



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: 2005-00450-YN
Issue Date: September 1, 2006
Expiration Date: October 2, 2006

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: Ticonderoga Property Development, LLC
14 Ridgedale Avenue
Cedar Knolls, NJ 07927

ACTIVITY: Discharge fill material into 0.27 acres of waters of the United States, including wetlands and 140 linear feet of stream channel to construct a Lowe's Home Improvement Store

WATERWAY: Unnamed tributary associated with the La Chute River in the Lake Champlain Basin

LOCATION: Town of Ticonderoga, 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 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. 2005-00450-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 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 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. By letter dated December 30, 2005, the New York State Office of Parks, Recreation, and Historic Preservation, Historic Preservation Field Services Bureau, stated that the project would have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

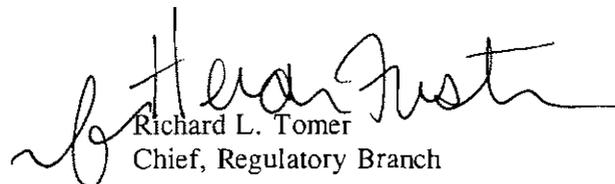
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or 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:

Adirondack Park Agency permit
New York State Department of Environmental Conservation - Water Supply and SPDES
New York State Department of Health
New York State Department of Transportation
Town of Ticonderoga

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 Kevin Bruce.

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

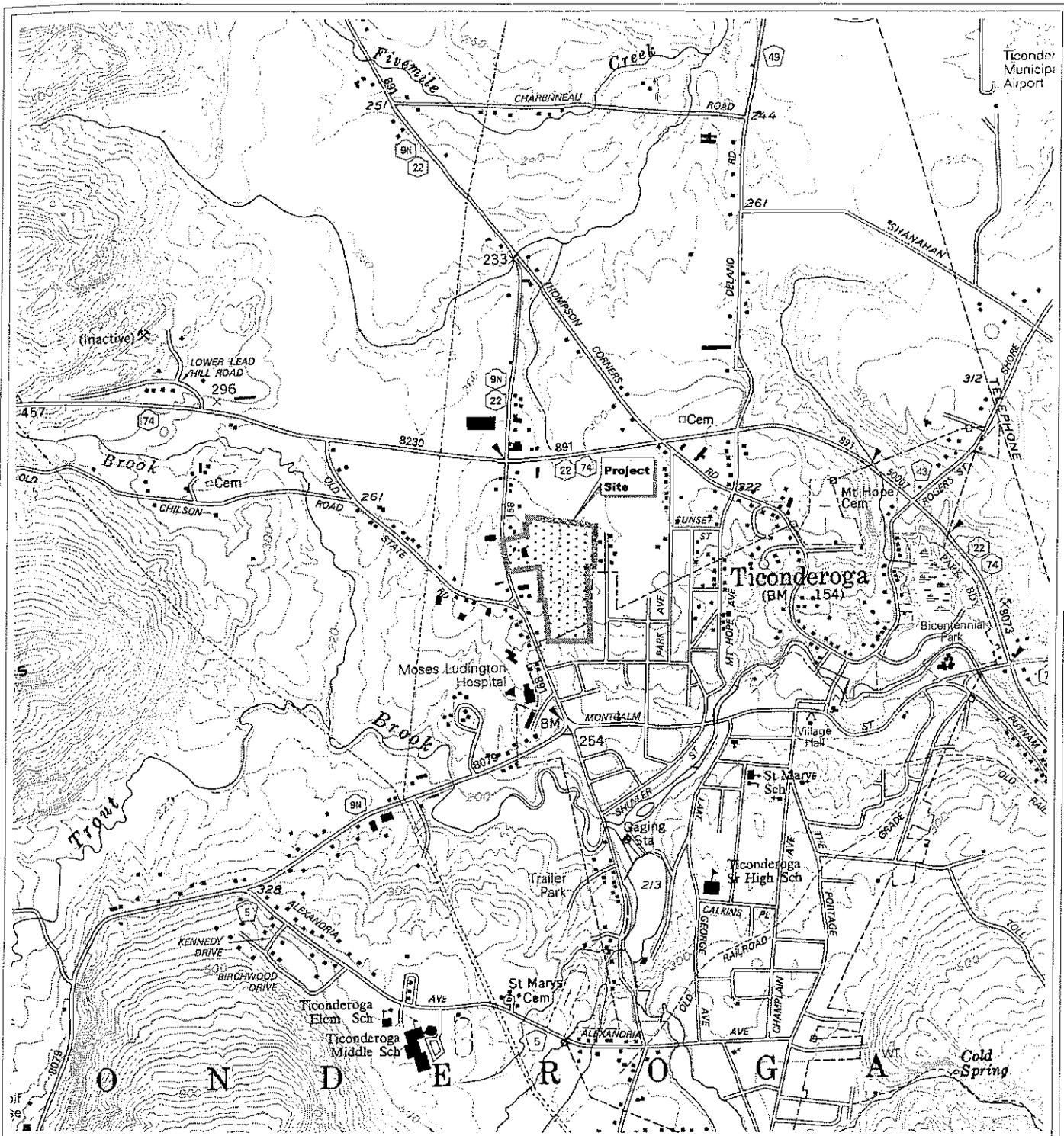
The applicant, Ticonderoga Property Development, LLC, has requested Department of the Army authorization for the discharge of fill material into 0.27 acres of wetlands and 140 linear feet of an unnamed tributary associated with the La Chute River, on an approximately 27.02-acre site in the Town of Ticonderoga, Essex County, New York. The purpose of the project is to construct a Lowe's Home Improvement Store and garden center.

The work would involve the construction of a 152,891 square-foot retail store, including an open air garden center, a 441 space parking area totaling 146,600 square feet, access road, and paved areas adjacent to the store. In addition, a retaining wall would be constructed on the south side of the store bordering wetlands in order to minimize impacts to the wetlands.

The proposed project would share an access road with an existing Wal-Mart store constructed on the adjacent property. The construction of the store required Department of the Army authorization for the discharge of fill material into 0.47 acres of wetlands, with 1.33 acres of wetland creation as mitigation.

To mitigate for the proposed impacts to aquatic resources, the applicant proposes an in-lieu-fee arrangement of \$25,000 that would provide funding for the construction of wetlands in a stormwater treatment system that is part of the West Brook Watershed Protection Project in Lake George. The project is part of a comprehensive plan designed to protect the water quality of Lake George. The funding would be managed by a joint public authority that would be established between the Town and Village of Lake George. In lieu of preserving the mitigation wetlands in a conservation easement or deed restriction, the applicant indicated the wetlands would be dedicated as municipal "parkland". Both Lake George, of which West Brook is a tributary, and the unnamed tributaries on the project site, drain to the La Chute River.

The applicant also proposes to construct an open pond area on the project site designed to detain stormwater run-off and to provide water quality treatment. As additional mitigation for impacts to aquatic resources, the applicant would incorporate an aquatic bench within the pond area that would be vegetated with aquatic plant species and function to remove pollutants from the water prior to being discharged from the detention basin.



1000 0 1000 2000 Feet



1:24,000 scale

1 inch equals 2,000 feet



Location on Quadrangle

Source: Ticonderoga, N.Y., 7½-minute topographic quadrangle, NY State Department of Transportation, 1992 edition (digital version).



the LA group
Landscape Architecture
and Engineering, PC.

**Proposed Site of
Lowe's Home Improvement Store
Town of Ticonderoga
Essex County, New York**

**Figure 1
Site Location Map**

Sheet 1 of 7

RECEIVED JUL 10 2006

DRAWING P4 AREA C

DRAWING P4 AREA A

DRAWING P4 AREA D

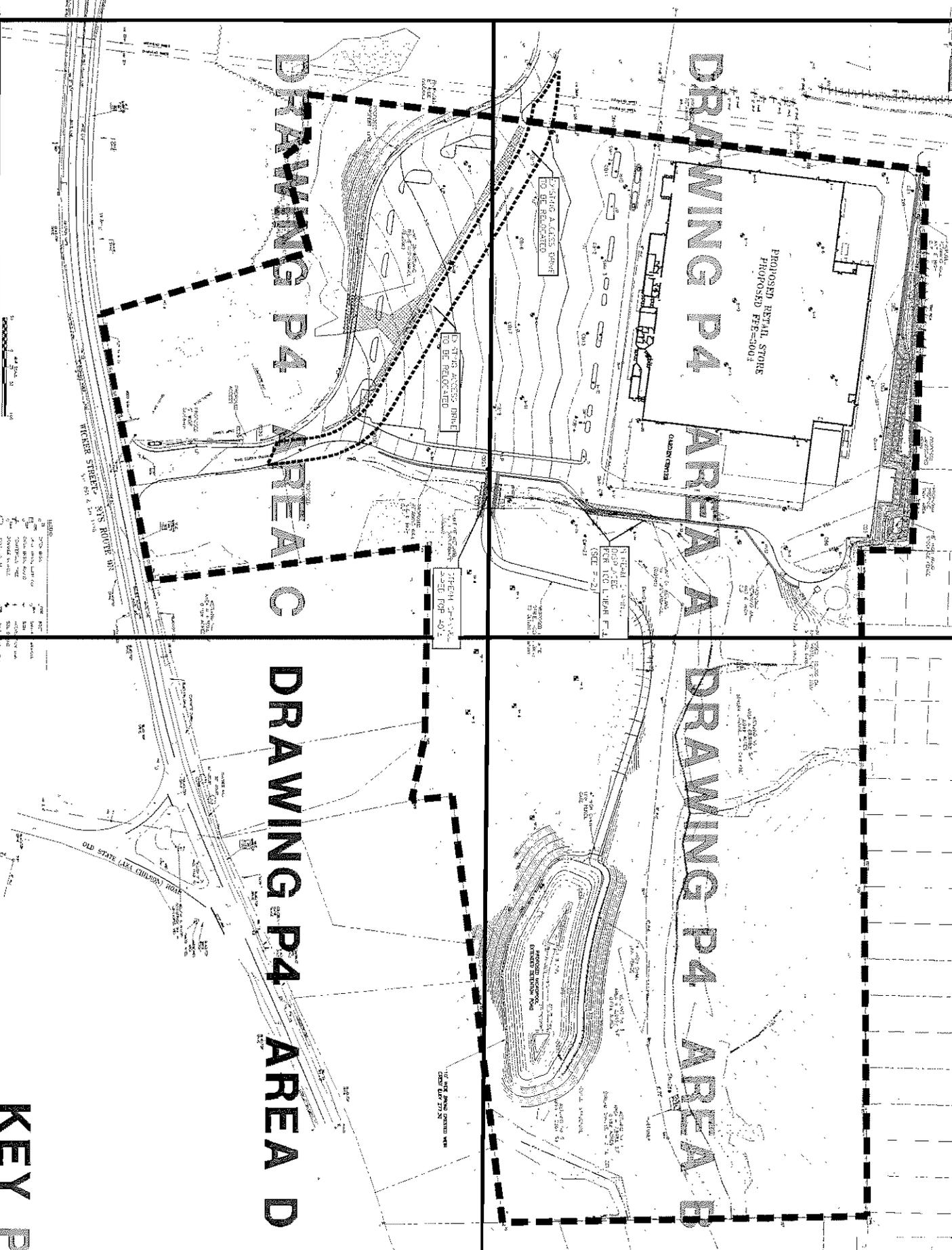
DRAWING P4 AREA B

PROPOSED RETAIL STORE
PROPOSED FEE=3004

EXISTING CONC. DRIVE
TO BE RELOCATED

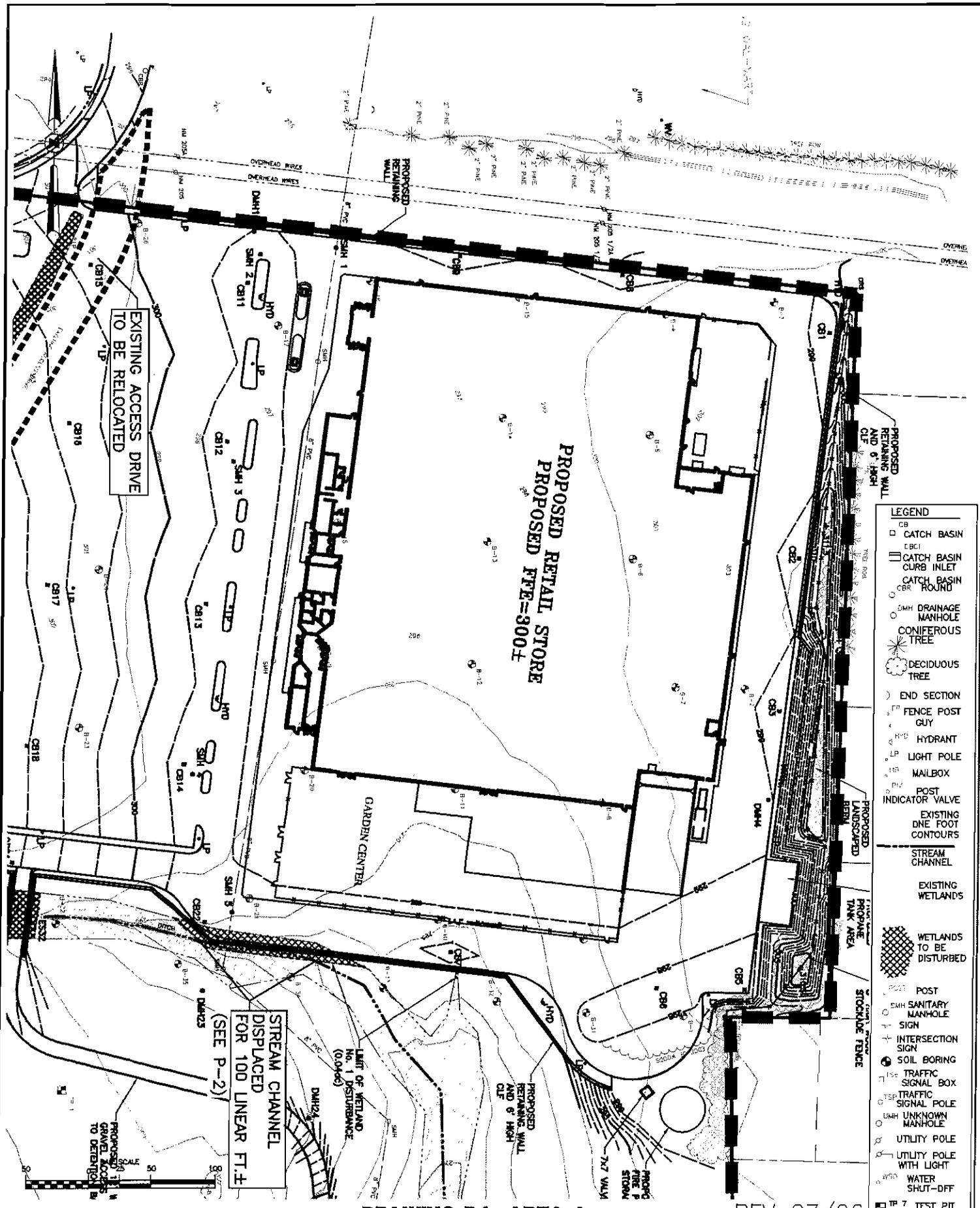
FRESH CANAL
200E FOR 40' L

10' WIDE SAND COVERED VHS
OVER 10' WIDE 27' IN



LEGEND

1/4" = 1'0"	PROPOSED DRIVE
1/8" = 1'0"	EXISTING DRIVE
1/16" = 1'0"	PROPOSED SIDEWALK
1/32" = 1'0"	EXISTING SIDEWALK
1/64" = 1'0"	PROPOSED PAVEMENT
1/128" = 1'0"	EXISTING PAVEMENT
1/256" = 1'0"	PROPOSED GRASS
1/512" = 1'0"	EXISTING GRASS
1/1024" = 1'0"	PROPOSED SAND
1/2048" = 1'0"	EXISTING SAND
1/4096" = 1'0"	PROPOSED WATER
1/8192" = 1'0"	EXISTING WATER
1/16384" = 1'0"	PROPOSED ROCK
1/32768" = 1'0"	EXISTING ROCK
1/65536" = 1'0"	PROPOSED CURB
1/131072" = 1'0"	EXISTING CURB
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1/41137622952880062669893549482264444444416" = 1'0"	PROPOSED FINISH LINE
1/82275245905760125339787098964528888888832" = 1'0"	EXISTING FINISH LINE
1/16455049181152025067957419792916777777776" = 1'0"	PROPOSED FINISH LINE
1/32910098362304050135914839585833555555552" = 1'0"	EXISTING FINISH LINE
1/65820196724608100271829679171671111111104" = 1'0"	PROPOSED FINISH LINE
1/13164039345121620054365938354342222222208" = 1'0"	EXISTING FINISH LINE
1/263280786902432401087318767086844444	



LEGEND	
[Symbol]	CATCH BASIN
[Symbol]	CATCH BASIN CURB INLET
[Symbol]	CATCH BASIN ROUND
[Symbol]	DMH DRAINAGE MANHOLE
[Symbol]	CONIFEROUS TREE
[Symbol]	DECIDUOUS TREE
[Symbol]	END SECTION
[Symbol]	FENCE POST GUY
[Symbol]	HYDRANT
[Symbol]	LIGHT POLE
[Symbol]	MAILBOX
[Symbol]	POST INDICATOR VALVE
[Symbol]	EXISTING DNE FOOT CONTOURS
[Symbol]	STREAM CHANNEL
[Symbol]	EXISTING WETLANDS
[Symbol]	WETLANDS TO BE DISTURBED
[Symbol]	POST
[Symbol]	DMH SANITARY MANHOLE SIGN
[Symbol]	INTERSECTION SIGN
[Symbol]	SOIL BORING
[Symbol]	TRAFFIC SIGNAL BOX
[Symbol]	TRAFFIC SIGNAL POLE
[Symbol]	DMH UNKNOWN MANHOLE
[Symbol]	UTILITY POLE
[Symbol]	UTILITY POLE WITH LIGHT
[Symbol]	WATER SHUT-DFF
[Symbol]	TEST PIT

DRAWING P4 AREA A

REV 07/06

GRADING PLAN

PROPOSED LOWE'S RETAIL STORE, TICONDEROGA, N.Y.

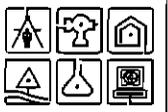
SCALE: 1" = 100'

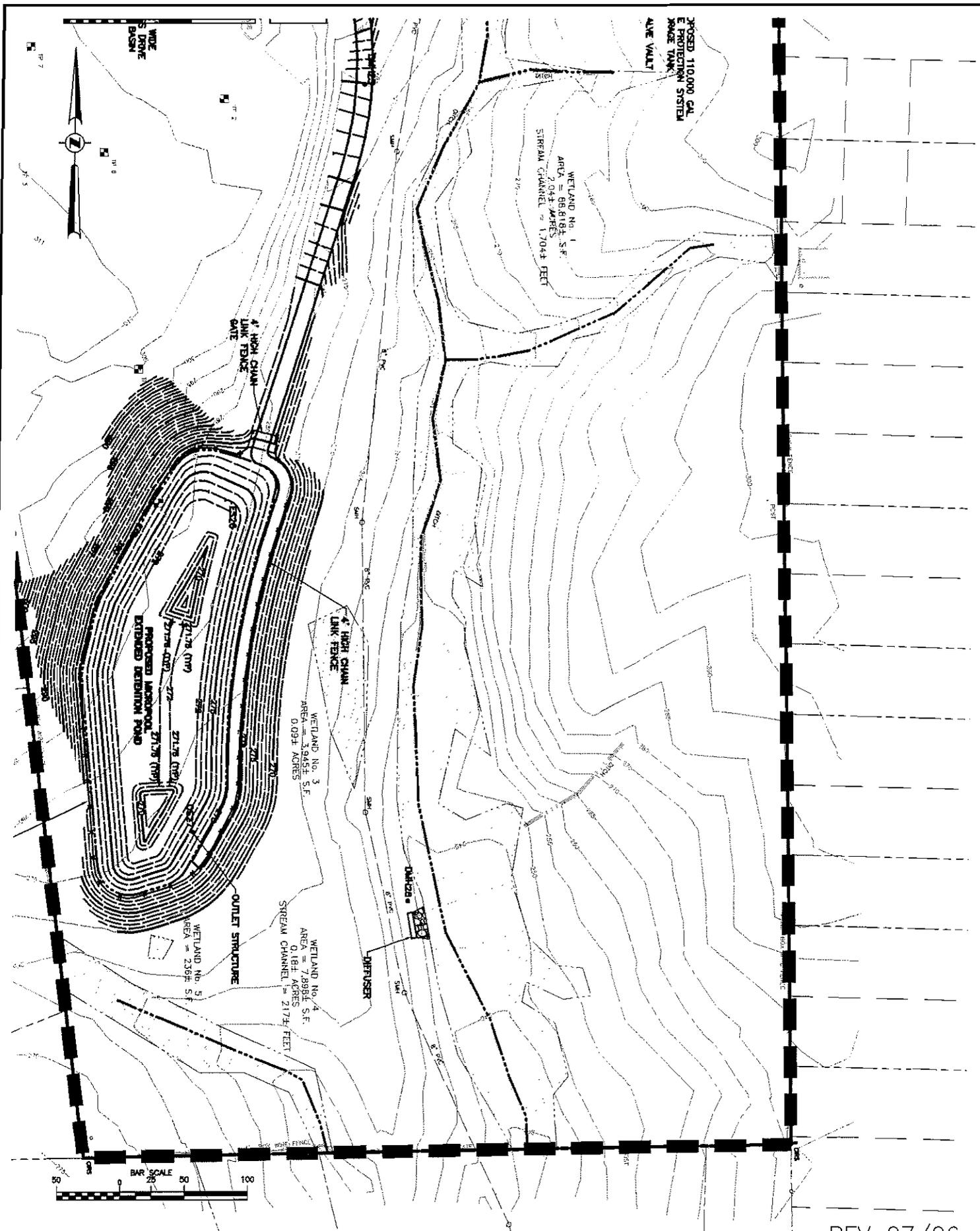
DATE: JANUARY 2006

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DRAWING P4 AREA B

GRADING PLAN

PROPOSED LOWE'S RETAIL STORE, TICONDEROGA, N.Y.

SCALE: 1" = 100'

DATE: JANUARY 2006

C.T. MALE ASSOCIATES, P.C.

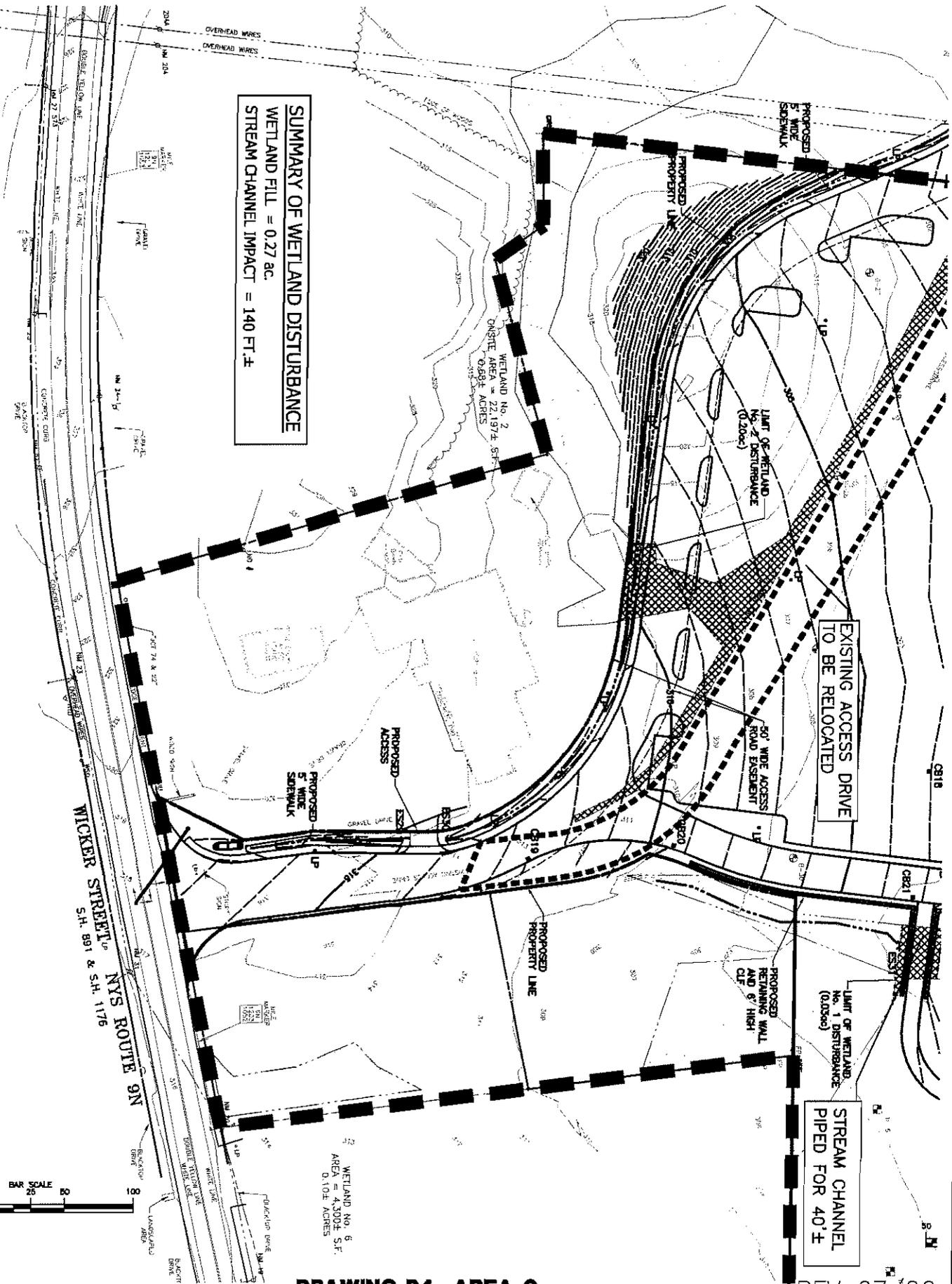
50 CENTURY HILL DRIVE, P.O. BOX 727, LATHAM, NY 12110
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Environmental Services * Survey & Land Information Services





SUMMARY OF WETLAND DISTURBANCE
 WETLAND FILL = 0.27 ac.
 STREAM CHANNEL IMPACT = 140 FT.±



DRAWING P4 AREA C

REV 07/06

GRADING PLAN

PROPOSED LOWE'S RETAIL STORE, TICONDEROGA, N.Y.

SCALE: 1" = 100'

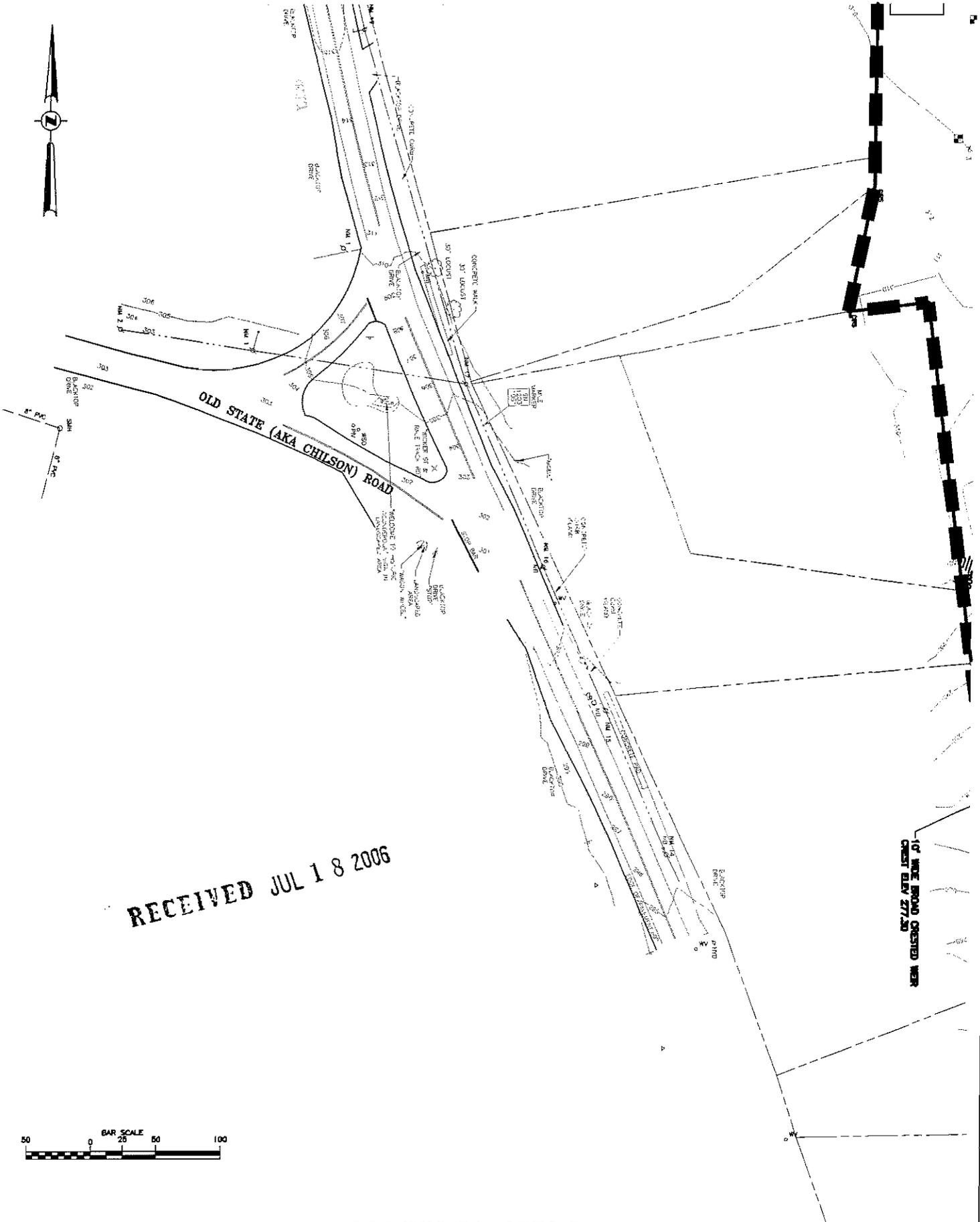
DATE: JANUARY 2006

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DRAWING P4 AREA D

GRADING PLAN

PROPOSED LOWE'S RETAIL STORE, TICONDEROGA, N.Y.

SCALE: 1" = 100'

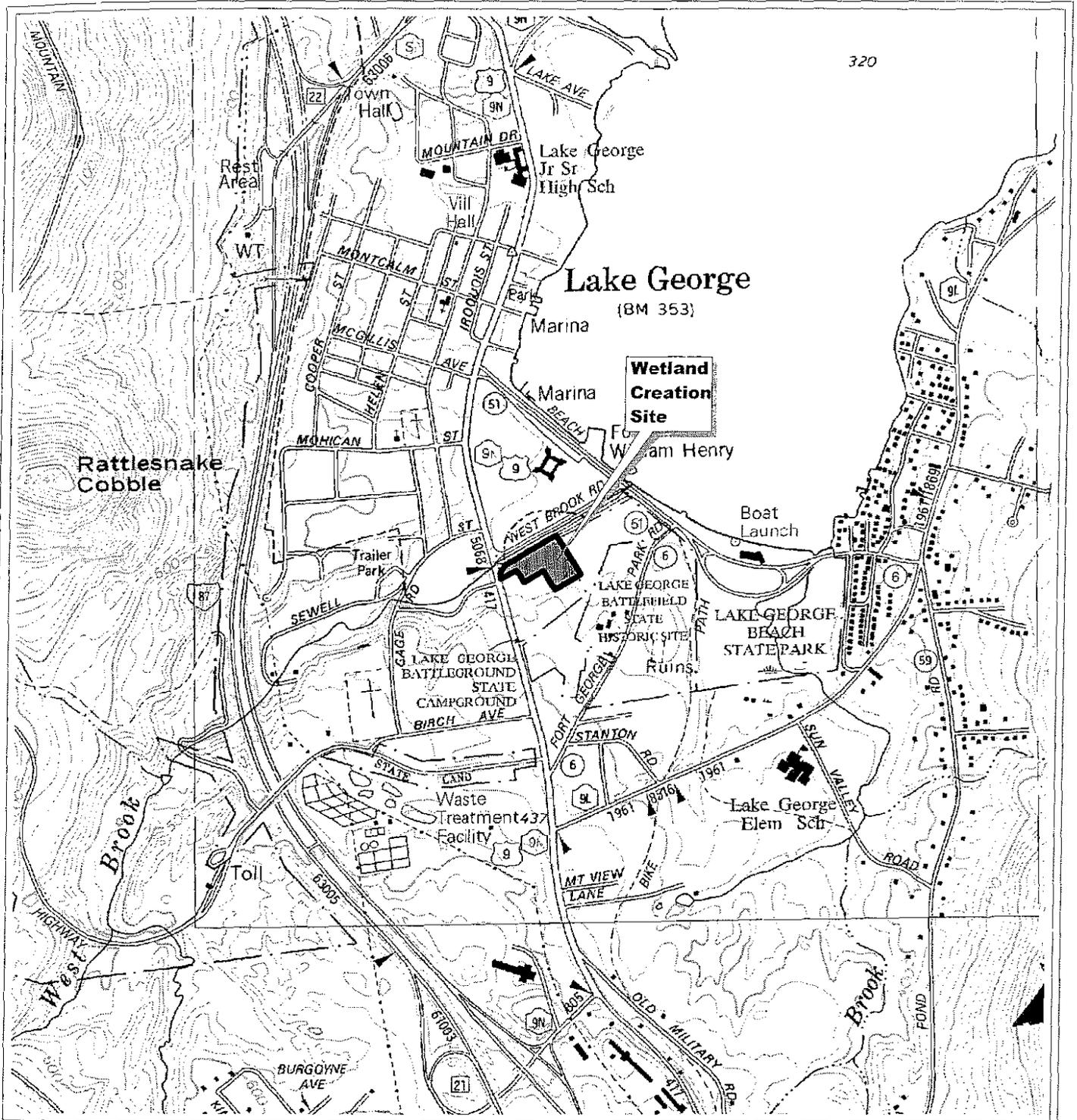
DATE: JANUARY 2006

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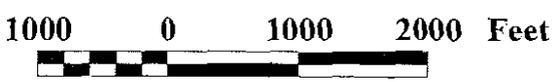




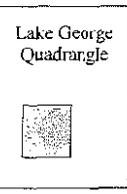
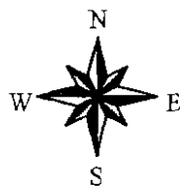
320

Lake George
(8M 353)

**Wetland
Creation
Site**



1:18,000 scale
1 inch = 1500 ft



Location on Quadrangle

Source: Lake George, N.Y., 7½-minute topographic quadrangle, NY State Department of Transportation, 1992 edition (digital version).

Sheet 7 of 7



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Landscape Architecture
and Engineering, PC

**Wetland Permit Application for the
Lowe's Home Improvement Store
Town of Ticonderoga**

**Figure 3
Wetland Creation
Site Location**