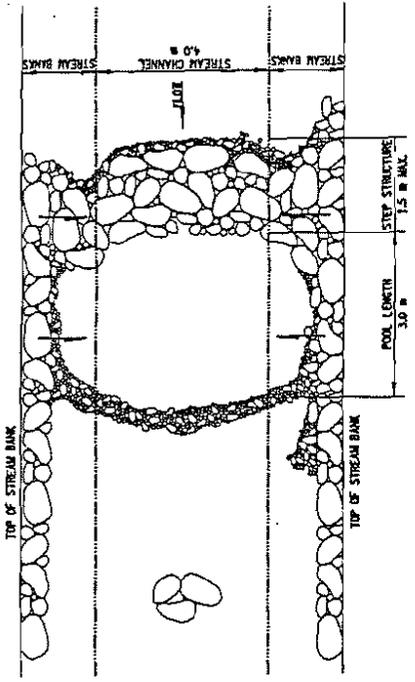
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STABILIZATION BERM  
TYPICAL SECTIONS

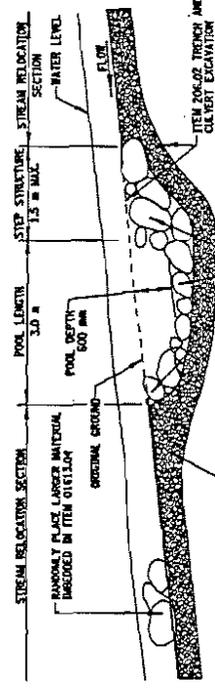
STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION



FILE NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.			
P.A.M. 100134		R.J.M.		
SITE & SCOPE FAILURE		RENSSELAER COUNTY		
ROUTE 2, S.W. 5712		TOWN OF PETERSBURG		



PLAN



PROFILE

STEP STRUCTURE POOL SYSTEM  
WITH RANDOM WALKER PLACEMENT  
NOT TO SCALE

ALL DIMENSIONS ARE IN M UNLESS OTHERWISE NOTED  
AS BUILT RECEIVERS

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
PROPOSED STREAM DETAILS



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION I

PROJECT TITLE: 100134-PA-1-1001  
DATE: 10/20/05  
DRAWING NO.: PS-2

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