



Public Notice

**U.S. Army Corps
of Engineers
Baltimore District**

Application Number: 408-NAB-2019-0009

PN 19-08

Comment Period: June 17, 2019 to July 17, 2019

The US Army Corps of Engineers, Baltimore District has received an application to alter a US Army Corps of Engineers Civil Works Project, pursuant to 33 USC 408 (Section 408).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: New York State Department of Environmental Conservation

AGENT: Vasyl Hayvanovych, Ph.D.

FEDERAL PROJECT: Northwest and South Binghamton Local Flood Protection Project

LOCATION: Binghamton, NY; Broome County

ACTIVITY: Repair deteriorated conduits of nine (9) drainage structures (DS) penetrating the Susquehanna (DS-18: DS-21: DS-26A: DS-38 & DS-39) and Chenango (DS-61; DS-57: DS-78 & DS-79) Rivers levee systems. Repairs will include installation of five (5) new sluice gates (DS-18: DS-21; DS-26A: DS-61 & DS-78), and two flap gates (DS-38 & DS-39) as secondary level of protection. Two drainage structures (DS-67 & DS-79) will be abandoned.

The decision whether to issue a permit will be based on an evaluation of the proposed modification specifically to the authorized federal civil works project to ensure that it is not injurious to the public interest or affect the USACE project's ability to meet its authorized purpose(s).

In addition, a decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The decision for work proposed at existing civil works projects includes an evaluation of the probable environmental impacts of that project on Corps owned facilities. The U.S. Army Corps of Engineers, Baltimore District, will prepare appropriate documentation in accordance with the provisions of the NEPA of 1969, as amended, the Council of Environmental Quality's (CEQ) regulations (40 CFR 1500-1508), and the Corps' Engineering Regulation (ER) 200-2-2, Procedures for Implementing NEPA, 4 March 1988. This process potentially involves multiple phases and steps that are dependent on an evaluation of the potential impacts of the proposed project with regard to the physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem, endangered and threatened species, hazardous and toxic materials, aesthetics and recreation, cultural resources, the general needs and welfare of the public, and other considerations. As the potential significant impacts of a project increase, so does the complexity of reaching an agency action.

The Corps of Engineers has jurisdiction under Section 408 only over the specific activities or portions of activities that have the potential to alter a USACE project. Therefore, if the proposed alteration is part of a larger project (and/or its associated features) that extends beyond the USACE project boundaries, the USACE District will determine what portions or features of the larger project USACE has sufficient control and responsibility over to warrant their inclusion in the USACE review. The scope of analysis for both the technical review and NEPA compliance evaluations for the Section 408 review will be limited to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration found on USACE property or other easements.

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 which involve the federal real estate interest within the USACE project limits. 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 to the authorized project.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted via email to the undersigned below, or, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Nicholas Krupa at 410-962-4721, via email at Nicholas.E.Krupa@usace.army.mil or writing this office at the above address.

Steven M. Brown
Chief, Flood Risk Management Branch
Operations Division