

**US Army Corps
of Engineers**
Baltimore District

**DRAFT FINDING OF NO SIGNIFICANT IMPACT AND
ENVIRONMENTAL ASSESSMENT**

**WHITNEY POINT DAM, NEW YORK
BROOME COUNTY**

CRIB WALL REMEDIATION PROJECT

SEPTEMBER 2022

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DRAFT FINDING OF NO SIGNIFICANT IMPACT

Whitney Point Dam Crib Wall Remediation Project Broome County, New York

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers, Baltimore District (USACE) has assessed the environmental effects of the proposed Whitney Point Dam Crib Wall Remediation Project, located in Broome County, New York. The remediation project is necessary to maintain existing infrastructure at Whitney Point Dam, which Baltimore District operates and maintains for flood risk management purposes. An existing crib wall, built in 1942 to provide stabilization and maintenance access on the hillside above the spillway, has been subject to progressive deterioration that could eventually limit functionality of an adjacent maintenance road. Improper drainage and freeze/thaw heave effects over the wall's 80-year life have displaced concrete sections of the crib wall and backfill material. The proposed action involves construction of an approximately 1600 linear-foot earth fill and stone buttress in front of the crib wall, where the gravel maintenance road currently exists, and relocation of the maintenance road to an existing bench above the crib wall.

The design will use earth fill material excavated from an adjacent forested borrow area. A portion of the borrow area will be permanently altered for construction of the replacement gravel maintenance road, and the remaining disturbed area will be stabilized and revegetated by seeding an appropriate grass seed mixture and planting young trees.

All proposed activities would occur on USACE-managed lands at Whitney Point Lake. The Flood Control Act of 1936, as amended by the Flood Control Act of June 28, 1938, authorized construction of Whitney Point Lake by USACE to manage flood risk in the Otselic River Watershed and Upper Susquehanna River basin. Secondary uses of the project lands and waters include recreation and wildlife management.

The environmental assessment was prepared in compliance with NEPA and supporting regulations promulgated by the Council on Environmental Quality and the USACE. Four alternatives were considered and evaluated for this project including the proposed action (earth fill/buttress), repair/replacement in kind, a structural alternative, and no action.

Potential impacts to aquatic resources; terrestrial resources; endangered and threatened species; hazardous, toxic, and radioactive substances; cultural resources; and social welfare were assessed.

Short-term, minor, adverse impacts from the proposed project include dust, air emissions, and noise from construction activities; and temporary loss of vegetation in areas disturbed. The construction of the buttress will replace the deteriorating crib wall, thereby ensuring future stability of the slope above the spillway and allowing continued safe use of the maintenance road by Whitney Point Dam staff. Appropriate steps to minimize potential adverse impacts, including the implementation of best management practices

(BMPs), will be incorporated into the project. BMPs will include utility markings, general safety and security, sanitary requirements, pollution control, traffic regulation and parking, and will be described in the project's Division 1 specifications.

The proposed project will not have an adverse effect on any threatened or endangered species or their critical habitat. No impacts to cultural resources or National Register of Historic Places properties are expected.

The accompanying environmental assessment, which was made available for a 30-day public review, supports the conclusion that the project does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not necessary to perform the proposed crib wall remediation.

Date

Esther S. Pinchasin
Colonel, U.S. Army
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1 INTRODUCTION

1.1 Project Authority

The Flood Control Act of 1936, as amended by the Flood Control Act of June 28, 1938, authorized construction and maintenance of Whitney Point Lake by USACE to manage flood risk in the Otselic River Watershed and Upper Susquehanna River basin. Secondary uses of the project lands and waters include recreation and wildlife management.

1.2 Project Location and Setting

Whitney Point Lake Project is located on the Otselic River in Broome County, New York, approximately 0.75 miles north of the Village of Whitney Point where the Otselic River meets the Tioughnioga River. The Tioughnioga River is a tributary of the Chenango River, which eventually flows into the Susquehanna River. Whitney Point Lake Project lands occupy approximately 4,614 acres with 4,564 fee-simple acres and 49 flowage easement acres (USACE n.d.) (Figure 1-1).

All proposed activities would occur on USACE-managed lands. The project area, including the deteriorating crib wall, gravel maintenance road, borrow area and staging area, is located south of the dam structure above the dam's spillway and below Route 26. The crib wall is approximately 1,600 feet long and runs immediately adjacent to the gravel maintenance road, also known as Prospect Street. The borrow and staging areas are on the southern end of the crib wall, downstream of the spillway.

1.3 Project Background

The Flood Control Act of June 22, 1936 (Public Law 74-738, 74th Congress, 2nd Session) authorized the Whitney Point Lake Project as a part of a comprehensive plan for flood protection in the Upper Susquehanna River Basin. Construction on the project broke ground in 1938 and concluded in 1942. The reservoir provides immediate flood protection for Binghamton, New York, and reduces flood heights on lower Chenango River and the north branch of Susquehanna River in New York and Pennsylvania (USACE 2019b). Recreation and wildlife management are secondary benefits of Whitney Point Lake. The lake receives thousands of visitors annually participating in boating, fishing, hiking, picnicking, and sightseeing (USACE 2019c).

When downstream flooding is not a concern, releases are managed to maintain a steady year-round pool level that provides in-lake recreation and environmental benefits. During periods of low flow, a minimum release is maintained for environmental benefits to the downstream river systems. Regulation for low flow augmentation is also permitted for Whitney Point Lake. Increased releases can be made to augment downstream flows when certain low flow threshold triggers are reached.

The reservoir controls a 255 square mile drainage area and extends 12 miles north covering 3,340 acres when filled to spillway elevation. The pool area is 1,200 acres. The dam at Whitney Point Lake is constructed with earth roll fill and is 4,900 feet long and 95 feet high as measured from the riverbed.

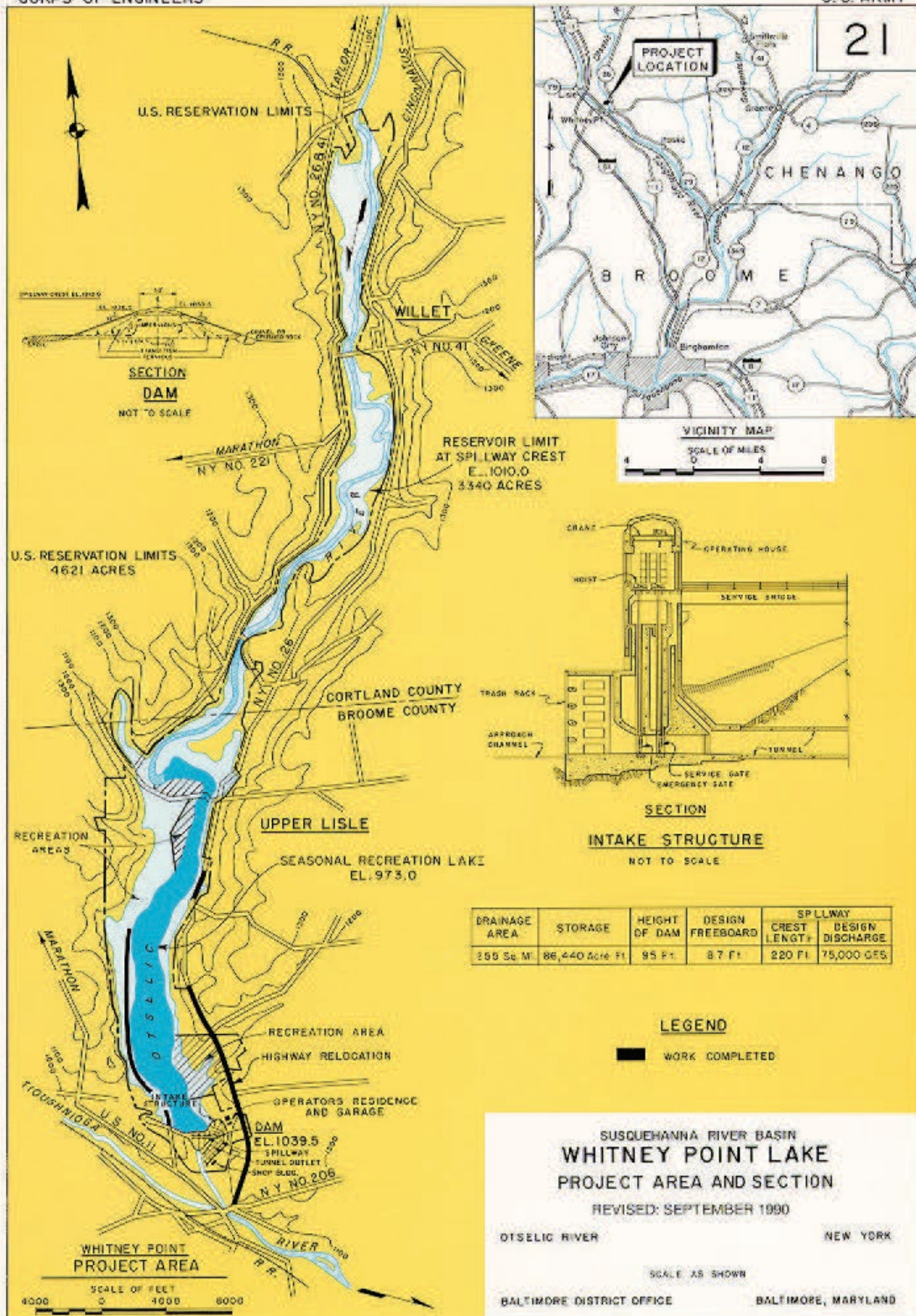


Figure 1-1 USACE standard map for Whitney Point Dam and Reservoir, NY.

The concrete spillway is located on the left abutment, with a crest length of 220 feet (USACE 2019b).

The crib wall was constructed in 1941 during original construction of the dam. It is made of pre-cast concrete “bin” members and runs approximately 1,600 feet from north to south roughly paralleling the spillway to the west and Route 26 to the east. It is 10 feet at its tallest, and tapers down to 4 feet at the northern and southern ends. The wall retains a slope constructed with engineered pervious backfill running from the top of the wall to Route 26. Two 10-foot-wide benches and a gravel lined drainage swale are cut into the slope between the top of the crib wall and Route 26 and intercept much of the runoff that falls on Route 26 and the slope. At the base of the crib wall, Prospect Street (hereafter, “maintenance road”) is a 15-foot-wide gravel access road which also intercepts runoff from the slope (Figures 1-2 and 1-3). The maintenance road is not necessary for normal operations of the project but is useful for maintenance and routine inspection purposes (USACE 2020).



Figure 1-2 Crib wall and adjacent gravel maintenance road (Prospect Street).



Figure 1-3 Photo showing locations of the existing maintenance road, crib wall, and existing bench/proposed access.

Deteriorated concrete sections of the crib wall were repaired in 1963, and a detailed inspection was conducted in 1967. The 1967 inspection concluded that freeze/thaw action was contributing to gradual deterioration and displacement of the concrete wall unit, and that repairs may be necessary sometime in the following several years (USACE 2020).

In June 2019, USACE conducted a site visit to inspect the crib wall. The crib wall was found to be in fair to very poor condition. Specifically, the inspectors noted that due to freeze/thaw action and improper drainage the upper 4 feet of the crib wall was offset and bowed out in some sections, some concrete members showed exposed rebar, and backfill and concrete members had become dislodged and fell to the maintenance road below. The inspection concluded that the crib wall is not at risk of imminent failure, nor is there likely to be significant impacts to critical infrastructure such as Route 26 or the spillway if the crib wall continues to deteriorate. However, continued deterioration of the crib wall would restrict use of the maintenance road (USACE 2020).

1.4 Purpose and Need

USACE needs to repair or replace the existing crib wall at Whitney Point Dam, NY. The purpose is to stabilize the slope above the spillway and to maintain access across a hillside. Impacts to the maintenance road from crib wall deterioration would limit its function as access for maintenance and routine inspection. The selected crib wall remediation alternative should provide a long-term (80+ years) functional life, include appropriate drainage, preserve access for maintenance and inspection, and demonstrate fiscal responsibility.

This environmental assessment (EA) has been prepared by USACE pursuant to the National Environmental Policy Act (NEPA) and Engineering Regulation (ER) 200-2-2. This EA evaluates the potential environmental and socioeconomic impacts from repair or replacement of the crib wall at Whitney Point Lake Project.

1.5 Coordination

In compliance with NEPA of 1969, as amended, coordination was conducted with Federal, State, and local resource agencies. Appendix B contains copies of agency coordination letters.

A Public Notice of Intent to Prepare an Environmental Assessment was posted on August 21, 2020, to the USACE web site and was distributed to the contacts listed in Appendix B. One comment was received from the New York State Department of Transportation (NYSDOT), which was incorporated into the review.

Agency coordination was conducted by USACE with the U.S. Fish and Wildlife Service (USFWS) through the Information, Planning, and Consultation (IPaC) online system to ensure compliance with Section 7 of the ESA. Review was also performed by the New York State Department of Environmental Conservation, Natural Heritage Program (NYSDEC) and a response was provided on September 22, 2020.

USACE coordinated with the New York State Historic Preservation Office (SHPO) to ensure compliance with Section 106 of the National Historic Preservation Act. Consultation letters were mailed to Federally listed tribes with potential interest in the project area.

2 ALTERNATIVES

2.1 Alternative 1: No action

The No Action alternative would allow the crib wall to continue in its current state with repairs made on an as-needed basis as further deterioration occurs. The crib wall was not determined to be at an imminent risk of severe failure. Rather, as the wall continues deteriorating, debris from the wall would dislodge onto the gravel maintenance road. To limit exposure to falling crib wall debris, dam operators may limit access to the maintenance road to use only for emergency access, periodic maintenance (e.g., clearing debris from the spillway), and inspections. The primary risk with a no action alternative, beyond the potential loss of the use of the maintenance road, is a substantial collapse of the crib wall structure with progressive failure of the slope above the wall. In the worst case, slope failure above the crib wall could progress far enough to jeopardize the stability of Route 26. While the high quality of the backfill material and placement methods used in the original construction would likely limit failure to localized areas, some regrading and stabilization measures could be required.

2.2 Alternative 2: Repair/Replace in Kind

The crib wall is constructed of linked precast reinforced concrete members. The damaged concrete members can be replaced in kind with new members by unstacking and

replacing in kind. This would involve excavating behind the wall down to the damaged members, unstacking the wall members above, replacing the damaged pieces, and restacking the wall. Removal and replacement of the concrete members within the upper 4 feet of the structure could be accomplished with modest excavation and reconstruction efforts. However, deterioration of the concrete elements, while worst in the upper three to four feet, extends to all levels of the wall and would ultimately require complete removal of the crib wall structure. A replacement structure would consist of an in-kind structure, or some version of a modern mechanically stabilized earth retaining wall having a footprint similar to the existing crib wall. This alternative would preserve the unrestricted use of the existing maintenance road.

2.3 Alternative 3: Structural Solution

A structural solution would allow for the continued use of the existing maintenance road. Anchors can be installed along with steel or concrete lagging members and would be placed in front of the existing wall with anchors penetrating the backfill materials to retain backfill and prevent movement of the crib wall toward the roadway. This option could completely replace the crib wall function or could be paired with the repair method described for the previous alternative to create a higher capacity wall. Depending on the exact structural solution, drainage features may be required to assure that hydrostatic pressure from infiltration of precipitation does not build up behind the new wall face.

2.4 Alternative 4 (Preferred Alternative): Earth Fill/Buttress Solution

An earth or rock buttress could be constructed in front of the wall, sloped to tie in with the existing grade above the wall. In reaches where there is sufficient road and shoulder width, the buttress would consist of earth fill materials with drainage features incorporated as necessary to assure drainage of water that infiltrates the general pervious backfill of the existing crib wall and slope backfill. An earth slope would have slopes not exceeding 2 feet horizontal over 1 foot vertical with a rip-rap surface. Earth fill materials would be obtained from on-site sources immediately down gradient of the existing crib wall that were originally designated as a borrow source for construction of the impervious section of the dam. In reaches where the width of the roadway and shoulder is not sufficient for an earth fill solution, the buttressing fill would consist of rock fill likely obtained from commercial sources, having 1.75 feet horizontal on 1-foot vertical exterior slopes. Routine maintenance would consist of occasional herbicide treatment to prevent the development of objectionable vegetation. This option would preclude continued use of the existing maintenance road. A new maintenance road would be constructed within the proposed borrow area to connect an existing, traversable 10-foot bench and the existing maintenance road. Other design considerations, such as removal of some of the upper crib wall concrete elements, or provision of walking access between the buttress section and the spillway features, would be developed during a more detailed design phase.

The proposed project includes removing material from a borrow area for use in constructing the buttress. The proposed staging area is located south of the crib wall on the east side of the spillway. Access to the staging area would be primarily from Prospect

Street from NY State Route 26 to the south, and the existing maintenance road can be used as haul/access route. Fill materials from the south borrow area can be hauled to the north end of existing crib wall for the placement of a new berm. As the construction would progress from the north end to the south end, the existing access road would start diminishing under the new earthfill/rock buttress sections, and excavation from the borrow area would start creating access for the layout of the new maintenance road.

Standard construction equipment, such as excavators, backhoes, bulldozers, dump trucks, and soil compaction equipment would be used to complete the project. Equipment usage would be limited to the staging area and project Limit of Disturbance, except for normal ingress and egress to the project area. The contract for construction would last one year, with an approximate construction duration of 8 to 9 months.

2.5 Evaluation of Alternatives

2.5.1 Alternative 1

Alternative 1 carries the risk of continued ongoing costs associated with repair and maintenance, as well as the risks of eliminating use of the existing maintenance road and jeopardizing the stability of the slope leading to Route 26 as deterioration and instability of the crib wall progresses. This alternative would not meet the purpose and need of the study and therefore was eliminated from further consideration.

2.5.2 Alternative 2

Alternative 2 would require disassembly of the stacked concrete elements, removal and stockpiling of some excavated backfill materials, fabrication of replacement concrete elements, and reassembly of the structure using upgraded backfill material. While technically feasible, the magnitude of the construction effort would be like that required for the original crib wall construction. Alternative 2 was eliminated from further consideration due to the significant cost and environmental impacts associated with disassembly, excavation, and reconstruction of the existing crib wall.

2.5.3 Alternative 3

Alternative 3 may have greater uncertainty with respect to functional life because of the buried anchor elements. It is also estimated that the cost would be of a similar order of magnitude to Alternative 2. Alternative 3 was therefore eliminated from further consideration.

2.5.4 Alternative 4

Alternative 4 – the earth fill/buttress solution – is the preferred alternative. Alternative 4 meets the project purpose and need, and its expected functional life is greater than potential structural solutions, but at a much lower cost. The potential environmental, cultural, and social impacts of Alternative 4 are assessed below.

3 EXISTING CONDITIONS AND PROJECT IMPACTS

This section describes the affected environment, the existing conditions and the potential project impacts on the natural and socioeconomic resource categories that are applicable

to the project area. Each environmental, cultural, and social resource category was reviewed for its applicability to the project.

For the purpose of describing existing conditions and environmental effects, the project area is defined as the area directly affected by project construction, including the crib wall, gravel maintenance road, 10-foot slope bench, borrow source and staging area (See Appendix A). The project area is located between the Whitney Point dam spillway and Route 26. Online environmental resource information, Google Earth Pro and Google Maps imagery were used to assess existing conditions. Information provided by the USACE Baltimore District Operations Division in the “DRAFT Whitney Point Dam Crib Wall Remediation Design Report” was also used to identify existing conditions and project impacts.

3.1 Land Use

The proposed crib wall repair project area is located on Federal lands, which USACE operates primarily for flood risk management. Whitney Point Lake is also open to the public for recreational use, although Broome County Department of Parks, Dorchester Park operates the recreational facilities. The project area is used for facility operations (USACE 2019a, 2019b).

The project area consists mostly of disturbed open grassy areas and mixed deciduous forests. Bordering the project area is the Whitney Point Dam spillway and outfall to the west, and Route 26 to the east. Surrounding properties exterior to USACE project lands include vacant forested property, forested residential properties, and one commercial property (Google Earth 2017, USACE 2020).

Prior to original construction of the dam, the borrow area was investigated for potential excavation of fill material. The fill material was not necessary; therefore, the site was not excavated. The proposed borrow area is located at the southern end of the crib wall and contains mixed deciduous forest, which was previously cleared during the Dam’s construction but has not been altered since (USACE 2020, USGS 2016).

The No Action alternative would ultimately reduce the functionality of the gravel maintenance road and the stability of the engineered backfill slope.

Land use changes associated with the preferred alternative include converting the gravel maintenance road to an earth fill and stone (riprap) buttress, new use of a 10-foot-wide grassy bench for maintenance road access, disturbance of the forested borrow area, and conversion of a portion of the forested borrow area to maintenance road access. Approximately 1.3 acres of trees, brush and topsoil would be removed from the borrow area to obtain the required earth fill quantity and clear a path for the relocated maintenance road (See Appendix A). Approximately 15% of the borrow area (10,128 sq ft or 0.2 acres) would be permanently altered for maintenance road relocation. In the remaining 85%, topsoil would be replaced, and disturbed areas would be reseeded, and replanted with native trees and shrubs. A planting plan will be developed separately.

The 2019 Whitney Point Lake Master Plan defines the project area land use type as “Vegetative Management” area. No change to this designation is proposed.

3.2 Geology and Topography

The project area lies within the Glaciated Low Allegheny section of the Northern Allegheny Plateau province. The Glaciated Low Allegheny section consists of glacially smoothed rolling hills and narrow to wide valleys. Geologically, this area is comprised of Pleistocene glacial till, exposed bedrock, kame deposits, glacial lacustrine sand, and includes shale, siltstone, sandstones, and conglomerate.

Approximately 3,500 cubic yards of earth would be excavated from the 1.3 acre borrow area under the preferred alternative plan. Following replacement of topsoil, elevation in the borrow area would be lower in elevation than the pre-project surface by approximately 3 feet. Additionally, the existing maintenance roadway along the base of the crib wall would be replaced with a new roadway running along the lower of the two 10-foot-wide benches on the slope above the top of the wall. The proposed rehabilitation would occur within existing access road and crib wall area. Conditions would be returned with the least amount of new disturbance as practicable immediately after construction, while still achieving the project goals.

The no action alternative carries the risk of a substantial collapse of the crib wall structure with progressive failure of the slope above the wall.

3.3 Soils

According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the proposed project area’s primary soil types include Bath channery silt loam (MhD), cut and fill lands, gravelly materials (Cv), Lordstown channery silt loam (LdD), and Volusia Channery Silt Loam (VoD) (NRCS n.d.(a)). A small section of VoD soils are found in the project area, which are described as predominantly non-hydric with one minor (3%) hydric component (See Appendix A, Figure 2).

The crib wall retains engineered backfill consisting of compacted materials including cobbles, sand, silt, and clay. While the backfill was originally pervious when placed in 1941, today the backfill appears to have a high fines content and is compacted and impervious at the top of the wall.

Samples taken from five test pits within the proposed borrow area in September 2019 consisted primarily of silty, clayey gravel with sand, except for one test pit, which was described as silty, clayey sand with gravel (USACE 2020).

The proposed borrow area was originally investigated for use prior to construction of the dam but had not been excavated for borrow material. The preferred alternative would remove approximately 3,500 cubic yards of soil from the borrow area. Topsoil from the borrow area will be stockpiled then replaced, graded, and seeded after excavation of

borrow material (see section 3.1 for additional detail). The soil that would be disturbed may have been subject to previous construction activities due to construction of the dam.

An erosion and sediment control plan will be developed in accordance with the New York State Standards, which will include best management practices (BMPs) such as silt fences and other sediment and erosion control measures. Because topsoil would be removed but replaced over most of the impact area and work would follow BMPs, the soil disturbance would be temporary and minor.

Under the no action alternative, the existing crib wall would continue to erode and deteriorate. Crib wall members would periodically become dislodged and soil behind the crib wall would erode. Localized failure of portions of the crib wall and subsequent backfill disturbance would be expected in the future

3.4 Prime and Unique Farmlands

The USDA NRCS Soil Data Access Prime and Other Important Farmlands list for Broome County, New York describes the project area's soil types as "Not Prime Farmland," (NRCS n.d.(a)). No impacts will occur to Prime and Unique Farmlands.

3.5 Surface Waters

Whitney Point Lake is located on the Otselic River and controls the entirety of the Otselic River Watershed (255 square miles). At filled capacity, Whitney Point Lake extends 12 miles northward from the dam and can store 84,233 acre-feet (28.2 billion gallons) of water (USACE 2019a). The Whitney Point Lake spillway and outfall are located on the southeast side of the lake, just west of the project area. From the outfall, the Otselic River continues southward approximately $\frac{3}{4}$ miles before emptying into the Tioughnioga River at the Village of Whitney Point (Google Earth 2017). Desktop review of GIS sources and coordination with USACE Buffalo District Regulatory Division confirmed no surface waters exist within the project area.

The United States Environmental Protection Agency Office of Wetlands, Oceans, and Watersheds has identified Whitney Point Lake as impaired due to algae and phosphorus.

Neither the no action or preferred alternative would directly impact the surface waters of Whitney Point Lake or the Otselic River and no new permanent discharges to surface water are expected. Any necessary erosion and sediment control plans would be obtained prior to commencing construction of the preferred alternative, and work is expected to be performed in accordance with such permits.

3.6 Wetlands

No on-site visit was conducted for this assessment. A review of the USFWS National Wetlands Inventory (NWI) showed no NWI wetlands are located within the project or borrow areas. Whitney Point Lake and its outlet into the Otselic River are approximately 200 feet down gradient, at the closest, to the proposed project site (USFWS 2020).

A desktop review of multiple sources, including NWI and the New York State Department of Environmental Conservation's (NYSDEC) Wetland mapper, NRCS soils maps, as well

as coordination with dam operators and the USACE Buffalo District Regulatory Division, concluded that very little potential exists for a wetland system within the areas of disturbance for the crib wall. Therefore, no impacts to wetlands are expected. Areas adjacent to but outside of the project area have not been evaluated for wetlands, therefore any change in the project footprint would require review for wetland impacts.

3.7 Floodplains

When downstream flooding is not a concern, releases from Whitney Point Dam are managed to maintain a steady year-round pool level that provides in-lake recreation and environmental benefits. During periods of low flow, a minimum release is maintained for environmental benefits to the downstream river systems. Regulation for low-flow augmentation is also permitted for Whitney Point Lake. Increased releases can be made to augment downstream flows when certain low-flow threshold triggers are reached.

According to the Federal Emergency Management System's Flood Map Service Center, the project area is located outside the 500-year floodplain (FEMA 1984), therefore no impacts to the floodplain are expected.

3.8 Wild and Scenic Rivers

The National Park Service's National Wild and Scenic Rivers Systems was used to assess the presence of wild and scenic rivers within the project area. There are no Federally designated Wild and Scenic Rivers within the project area (NPS, 2020).

3.9 Terrestrial Resources

According to the New York State Department of Environmental Conservation, the principal species of game in Broome County are white-tailed deer, turkey, and a variety of small mammals, including squirrel and rabbit (NYSDEC, 2020). The project area is adjacent to a small, wooded area that is intended to be the borrow area for the crib wall rehabilitation. Other areas surrounding the crib wall include open fields, wooded areas, public roads, and low-density residential. Vegetation that exists within the proposed project footprint area is predominantly grass, shrubs, and small trees. The proposed borrow site consists of forest cover.

Field habitat in and adjacent to the project footprint is managed in two ways. The field area just below the overlook and the proposed staging area below the access road is mowed and/or weed wacked once per year (Figure 3-1, white outline). The area between the proposed crib wall and the proposed relocated access road is treated with broadleaf herbicide once per year (Figure 3-1, red outline).

The USFWS IPaC system identified 9 migratory bird species within the project area including Bald Eagle, Golden Eagle, Northern Saw-Whet Owl, Black-billed Cuckoo, Black-capped Chickadee, Bobolink, Prairie Warbler, Wood thrush, and Yellow-bellied Sapsucker.

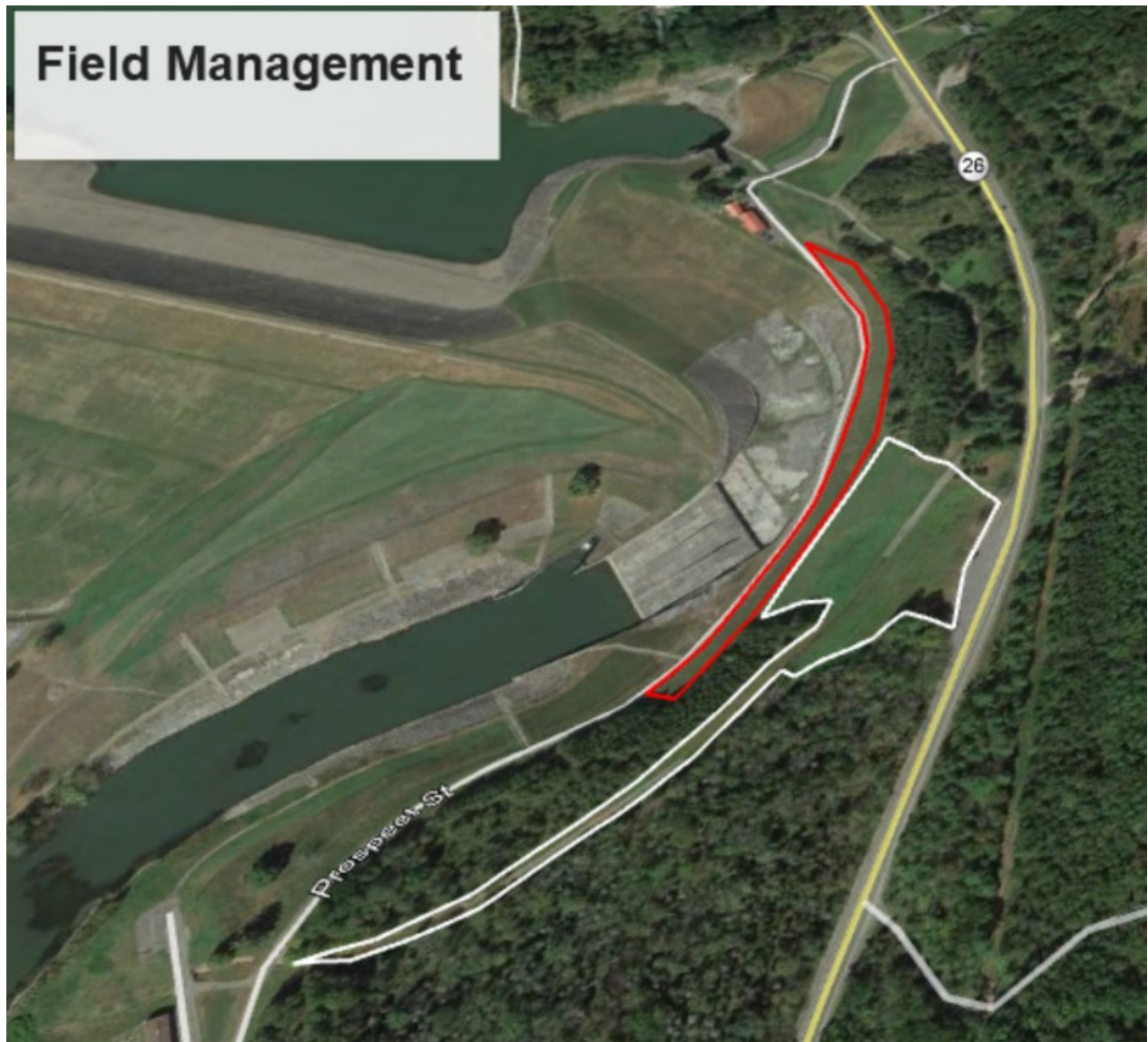


Figure 3-1 Field habitat management within the project area.

The construction of the selected alternative would be limited to the existing access road, crib wall, and borrow site. The proposed action would cause the loss of approximately 1.3 acres of forest until such time as planted trees mature. Fields in the project vicinity would be temporarily disturbed during construction but will be stabilized and re-seeded. These field areas would recover to pre-project conditions quickly. Construction activities are anticipated to induce wildlife to relocate elsewhere during construction. The temporal loss of mature forest and disturbance to field vegetation would have minor, temporary negative impacts to wildlife. A permanent impact associated with the conversion of 10,128 sq ft (0.2 acres) of forest to a newly aligned maintenance road would occur as a result of implementing the preferred alternative. However, there is substantial comparable habitat in the vicinity, and it is anticipated that wildlife would utilize other areas. Because the work would be conducted in existing, open use and previously disturbed areas and most

impacted forested areas would be replanted, no major long-term adverse impacts are expected.

Under the no action alternative impacts to terrestrial resources are not expected.

3.10 Rare, Threatened and Endangered Species

The USFWS IPaC System website was consulted to identify Federally listed species potentially occurring in the project area. The Endangered Species Act species list generated on August 4, 2020, did not identify threatened or endangered species occurring in the proposed project area, or which the proposed project would affect. However, an updated Endangered Species list on July 26, 2022 identified Monarch Butterfly (*Danaus plexippus*) as a candidate species of concern potentially occurring within in the project area. No critical habitat area for the Monarch Butterfly is designated within the project area (Appendix B).

The NYSDEC indicated in a letter dated September 22, 2020, that two species of mussels listed as “Threatened” in New York State occur in the vicinity of the project site (Appendix B). The Brook Floater (*Alasmidonta varicosa*) has been documented in a stretch of the Otselic River adjacent to the project site, and the Green Floater (*Lasmigona subviridis*) has been documented in the Tioughnioga River within 0.5 mile of the project site. Additionally, the Yellow Lampmussel (*Lampsilis cariosa*), which is unlisted but has a heritage conservation status of “imperiled” in New York State, has been documented in the Tioughnioga River within 0.5 mile of the project site.

The three mussel species documented in the project vicinity are aquatic organisms found only in running water (NYSDEC 2014a, 2014b, 2014c); therefore, no direct impacts to the species’ habitat are anticipated from either the no action or preferred alternative. Any potential water quality impacts due to sediment runoff from the project site would be avoided and minimized through adherence to the project’s erosion and sediment control plan discussed in Section 3.3.

Under the no action alternative impacts to rare, threatened, and endangered species are not expected.

3.11 Air Quality

The USEPA Green Book National Area and County-Level Multi-Pollutant Information List (2020) describes Broome County, NY as in attainment for all criteria pollutants. Constructing the proposed action would result in a temporary, and a minor local reduction of air quality due to construction vehicle emissions and displacement of particulate matter during excavation of the borrow area, placement of fill material, and building of the relocated service road.

3.12 Noise

The project area is subject to noise from traffic traveling on Route 26 adjacent to the proposed project area.

Construction activities, including operation of construction vehicles, would result in a temporary increase in noise levels. There would be no permanent changes to the noise levels in the project area. The project would be constructed following local noise ordinances and all applicable worker safety regulations.

3.13 Cultural Resources

Coordination was initiated with the New York State Office of Parks, Recreation and Historic Preservation, Division for Historic Preservation, State Historic Preservation Officer (SHPO) to identify potential cultural resource issues of the proposed project. A letter from the Deputy SHPO dated August 27, 2020, indicated that there are no historic properties, including archaeological and/or historic resources, that would be affected by the proposed project (Appendix B).

USACE provided information about the project to Federally listed tribes with potential interest in the area by letter. These consultation letters were mailed on August 25, 2020, to Delaware Nation, Delaware Tribe of Indians, Oneida Nation of New York, Onondaga Nation, Seneca-Cayuga Nation, and Tuscarora Nation. Oneida Nation of New York responded but did not request further coordination, and no responses from other Federally listed tribes were received.

3.14 Aesthetics and Recreation

USACE operates Whitney Point Lake primarily for flood risk management with recreation as a secondary benefit. Numerous opportunities exist for public recreation in and around the lake, including boating, fishing, hiking, and picnicking. However, the proposed project area itself is not identified as a recreation area because of its land classification designations as project operations and vegetative management (USACE 2019b). Likewise, recreational visitors to Whitney Point Lake do not use the maintenance road (USACE 2020).

Route 26 borders the project area to the east, as does a scenic overlook with parking space for 10 – 12 cars, from which the project area is visible (Google Earth 2017).

The proposed construction may be visible from the nearby athletic complex at the public school; however, it is not expected to impact recreation there. Temporary impacts to aesthetics would occur during construction. Minor permanent changes to the landscape are expected to include placement of revetment and new earth fill (which would be vegetated), and removal of tree and brush from the borrow area. The visual character of the project area would still consist of open space (fields and forests) and features related to USACE project operation's needs.

3.15 Transportation

When complete, the proposed buttress would cover an existing 15-foot maintenance gravel road, which facility staff uses for maintenance and routine inspection. The gravel road would be out of service during construction. However, it would be reconstructed on an existing 10-foot-wide shelf above the crib wall after the buttress is completed (USACE 2020). The maintenance road is primarily used by dam operations staff, passive

recreation (e.g., walking/hiking) and is not a public thoroughway, therefore impacts would be minor and temporary.

NYS DOT provided a comment following publication of the notice of intent to prepare an EA, indicating that any work impacting the New York State Department of Transportation Right of Way would require a Highway Work Permit; however, no changes or modifications will occur outside of USACE property limits. No impacts to the adjacent Route 26 or the NYS DOT Right of Way are expected.

3.16 Demographic and Socioeconomic Conditions

According to the United States Census Bureau's 2018 American Community Survey 5-year estimates, Zip Code 13862, covering Whitney Point, Upper Lisle, and Itaska, New York has a population of 4,429. The median age of residents within this zip code is 41.1 years, with 4.8% percent of the population under 5 years old, and 17.1% of the population over 64 years old. The minority population in zip code 13862 is 2.5% of the total, compared to New York State's minority population of 36.7%.

Residents in this zip code have a median household income of \$61,714, which is less than New York State's median household income of \$67,844, but higher than the median household income of Broome County (\$50,859). Zip Code 13862 has a smaller proportion of residents living below the poverty line (8.7%) than does New York State (13.6%). Residents in this area graduate high school at a rate of 91.0%, this is higher than the average graduation rate in the State (87.1%) and the country (87.7%; USCB 2018). Broome County is home to several higher-education institutions including Binghamton University, State University of New York (SUNY) Broome, Davis College, and other community colleges and vocational schools (Broome County, NY 2020).

The project is not expected to have adverse social, quality of life, or economic impacts. Rather, implementation of the proposed project would contribute to the maintenance of the Whitney Point Lake Project and allow for its continued safe operation, thereby supporting the project purpose of providing flood protection to the communities of Binghamton, New York.

3.17 Hazardous, Toxic, and Radioactive Substances

Based upon a review of the USEPA Envirofacts database and coordination with the Whitney Point dam operators, a one-time episodic generation event for the removal of lead paint on a project bridge occurred in 2013. The bridge was re-painted with lead-free paint and EPA assigned a designation of 'No Further Remedial Action Planned' after reviewing the material submitted. The project is not anticipated to disturb nor liberate Hazardous, Toxic and Radioactive Waste materials. If any contamination is discovered, work at the site of the contamination would cease until coordination with NYSDEC, EPA, and USACE could occur, and appropriate remediation and proper safety measures are implemented.

3.18 Environmental Justice

According to the 2018 American Community Survey 5-year Estimates, Broome County, NY minorities make up 14.1% of the total population, with 17.0 % of the total population living below the poverty line (See also Section 3.16). The proposed project is not expected to result in disproportionately high and adverse human health or environmental effects on minority or low-income populations and would benefit all populations in the area.

4 SUMMARY

The crib wall rehabilitation project, as well as the proposed alternative, would provide benefits to the crib wall by effectively stabilizing the slope above the spillway, improving drainage, and would continue to provide access for maintenance and routine inspection. The proposed alternative would contribute to overall safety at Whitney Point Dam and would continue to provide a safe work environment. While the project would cause the temporary loss of approximately 1.3 acres of forest, and the permanent loss of approximately 0.2 acres of forest, the watershed is rural in character and contains substantial forest resources. The temporary loss of forest at the project would not be anticipated to cause detrimental cumulative habitat impacts to the region.

5 COMPLIANCE

Table 5.1 summarizes the level of compliance of the proposed alternative with environmental protection statutes and other environmental regulations. Based on the evaluation of project impacts described in Section 3, there are no significant impacts from the proposed action, and a Finding of No Significant Impact (FONSI) has been prepared.

Table 5.1: Compliance of the Proposed Action with Environmental Protection Statutes and Other Environmental Requirements

| Federal Statutes, Executive Orders (EOs), and Memoranda | Level of Compliance |
|---|----------------------------|
| Archeological and Historic Preservation Act | Full |
| Clean Air Act | Full |
| Clean Water Act | Full |
| Comprehensive Environmental Response, Compensation and Liability Act | N/A |
| Endangered Species Act | Full |
| Federal Water Project Recreation Act | N/A |
| Fish and Wildlife Coordination Act | Full |
| National Historic Preservation Act | Full |
| National Environmental Policy Act | Full |
| Resource Conservation and Recovery Act | N/A |
| River and Harbors Act | N/A |
| Watershed Protection and Flood Prevention Act | Full |
| Wild and Scenic Rivers Act | N/A |
| Floodplain Management (EO 11988) | Full |
| Protection of Wetlands (EO 11990) | Full |
| Prime and Unique Farmlands | Full |
| Environmental Justice in Minority and Low-Income Populations (EO 12898) | Full |

6 REFERENCES

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APPENDIX A

FIGURES

Legend

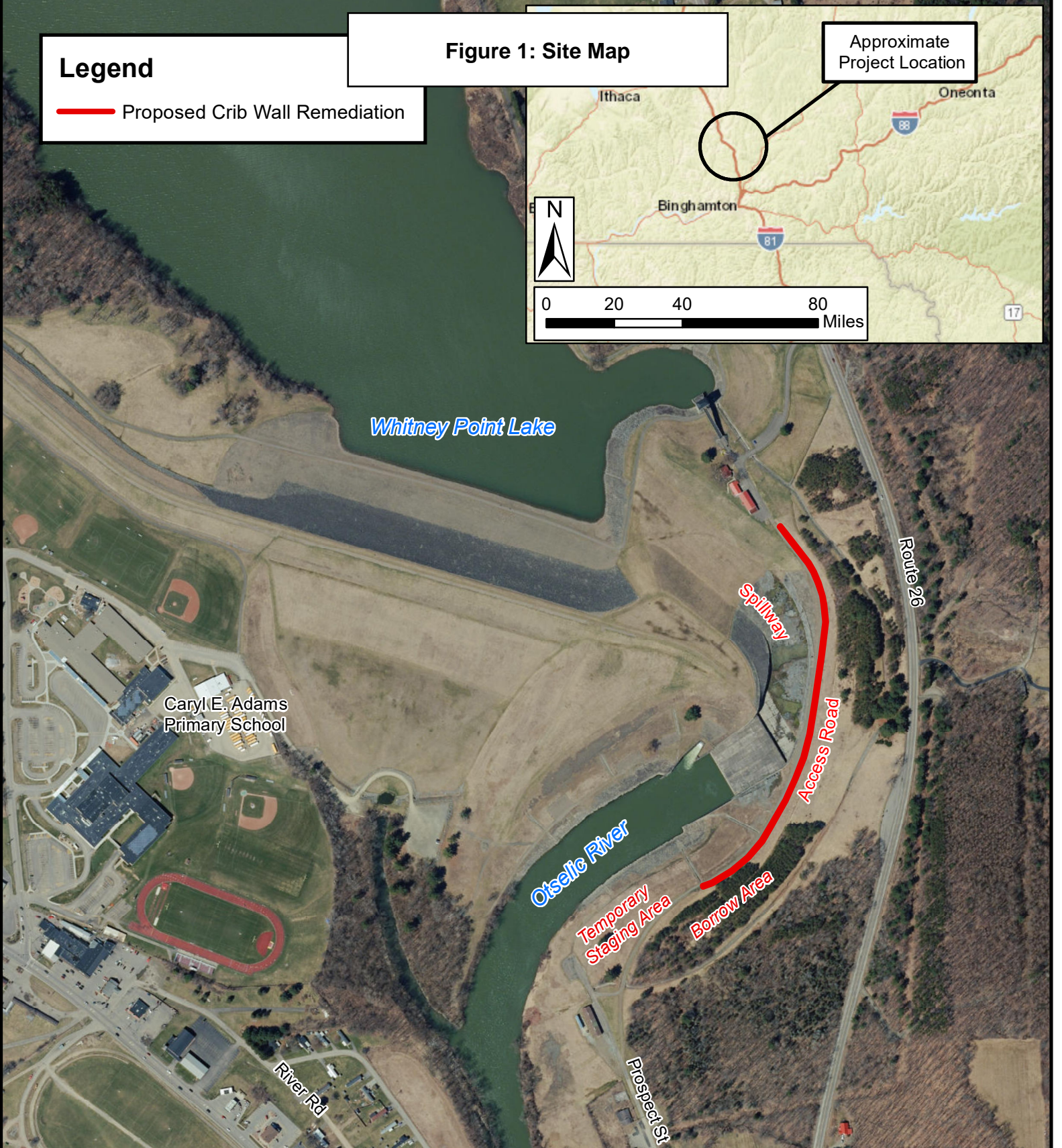
— Proposed Crib Wall Remediation

Figure 1: Site Map

Approximate Project Location



0 20 40 80 Miles



Whitney Point Dam - Crib Wall Remediation Broome County, Whitney Point, New York

0 250 500 1,000 Feet
1 inch = 500 feet



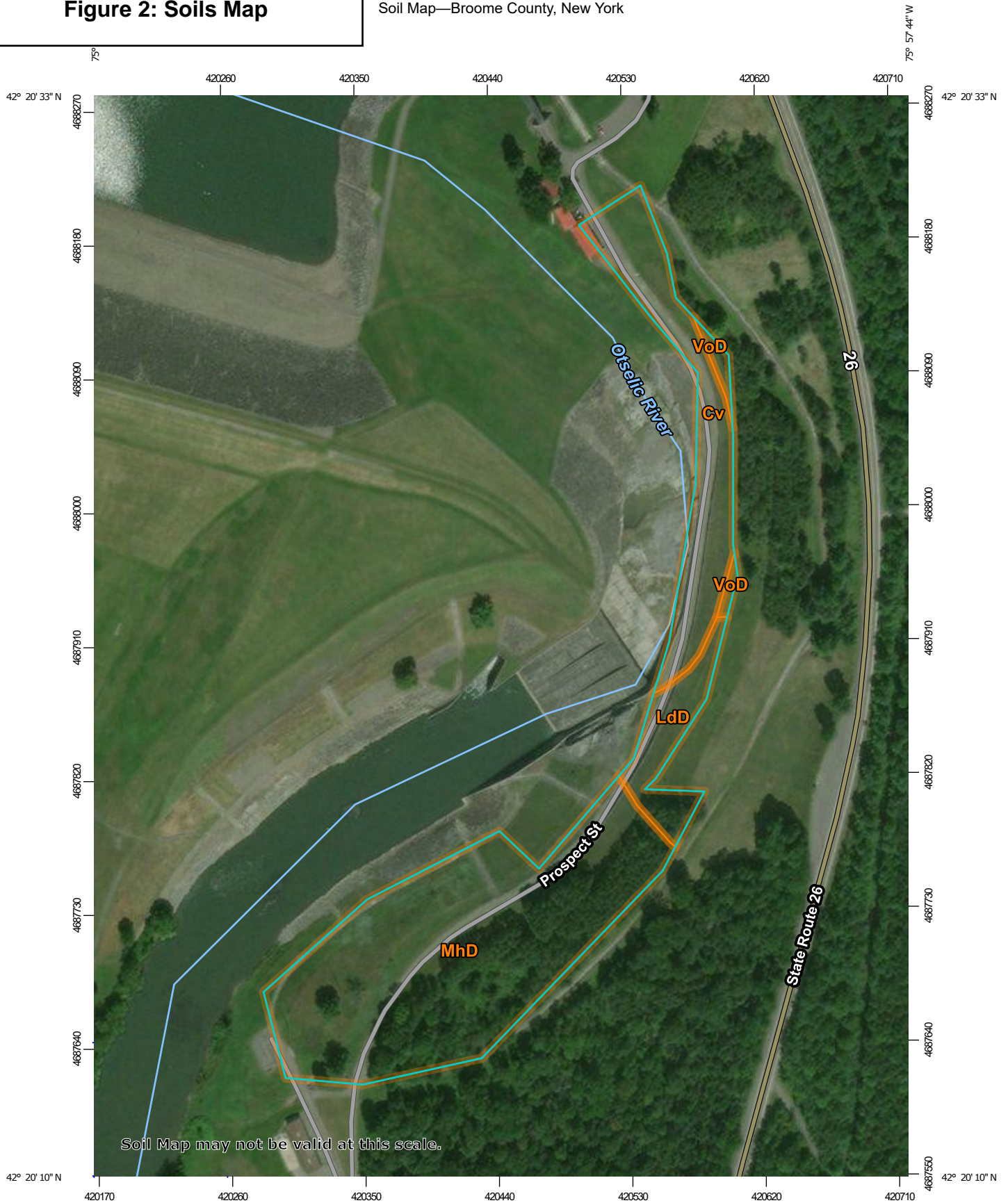
**US Army Corps of Engineers
Baltimore District**



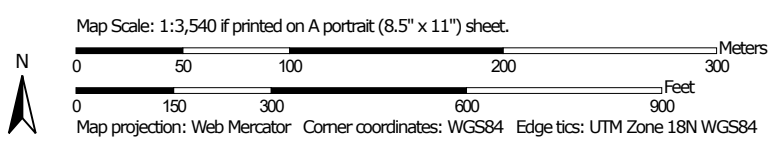
Source: ESRI Date: August 2020

Figure 2: Soils Map

Soil Map—Broome County, New York



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Broome County, New York

Survey Area Data: Version 18, Jun 11, 2020

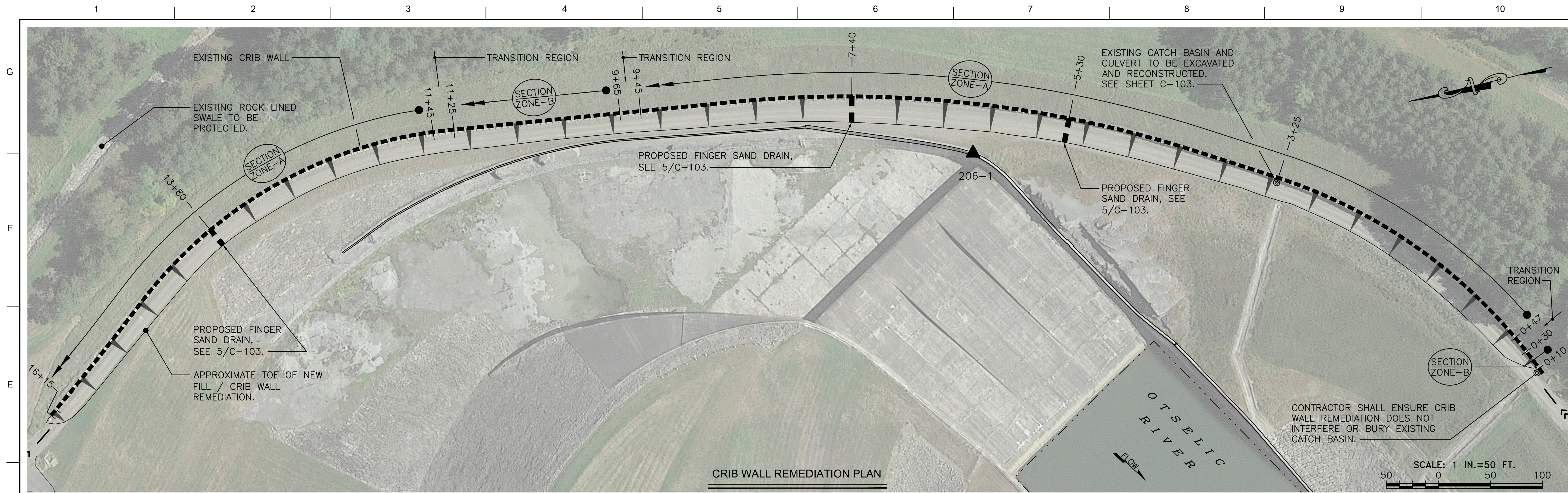
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 29, 2012—Nov 6, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| Cv | Cut and fill lands, gravelly materials | 2.3 | 22.3% |
| LdD | Lordstown channery silt loam, 15 to 25 percent slopes | 0.9 | 8.8% |
| MhD | Bath channery silt loam, 15 to 25 percent slopes | 6.9 | 67.2% |
| VoD | Volusia channery silt loam, 15 to 25 percent slopes | 0.2 | 1.6% |
| Totals for Area of Interest | | 10.3 | 100.0% |



CRIB WALL REMEDIATION PLAN

SCALE: 1 IN. = 50 FT.
50 0 50 100

WORKING POINT NOTES:

- WP1 = NEW SLOPE BEGINS AT OUTER EDGE AND TOP OF EXISTING CRIBWALL.
 - WP1 SHALL BE USED WHEREVER EXISTING ROAD WIDTH IS SUFFICIENT TO ALLOW A NEW SLOPE OF 2' HORIZONTAL OVER 1' VERTICAL.
 - MINOR WARPING OF SLOPE NO STEEPER THAN 1.9' HORIZONTAL OVER 1' VERTICAL MAY BE UTILIZED AS NECESSARY.
 - WP1 MAY BE REQUIRED AT EITHER SECTION ZONE-A OR ZONE-B.
- WP2 = NEW SLOPE BEGINS AT EXISTING SLOPE APPROXIMATELY 2' TO 3' INSIDE EXISTING CRIB WALL. FOR EXAMPLE SEE SECTION ZONE-B THIS SHEET.
 - WP2 WILL REQUIRE REMOVAL OF THAT PORTION OF CRIBWALL OUTSIDE OF NEW SLOPE LINE. EXCAVATION INTO EXISTING SLOPE AT TOP OF CRIBWALL SHALL BE LIMITED TO THE EXTENT POSSIBLE, AS SUCH CONTRACTOR SHALL ANTICIPATE SAWCUTTING OR BREAKING OF CRIBWALL MEMBERS AS NECESSARY.
 - WP2 MAY BE REQUIRED AT EITHER SECTION ZONE-A OR ZONE-B.
- FOR LOCATIONS OF WORKING POINTS SEE "WORKING POINT # LOCATIONS" CHARTS THIS SHEET.

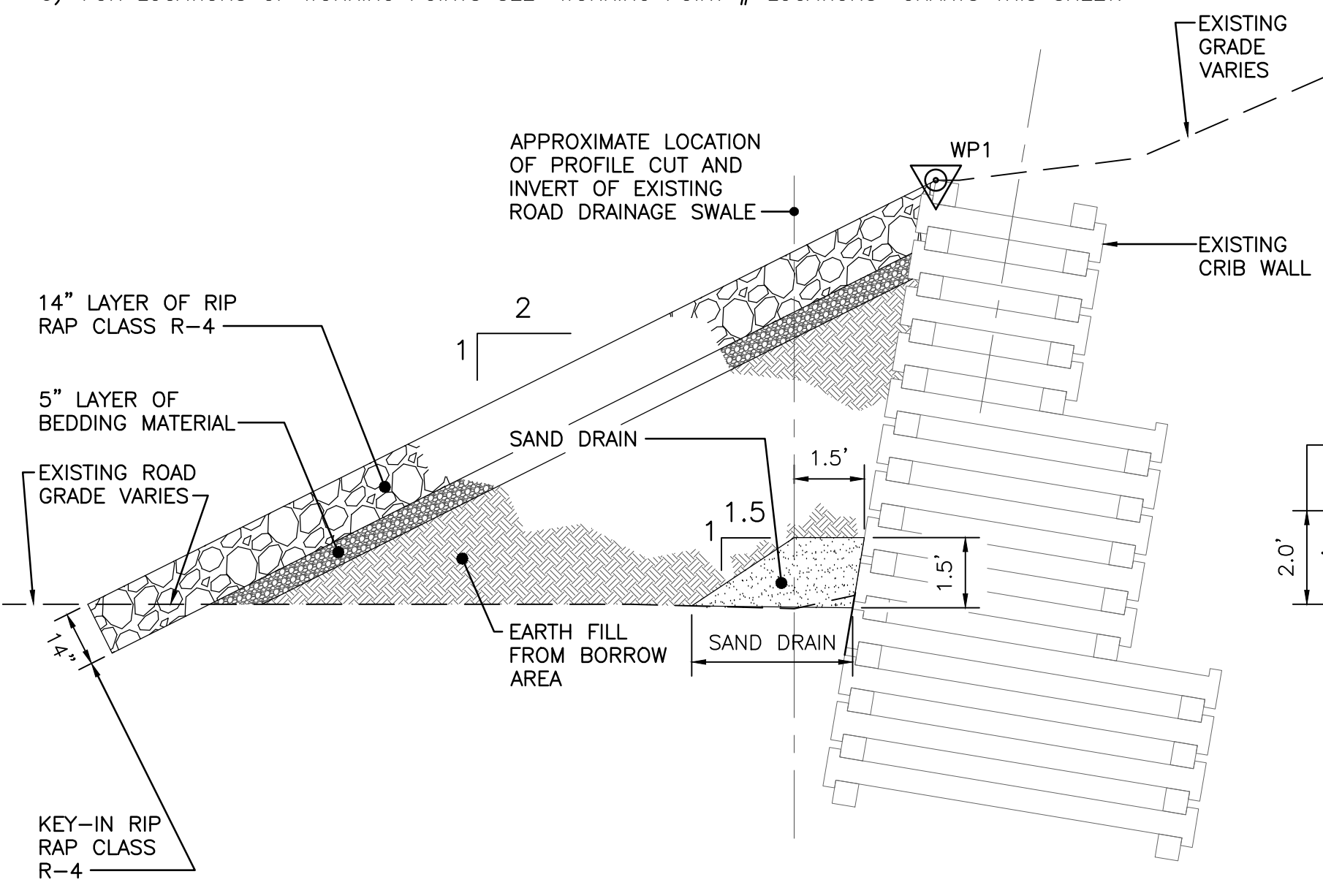
| WORKING POINT 1 LOCATIONS | | WORKING POINT 2 LOCATIONS | |
|---------------------------|--------------|---------------------------|--------------|
| STATION RANGE | SECTION ZONE | STATION RANGE | SECTION ZONE |
| 0+10 TO 0+30 | B | 1+75 TO 4+00 | A |
| 0+30 TO 0+47 | TRANSITION | 8+50 TO 9+45 | A |
| 0+47 TO 1+75 | A | 9+45 TO 9+65 | TRANSITION |
| 4+00 TO 8+50 | A | 9+65 TO 11+25 | B |
| 14+50 TO 16+15 | A | 11+25 TO 11+45 | TRANSITION |
| | | 11+45 TO 14+50 | A |

GENERAL NOTES:

- ALL STATIONS SHOWN ARE APPROXIMATE.
- ALL FEATURES ON THIS SHEET ARE PROPOSED UNLESS SHOWN OTHERWISE.
- TRANSITION PROFILE FROM STATION 9+45 TO 9+65. (STATION 11+25 TO 11+45 SIMILAR AND MIRRORRED).
- PROPOSED PROFILE SOUTH END WALL TERMINATION FROM STATION 0+30 TO 0+47, SEE 1/C-103.

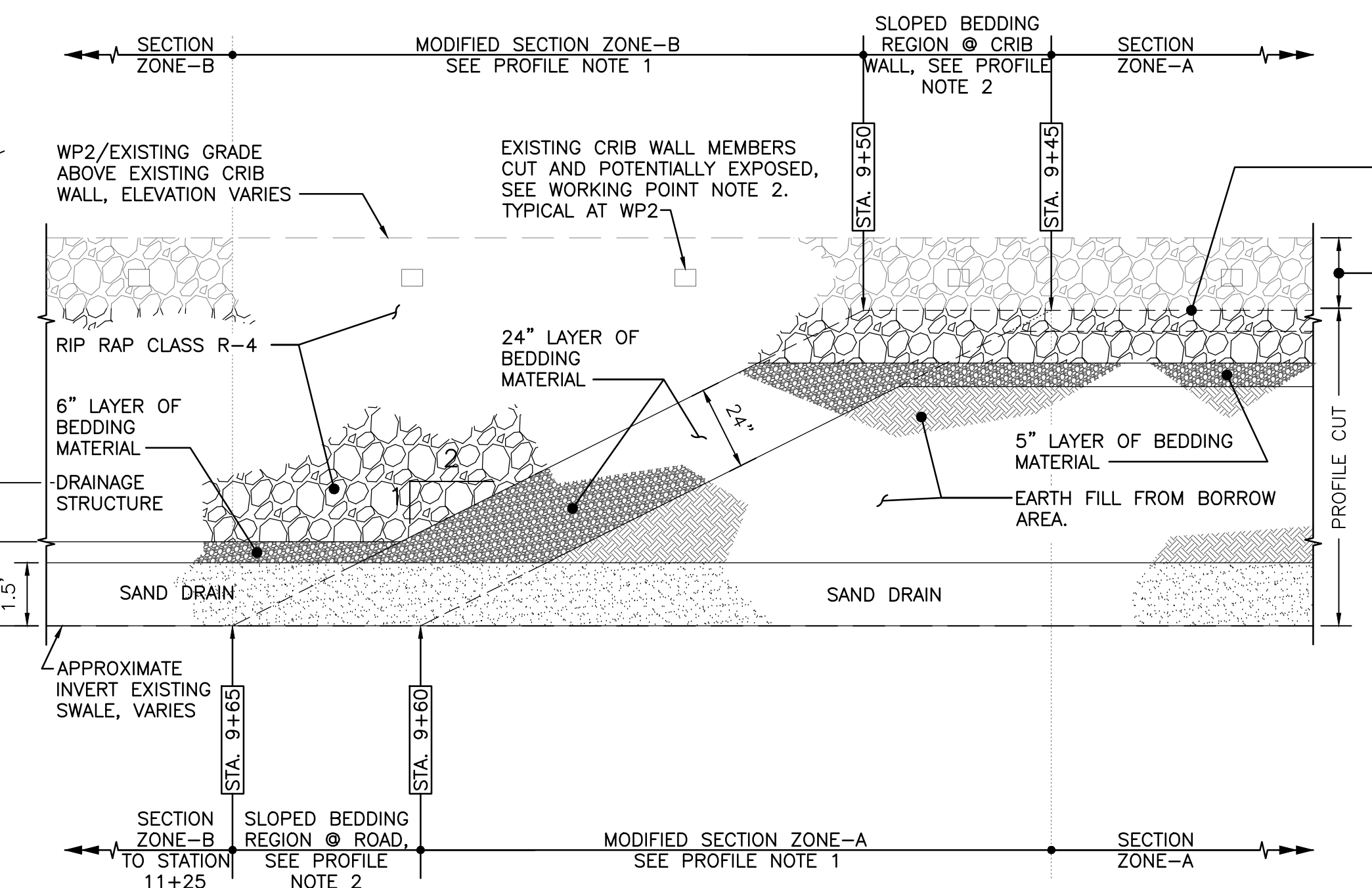
PROFILE NOTES:

- MODIFIED SECTION ZONES OCCUR WHERE SLOPED BEDDING REGION (24" BEDDING) SEPARATES SECTION ZONES.
- EARTH FILL AT SECTION TRANSITION SHALL BE ISOLATED FROM RIP RAP CLASS R-4. 24" BEDDING LAYER CONTINUES FROM CRIB WALL TO ROAD (FULL WIDTH OF BERM) AT HIGHEST POINT.



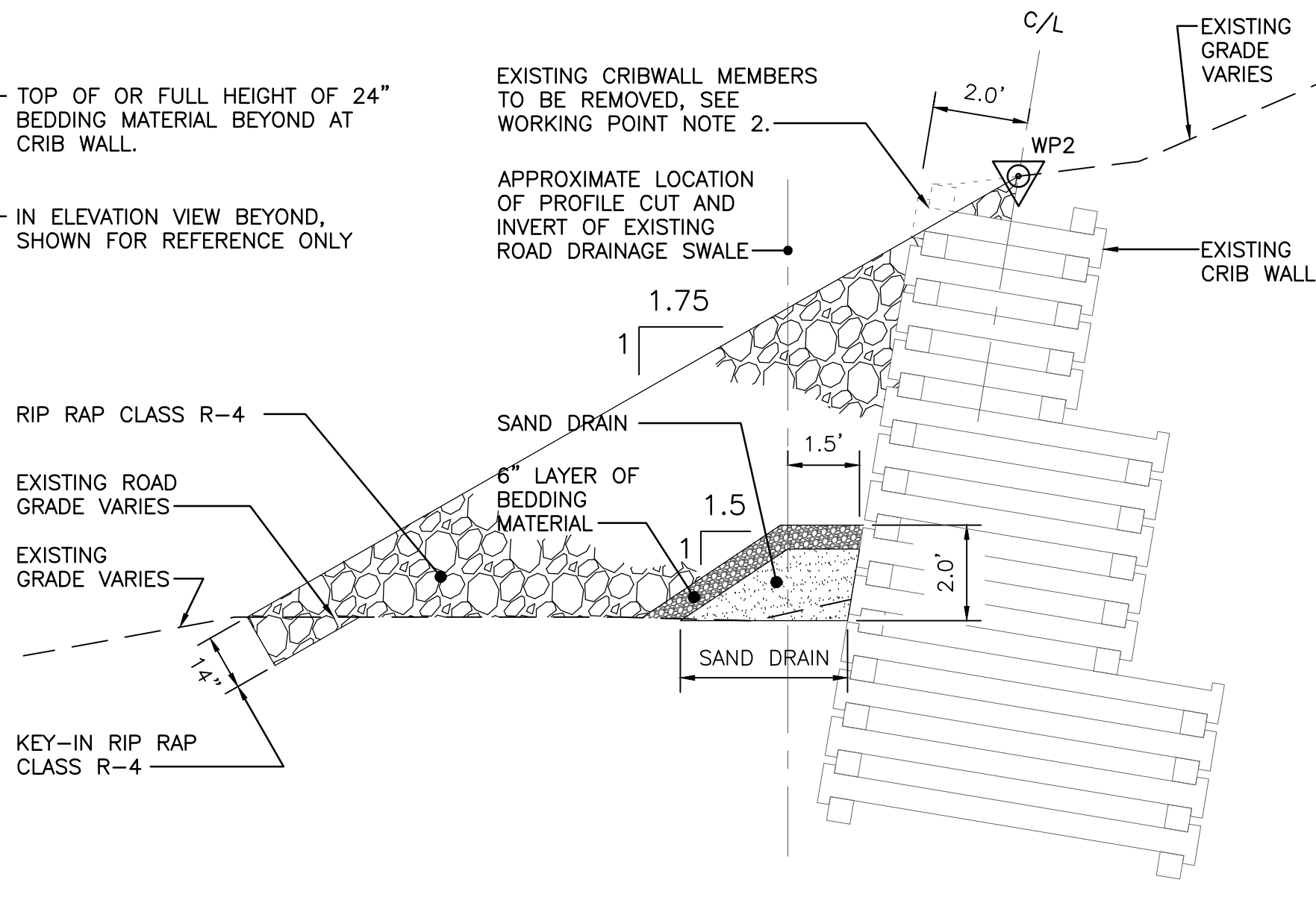
SECTION ZONE-A
PROPOSED EARTH BERM WITH RIPRAP FACE

SCALE: 1 IN. = 3 FT.
3 0 3 6



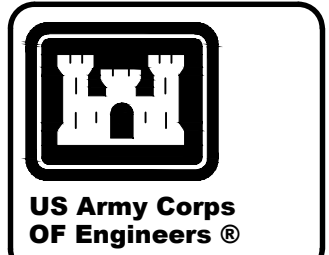
PROPOSED PROFILE TRANSITION BETWEEN SECTION ZONE A & B

SCALE: 1 IN. = 3 FT.
3 0 3 6



SECTION ZONE-B
PROPOSED ROCKFILL BERM

SCALE: 1 IN. = 3 FT.
3 0 3 6



| | |
|-------------|----------|
| ISSUE DATE | SEP 2020 |
| DESIGN BY | PHW |
| CHECKED BY | C/S |
| DATE | |
| DESCRIPTION | |
| MARK | |

| | |
|-------------|-----|
| DESIGN BY | PHW |
| CHECKED BY | C/S |
| DATE | |
| DESCRIPTION | |
| MARK | |

NEW YORK
WHITNEY POINT LAKE
CRIB-WALL REMEDIATION AND EMBANKMENT REPAIRS
CRIB WALL REMEDIATION PLAN AND SECTIONS & PROFILES

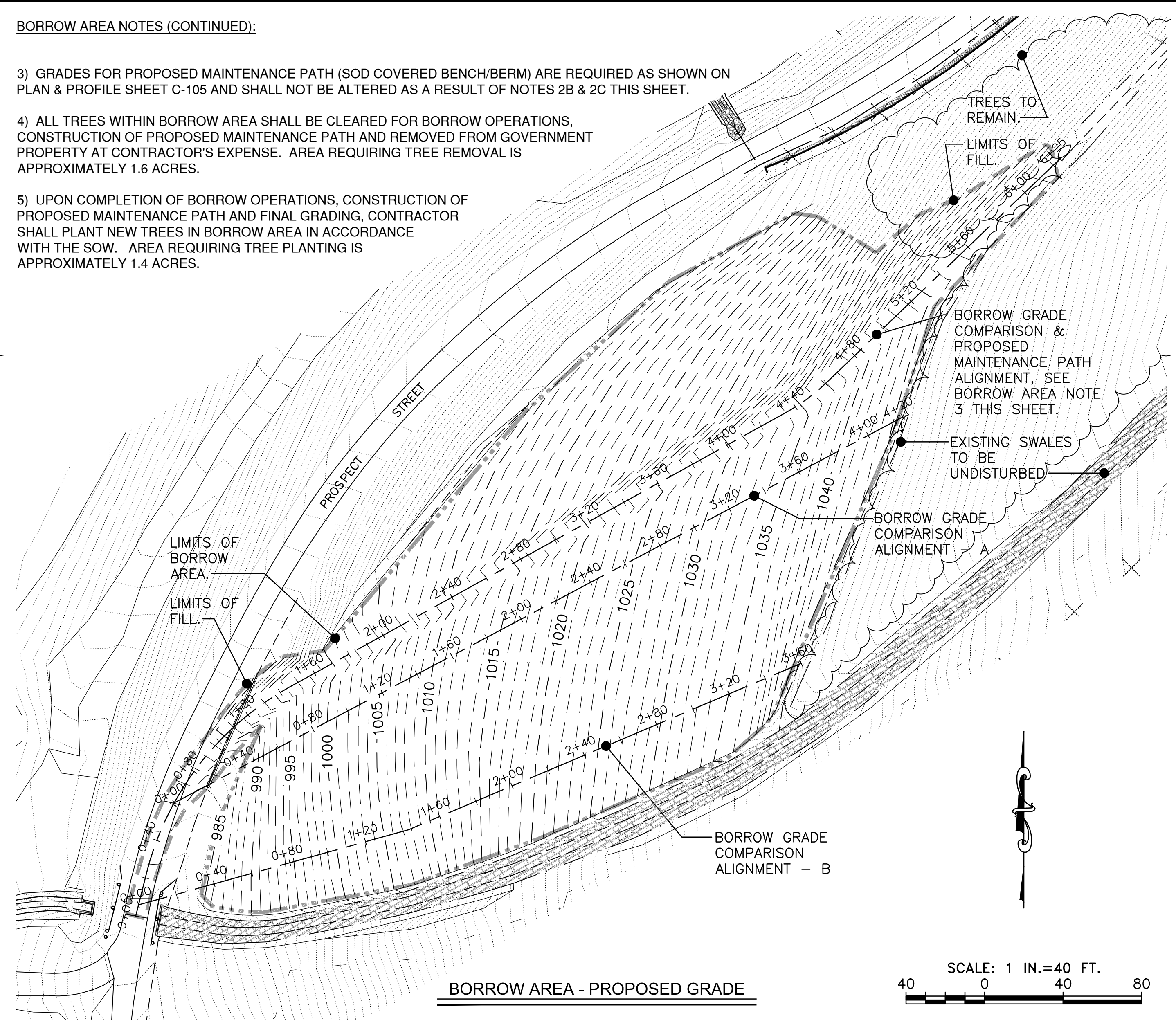
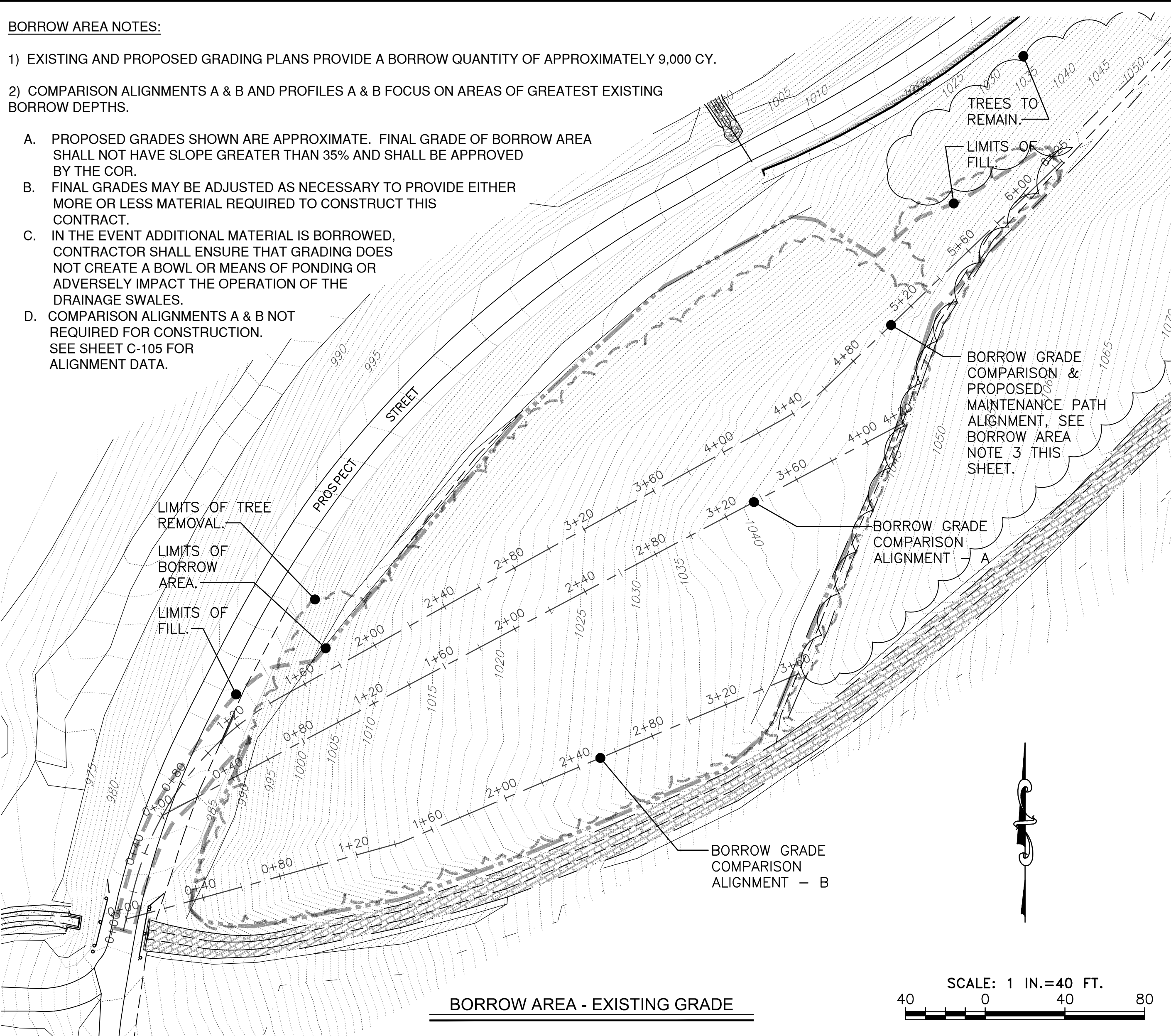
SHEET
C-102

BORROW AREA NOTES:

- 1) EXISTING AND PROPOSED GRADING PLANS PROVIDE A BORROW QUANTITY OF APPROXIMATELY 9,000 CY.
- 2) COMPARISON ALIGNMENTS A & B AND PROFILES A & B FOCUS ON AREAS OF GREATEST EXISTING BORROW DEPTHS.
 - A. PROPOSED GRADES SHOWN ARE APPROXIMATE. FINAL GRADE OF BORROW AREA SHALL NOT HAVE SLOPE GREATER THAN 35% AND SHALL BE APPROVED BY THE COR.
 - B. FINAL GRADES MAY BE ADJUSTED AS NECESSARY TO PROVIDE EITHER MORE OR LESS MATERIAL REQUIRED TO CONSTRUCT THIS CONTRACT.
 - C. IN THE EVENT ADDITIONAL MATERIAL IS BORROWED, CONTRACTOR SHALL ENSURE THAT GRADING DOES NOT CREATE A BOWL OR MEANS OF PONDING OR ADVERSELY IMPACT THE OPERATION OF THE DRAINAGE SWALES.
 - D. COMPARISON ALIGNMENTS A & B NOT REQUIRED FOR CONSTRUCTION. SEE SHEET C-105 FOR ALIGNMENT DATA.

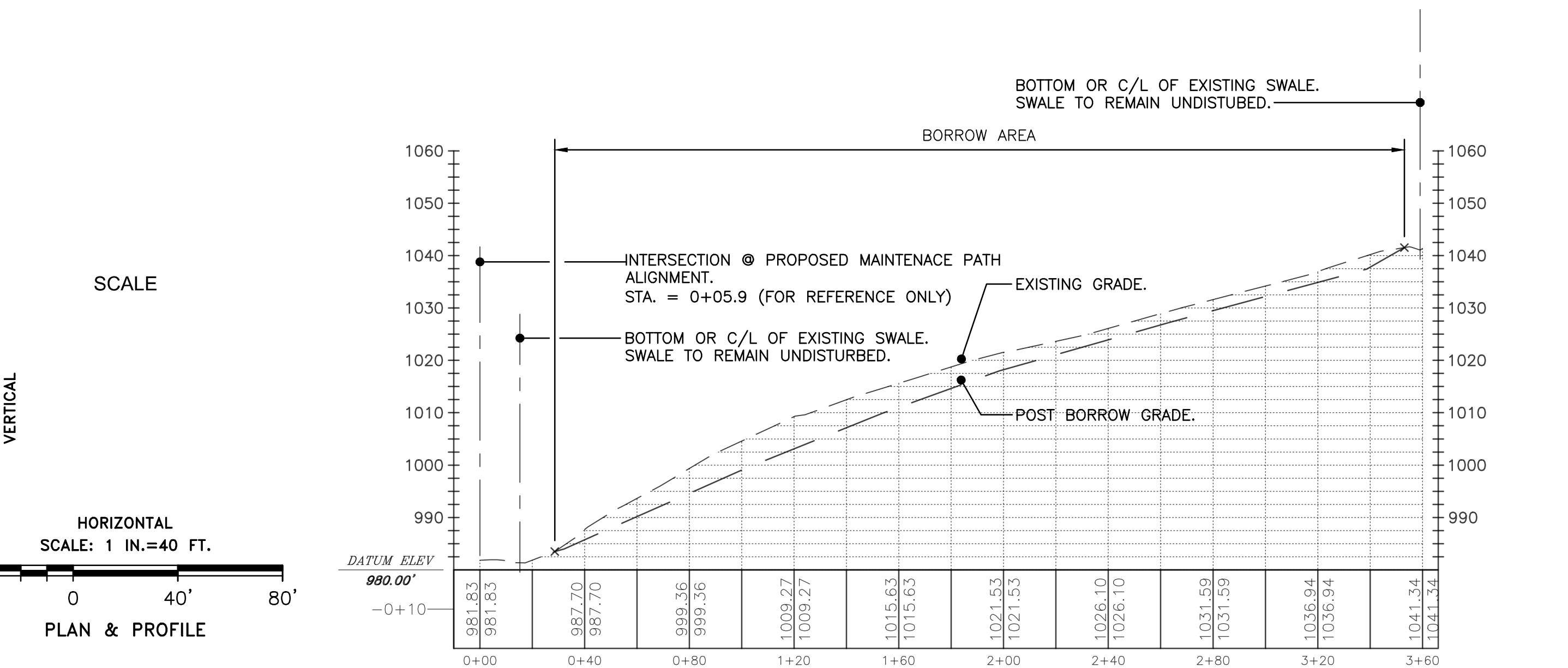
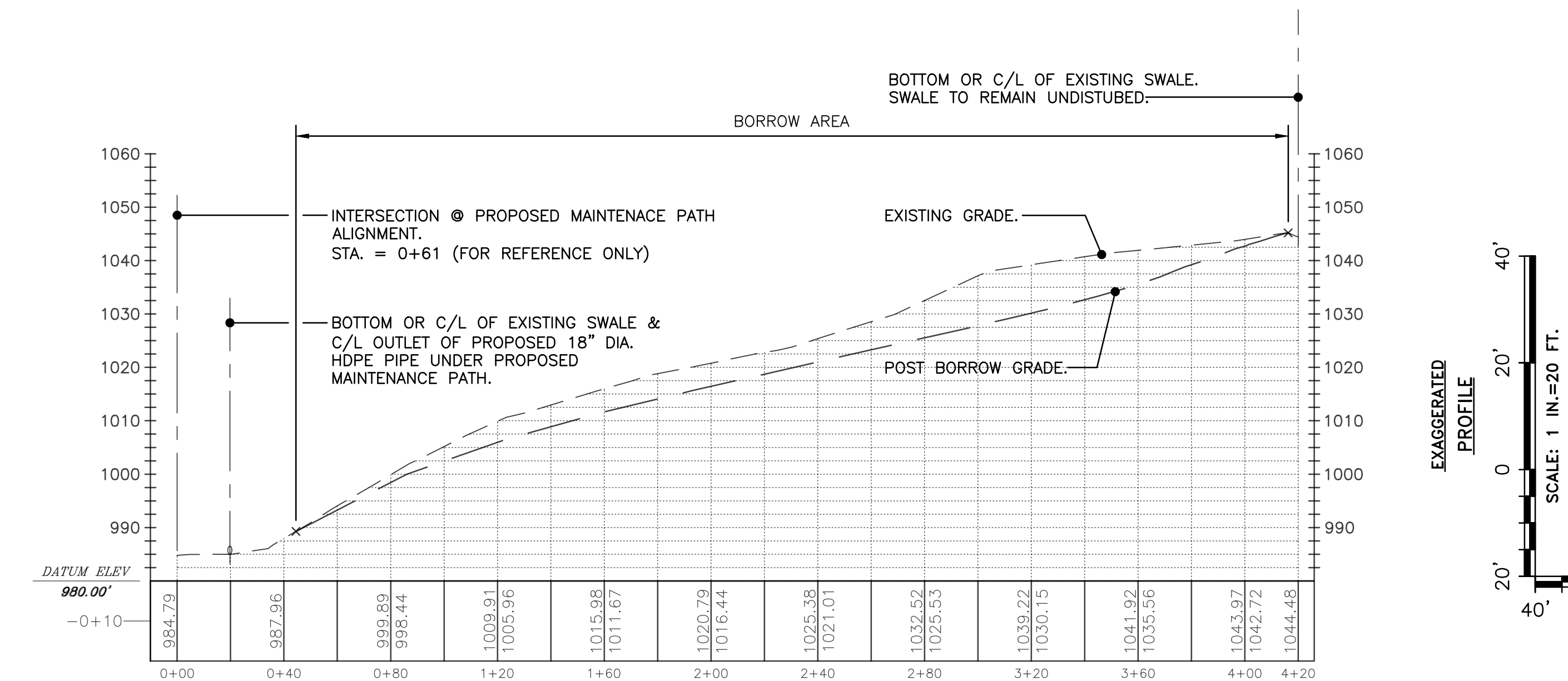
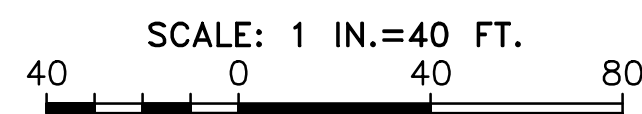
BORROW AREA NOTES (CONTINUED):

- 3) GRADES FOR PROPOSED MAINTENANCE PATH (SOD COVERED BENCH/BERM) ARE REQUIRED AS SHOWN ON PLAN & PROFILE SHEET C-105 AND SHALL NOT BE ALTERED AS A RESULT OF NOTES 2B & 2C THIS SHEET.
- 4) ALL TREES WITHIN BORROW AREA SHALL BE CLEARED FOR BORROW OPERATIONS, CONSTRUCTION OF PROPOSED MAINTENANCE PATH AND REMOVED FROM GOVERNMENT PROPERTY AT CONTRACTOR'S EXPENSE. AREA REQUIRING TREE REMOVAL IS APPROXIMATELY 1.6 ACRES.
- 5) UPON COMPLETION OF BORROW OPERATIONS, CONSTRUCTION OF PROPOSED MAINTENANCE PATH AND FINAL GRADING, CONTRACTOR SHALL PLANT NEW TREES IN BORROW AREA IN ACCORDANCE WITH THE SOW. AREA REQUIRING TREE PLANTING IS APPROXIMATELY 1.4 ACRES.



BORROW AREA - EXISTING GRADE

BORROW AREA - PROPOSED GRADE



BORROW GRADE COMPARISON PROFILE - A

BORROW GRADE COMPARISON PROFILE - B



| | |
|-------------|----------|
| ISSUE DATE | SEP 2020 |
| DESIGN BY | PHW |
| CHECKED BY | C/S |
| DATE | |
| MARK | |
| DESCRIPTION | |

| | |
|----------------------------|---------------------------|
| ISSUE DATE | SEP 2020 |
| SOLICITATION NO. | |
| CONTRACT NO. | |
| FILE NUMBER | |
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| FILE NAME | 513C-104xxx.dwg |
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| US ARMY CORPS OF ENGINEERS | BALTIMORE DISTRICT |
| OFFICE | BALTIMORE, MARYLAND 21201 |
| US ARMY ENGINEER DISTRICT | BALTIMORE |
| BRANCH | GEOTECHNICAL BRANCH |

WHITNEY POINT LAKE
CRIB-WALL REMEDIATION
AND EMBANKMENT REPAIRS
**BORROW AREA
EXISTING & PROPOSED PLANS
BORROW GRADE COMPARISON PROFILES**

**SHEET
C-104**

| ALIGNMENT DATA COMPARISON ALIGNMENT - A | | | | |
|--|---------|-------------|-------------|-----------------|
| POINT | STATION | NORTH | EAST | REMARKS |
| BEGIN | 0+00.00 | 852007.0067 | 986880.2993 | BEGIN ALIGNMENT |
| END | 4+20.00 | 852203.5759 | 987251.4605 | END ALIGNMENT |

| ALIGNMENT DATA PROPOSED MAINTENANCE PATH | | | | | |
|---|---------|--------------|--------------|-----------------------|--------|
| POINT | STATION | NORTH | EAST | REMARKS | RADIUS |
| BEGIN | 0+00.00 | 851,949.3651 | 986,860.7341 | BEGIN ALIGNMENT | N/A |
| BC-1 | 0+22.92 | 851,971.5856 | 986,866.3557 | BEGIN CURVE 1 | 150' |
| PI-1 | 0+84.25 | 852,034.5976 | 986,882.2972 | POINT OF INTERSECTION | |
| EC-1 | 1+45.59 | 852,066.0563 | 986,939.1742 | END CURVE 1 | |
| BC-2 | 4+34.28 | 852,205.7836 | 987,191.8004 | BEGIN CURVE 2 | 100' |
| PI-2 | 4+47.24 | 852,212.0889 | 987,203.2002 | POINT OF INTERSECTION | |
| EC-2 | 4+60.19 | 852,221.1043 | 987,212.6041 | END CURVE 2 | |
| END | 6+25.00 | 852,335.1587 | 987,331.5740 | END ALIGNMENT | N/A |

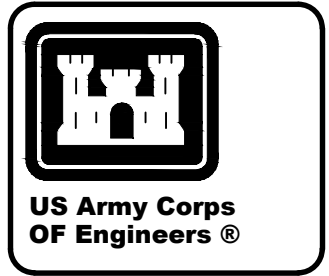
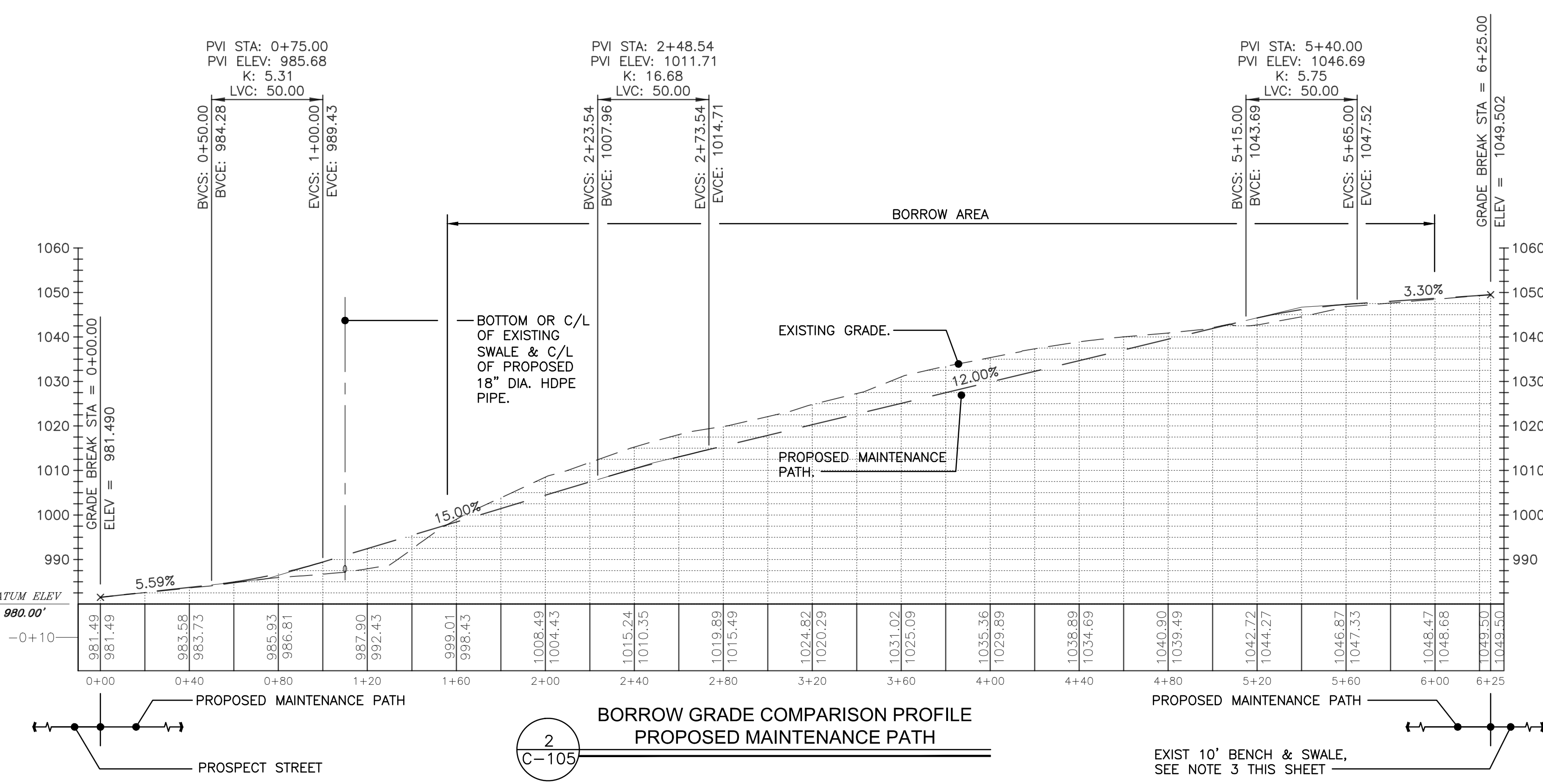
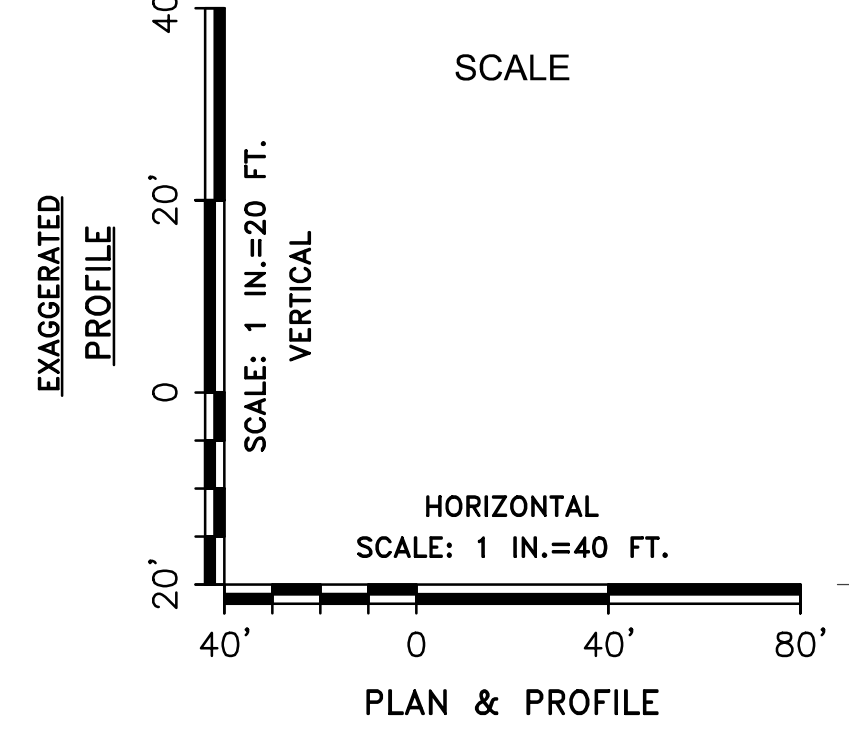
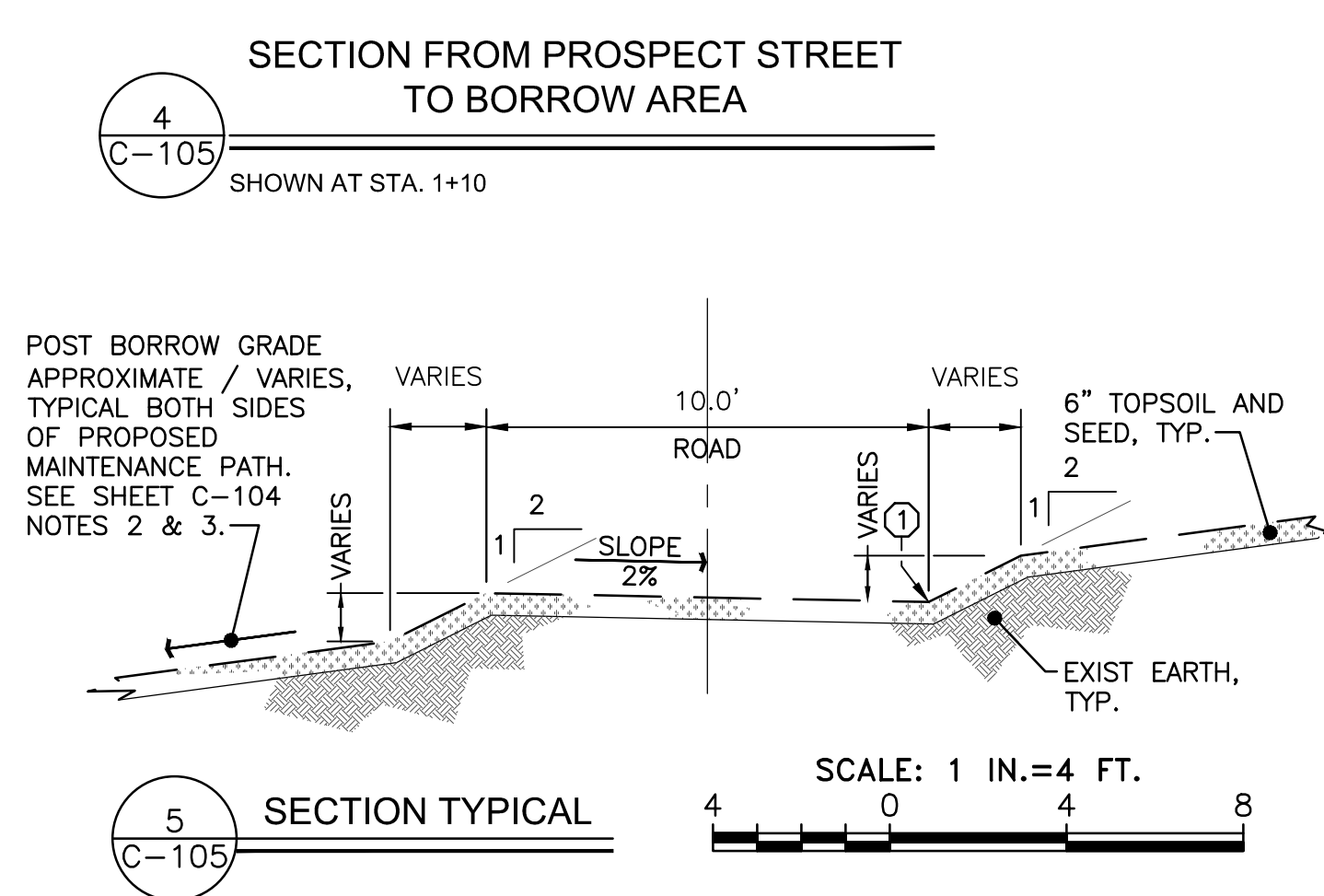
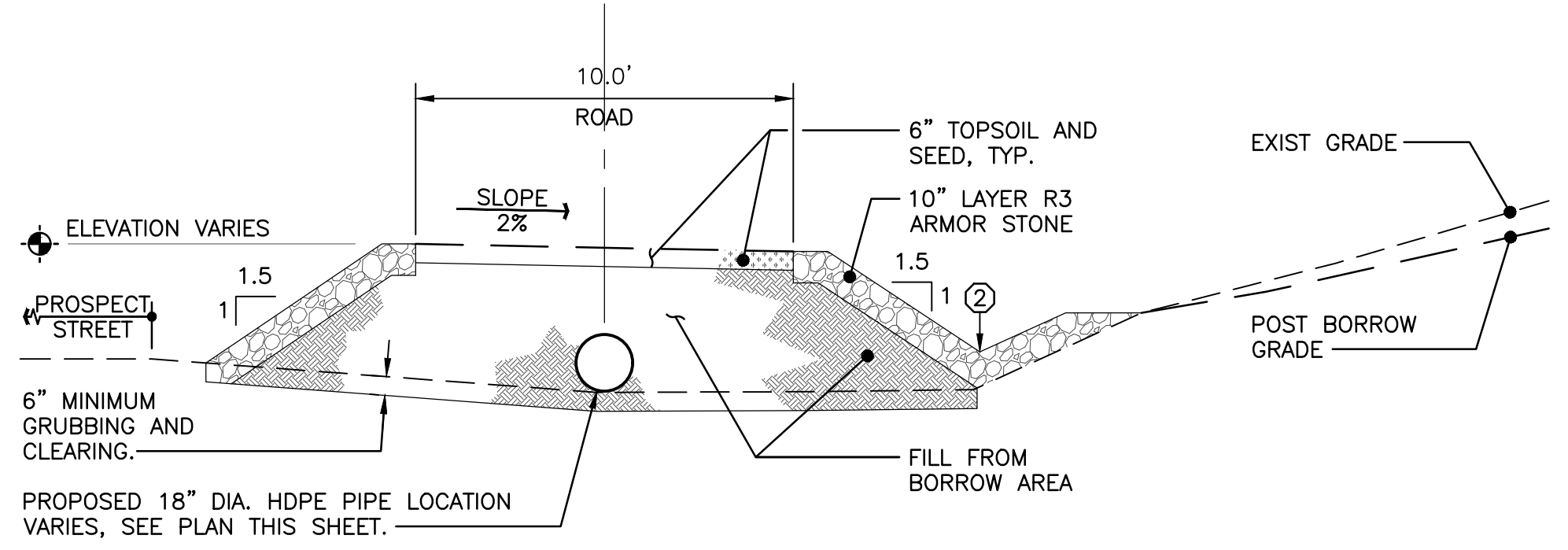
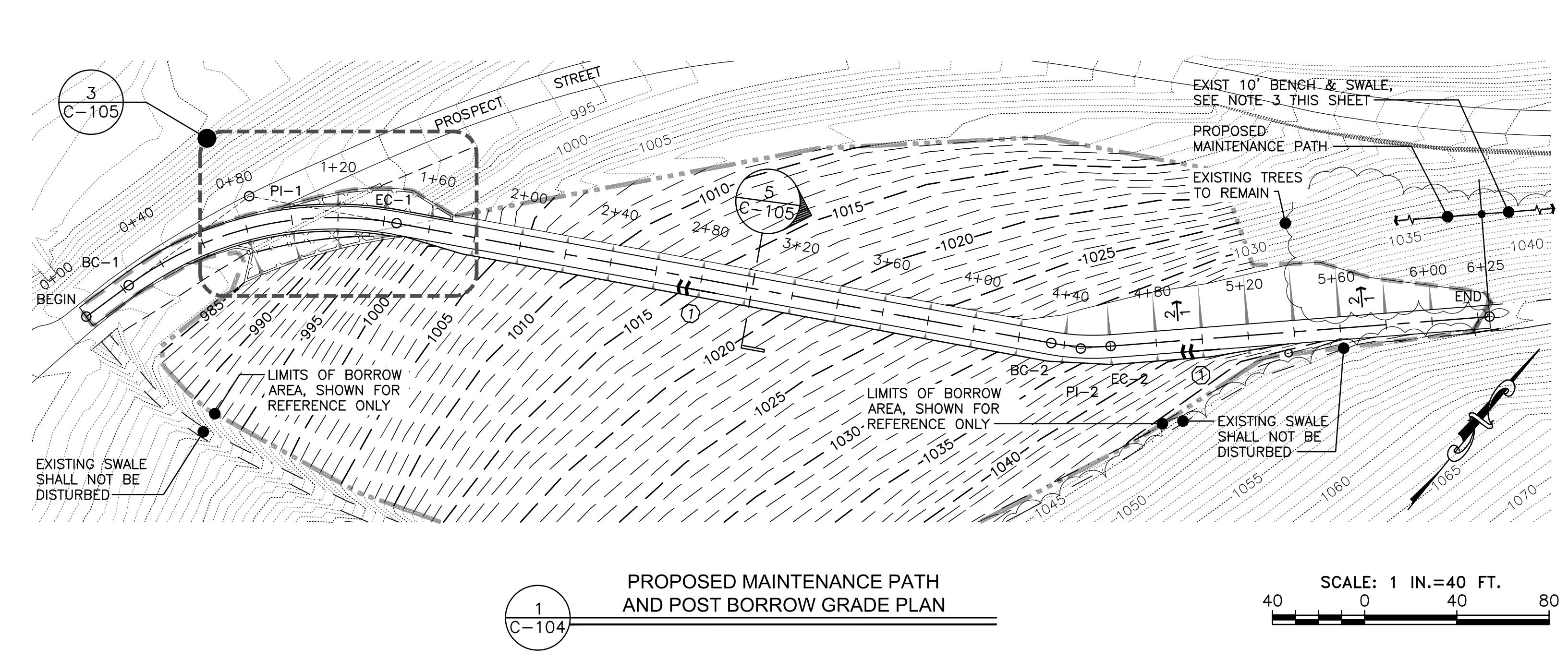
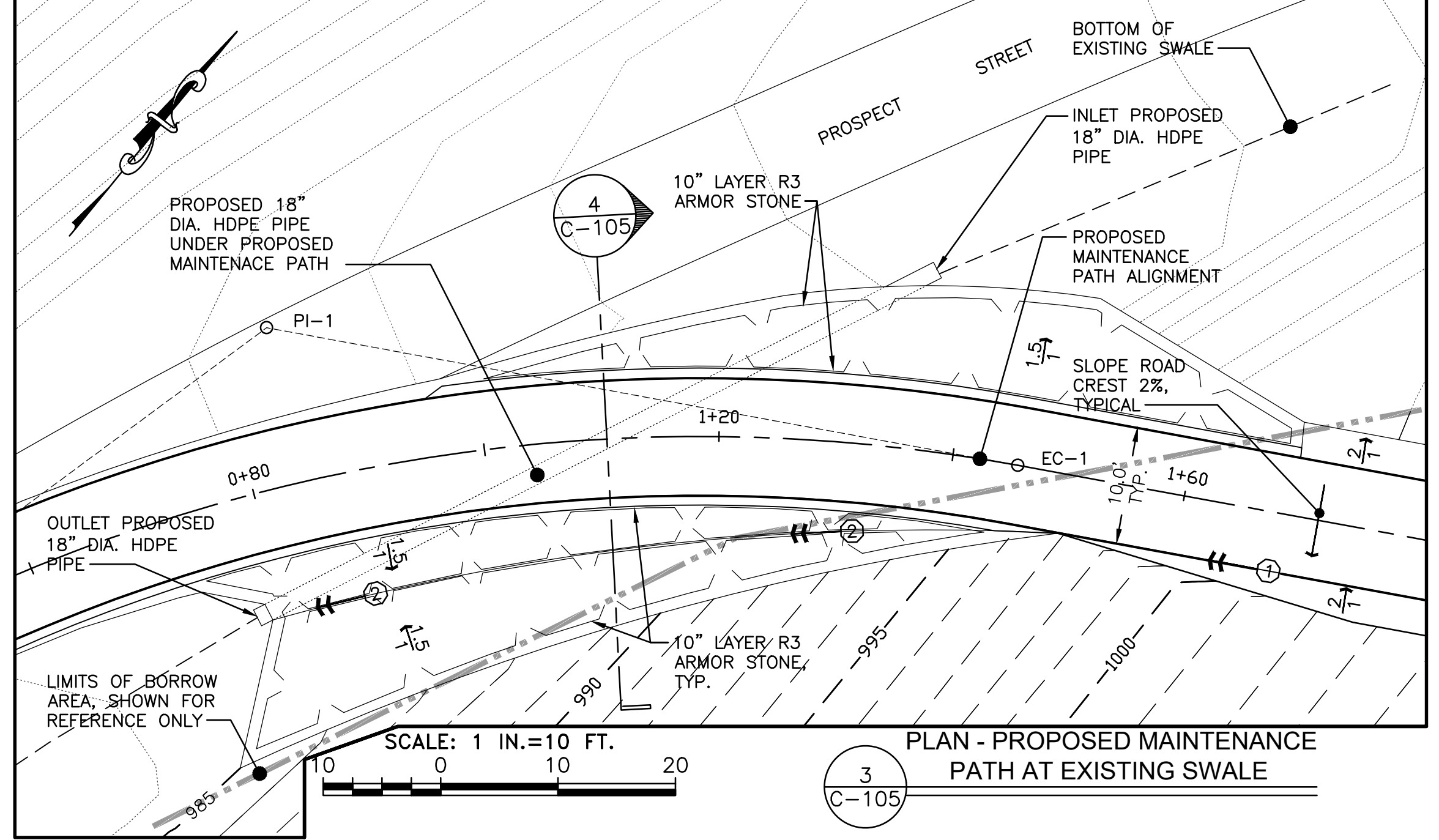
| ALIGNMENT DATA COMPARISON ALIGNMENT - B | | | | |
|--|---------|-------------|-------------|---------------------|
| POINT | STATION | NORTH | EAST | REMARKS |
| BEGIN | 0+00.00 | 851955.0419 | 986862.1703 | BEGIN ALIGNMENT |
| INT | 1+42.77 | 851993.3297 | 986999.7061 | CHANGE IN DIRECTION |
| END | 3+60.00 | 852078.1058 | 987199.7154 | END ALIGNMENT |

NOTES:

- PROPOSED HDPE PIPE UNDER PROPOSED MAINTENANCE PATH SHALL BE LOCATED AS FOLLOWS:
 - VERTICAL LOCATION OF PIPE OR INVERTS SHALL MAINTAIN DRAINAGE FUNCTION OF SWALE UNDER PROPOSED MAINTENANCE PATH.
 - HORIZONTAL LOCATION SHALL FOLLOW EXISTING DRAINAGE PATH OF SWALE. SEE "C-104/3 PLAN - PROPOSED MAINTENANCE PATH AT EXISTING SWALE" THIS SHEET.
- STORM RUN-OFF PATH FOR PROPOSED MAINTENANCE PATH:
 - RUN-OFF PATH ZONE ①: TYPICAL WHERE ROAD SURFACE HAS A HIGH SHOULDER, BEGINS AT STATION 5+40+/- ADJACENT TO EXISTING SWALE AND CONTINUES TO STATION 1+50+/-.
 - RUN-OFF PATH ZONE ②: WHERE PROPOSED PATH FILL INTERSECTS EXISTING SLOPE, CONTRACTOR SHALL GRADE A SWALE FROM STATION 1+50+/- AND CONTINUE TO OUTLET OF PROPOSED HDPE PIPE.

NOTES CONTINUED:

- STORM RUN-OFF AT TIE-IN OF PROPOSED MAINTENANCE PATH & EXISTING BENCH SWALE ABOVE STATION 5+40+/- SHALL DRAIN IN TO EXISTING BENCH SWALE. CONTRACTOR SHALL GRADE TIE-IN OF PROPOSED MAINTENANCE PATH TO ENSURE RUN-OFF FROM EXISTING BENCH IS NOT DIVERTED TO PROPOSED MAINTENANCE PATH.
- PROPOSED MAINTENANCE PATH AND BORROW GRADE PLAN BELOW PROVIDES POTENTIAL GRADING POST BORROW. SEE SHEET C-104 NOTES 2 & 3 FOR ADDITIONAL INFORMATION.
- PROFILE BELOW PROVIDES EXISTING GRADE & PROPOSED MAINTENANCE PATH GRADE. SEE SHEET C-104 FOR PLAN OF EXISTING GRADE IN BORROW AREA.



| MARK | DESCRIPTION | DATE |
|------|-------------|------|
| | | |
| | | |
| | | |
| | | |

| | | | |
|---------------|--------|-------------------|-----------------|
| DESIGN BY: | PHW | ISSUE DATE: | SEP 2020 |
| DRAWN BY: | C/S | SOLICITATION NO.: | |
| CHECKED BY: | PHW | CONTRACT NO.: | |
| SUBMITTED BY: | PHW | FILE NUMBER: | |
| SIZE: | ANSI D | FILE NAME: | 513C-105xxx.dwg |

US ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
OFFICE OF THE DISTRICT ENGINEER
BALTIMORE, MARYLAND 21201

US ARMY ENGINEER DISTRICT, BALTIMORE
DESIGN & CONSTRUCTION BRANCH
GEOTECHNICAL BRANCH

WHITNEY POINT LAKE
CRIB-WALL REMEDIATION

PROPOSED MAINTENANCE PATH
PLAN, PROFILE & SECTION
ALIGNMENT DATA

SHEET
C-105

APPENDIX B
AGENCY COORDINATION

Public Notice Mailing List

Stakeholders

| Agency | Name | Contact | Affiliation | Secondary Contact | Address |
|--|--|--|--|---|--|
| Broome County Department of Planning and Economic Development | Beth Lucas | beth.lucas@broomecounty.us | Broome County Department of Planning and Economic Development | PHONE: 607.778.2114 FAX: 607.778.2175 | Edwin L. Crawford County Office Building Fifth Floor 60 Hawley Street PO Box 1766 Binghamton, NY 13902 |
| Broome County Parks and Recreation | Elizabeth Woidt | ewoidt@co.broome.ny.us | Broome County Parks Director | 607-778-2360 | Broome County Office Building, 60 Hawley St, Binghamton, NY 13901 |
| Broome County Parks and Recreation | Rob Totten | RTotten@co.broome.ny.us | Dorchester Park Assistant Parks Manager | 607-652-7366 | Broome County Office Building, Fifth Floor 60 Hawley Street, PO Box 1766 |
| Broome County Stormwater Management Program | Leslie G. Boulton, P.E. | LBoulton@co.broome.ny.us | Broome County Stormwater Management Program (SWMP) Coordinator | 607-778-2490 | Broome County Office Building, Fifth Floor 60 Hawley Street, PO Box 1766 |
| Broome County Soil & Water Conservation District | Charles McElwee (Director) | cmcelwee@broomeswcd.org | Broome County Soil & Water Conservation District | (607) 724-9268 x5, (607) 723-1384 x5 | 1163 Upper Front Street, Binghamton, NY 13905 |
| New York State Office of Parks, Recreation and Historic Preservation | Dan Keefe, Public Information Officer | News@parks.ny.gov | New York State Office of Parks, Recreation and Historic Preservation | Parks: 518-474-0456 Historic Pres.: 518-237-8643 | Parks Address: NYS Office of Parks, Recreation and Historic Preservation Albany NY, 12238 Historic Pres. Office: Peebles Island Resource Center |
| New York State Department of Environmental Conservation | Region 7 Bureau of Fisheries | fwfish7@dec.ny.gov | Region 7 Bureau of Fisheries | 607-753-3095 | 1285 Fisher Avenue, Cortland, NY 13045 |
| New York State Department of Environmental Conservation | Elizabeth Tracy | dep.r7@dec.ny.gov | NYSDEC Regional Permit Administrator | 315-426-7438; Fax: 315-426-7425 | 615 Erie Boulevard West, Room 206 Syracuse, NY 13204-2400 |
| New York State Department of Environmental Conservation | NYSDEC Division of Air Resources | dar.web@dec.ny.gov | NYSDEC Division of Air Resources | 518-402-8508 | 625 Broadway, Albany NY 12233-3256 |
| New York State Department of Environmental Conservation | NYSDEC Lands and Forests | landsforests@dec.ny.gov | NYSDEC Lands and Forests | 518-473-9518 | 625 Broadway, 5th Floor , Albany, NY 12233 |
| New York State Department of Environmental Conservation | NYSDEC Bureau of Wildlife | fw.information@dec.ny.gov | NYSDEC Bureau of Wildlife | 518-402-8883 | 625 Broadway, Albany, NY 12233-4754 |
| New York State Department of Environmental Conservation | NYSDEC Division of Water, Bureau of Flood Protection and Dam Safety | dowinformation@dec.ny.gov | NYSDEC Division of Water, Bureau of Flood Protection and Dam Safety, Dam Safety Section | 518-402-8185 | 625 Broadway, 4th Floor, Albany, NY 12233-3504 |
| New York State Department of Environmental Conservation | NYSDEC Office of Climate Change | climatechange@dec.ny.gov | NYSDEC Office of Climate Change | 518-402-8448 | 625 Broadway, Ninth Floor, Albany, NY 12233-1030 |
| New York State Department of Environmental Conservation | New York Natural Heritage Program | dep.r7@dec.ny.gov | NYSDEC New York Natural Heritage Program - Information Services | 518-402-8935 | 625 Broadway, 5th Floor Albany, NY 12233-4757 |
| USDA Natural Resources Conservation Service | Blake Glover | blake.glover@ny.usda.gov | State Conservationist | 315-477-6504 | USDA Natural Resources Conservation Service The Galleries of Syracuse |
| USDA Natural Resources Conservation Service | Dennis DeWeese | dennis.deweese@ny.usda.gov | Assistant State Conservationist for Water Resources | 315-477-6527 | 441 South Salina Street, Suite 354 Syracuse, New York 13202-2450 |
| USDA Natural Resources Conservation Service | Paula Bagley | paula.bagley@ny.usda.gov | State Conservation Engineer | | |
| USDA Natural Resources Conservation Service | Angela VanDyke | angela.vandyke@ny.usda.gov | Executive Assistant / Freedom of Information Act (FOIA) | 315-477-6504 | |
| USDA Natural Resources Conservation Service | Jeremy Call | jeremy.call@ny.usda.gov | Public Affairs | 315-477-6536 | |
| USDA Natural Resources Conservation Service | Karl Strause | karl.strause@ny.usda.gov | Resource Conservationist | 315-477-6535 | |
| USDA Natural Resources Conservation Service | Manila Khouchaleun | manila.khouchaleun@ny.usda.gov | Cultural Resources Specialist | 315-477-6530 | |
| USDA Natural Resources Conservation Service | Mike Fournier | mike.fournier@ny.usda.gov | State Forester | 315-477-6532 | |
| USDA Natural Resources Conservation Service | Kim Farrell | kim.farrell@ny.usda.gov | State Biologist | 315-477-6537 | |
| New York State Department of Transportation | Scott Cook (Public Information Specialist) | scott.cook@dot.ny.gov | New York State Department of Transportation | (607) 721-8118 | 44 Hawley Street, Binghamton, NY 13901 |
| New York State Department of Transportation | Don Pencek (Assistant Regional Director) | don.pencek@dot.ny.gov | New York State Department of Transportation | | 44 Hawley Street, Binghamton, NY 13901 |
| New York State Department of Transportation | Jhomo Oconnor (Assistant to the Regional Director) | jhomo.oconnor@dot.ny.gov | New York State Department of Transportation | | |
| USFWS | David Stilwell (Field Supervisor) | david_stilwell@fws.gov | USFWS NY Ecological Services Field Office | 607-753-9334 | 3817 Luker Road, Cortland NY, 13045-9385 |
| FEMA | | FEMA-R2-ExternalAffairs@fema.dhs.gov | FEMA Region 2 | | 26 Federal Plaza, Room 1337 New York, NY 10278-0002 |
| U.S. EPA | Walter Mugdan, Acting Regional Administrator | Mugdan.Walter@epa.gov | U.S. EPA Region 2 | | USEPA, Region II Walter Mugdan, Acting Regional Administrator 290 Broadway, New York, New York 10007-1866 |

| | | | | | |
|--|---------------------------------------|--|--|--------------|---|
| National Park Service | Gay Vietzke, Regional Director | | NPS Region 1 Northeast Region | 215-597-7013 | Gay Vietzke, Regional Director National Park Service 1234 Market Street 20th Floor Philadelphia, PA 19107 |
| Susquehanna River Basin Commission | Andrew D. Dehoff, Executive Director | srbc@srbc.net | Susquehanna River Basin Commission | | Andrew D. Dehoff, Executive Director Susquehanna River Basin Commission 4423 N. Front Street Harrisburg, PA 17110-1788 |
| Historic Preservation/ Deputy SHPO | Ruth L. Pierpont, Deputy Commissioner | (Ethan will contact) | New York State Division for Historic Preservation | | Ruth L. Pierpont, Deputy Commissioner for Historic Preservation/ Deputy SHPO New York State Division for Historic Preservation Peebles Island State Park P.O. Box 189, Waterford, NY 12188-0189 |
| Office of Planning and Development New York Department of State | | opd@dos.ny.gov | Office of Planning and Development New York Department of State | | Office of Planning and Development New York Department of State, Suite 1010 One Commerce Place 99 Washington Avenue Albany, New York 12231-0001 |
| Upper Susquehanna Coalition | Wendy Walsh, Watershed Coordinator | wwalsh@u-s-c.org | Upper Susquehanna Coalition | | 183 Corporate Drive Owego, NY 13827 |
| Southern Tier East Regional Planning Development Board | | ste@steny.org | Southern Tier East Regional Planning Development Board Metro Center | | 49 Court Street, Suite 222 Binghamton, NY 13901-3274 |
| Southern Tier Central Regional Planning & Development Board (STC) | | stcrpdb@stcplanning.org | Southern Tier Central Regional Planning & Development Board (STC) | | 8 Denison Parkway East Ste 310 Corning, NY 14830 |

Interested Public

Four adjacent property owners notified by USACE

Elected Officials

| | | | | | |
|--------------------------|-------------------------------------|--|--------------------------|-----------------------------------|---|
| District 9 | Matthew J. Hilderbrant (District 9) | matt.hilderbrant@broomecounty.us | | 607-778-2131 | (Sixth Floor) 60 Hawley Street, PO Box 1766, Binghamton, NY 13902 |
| County Executive | Jason T. Garnar (County Executive) | CountyExecutive@broomecounty.us | | 607-778-2109 | (Sixth Floor) 60 Hawley Street, PO Box 1766, Binghamton, NY 13902 |
| Village of Whitney Point | David Downes (Mayor) | mayor@whitneypoint.org | Village of Whitney Point | 607-692-4907 Fax: 607-692-2934 | 2612 Liberty St. PO Box 729 Whitney Point, NY 13862 |
| | Whitney Point Secretary | secretary@whitneypoint.org | | | |
| | Linda Murphy (Clerk/Treasurer) | clerk@whitneypoint.org | | | |
| | Nathan VanWhy (Attorney) | nvanwhy@cplawoffices.com | | | |



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 27, 2020

Ethan Bean
Archaeologist
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

Re: USACE
Whitney Point Lake Crib Wall Remediation Project
Town of Triangle, Broome County, NY
20PR05200

Dear Ethan Bean:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer
Division for Historic Preservation

From: [Jesse Bergevin](#)
To: [Bean, Ethan A CIV USARMY CENAB \(USA\)](#)
Subject: [Non-DoD Source] Section 106 Review - Whitney Point Lake Crib Wall Remediation Project
Date: Wednesday, August 26, 2020 1:55:59 PM

VIA E-MAIL ETHAN.A.BEAN@usace.army.mil

Mr. Ethan Bean
U.S. Army Corps of Engineers, Baltimore District

Dear Mr. Bean,

On August 26, 2020, the Oneida Indian Nation (the “Nation”) received an email and documentation from the U.S. Army Corps of Engineers, Baltimore District concerning the Whitney Point Lake Crib Wall Remediation Project (the “Project”). Your letter invites the Nation to consult on the Project. Based on the past disturbances with the Project’s area of potential effect, the Nation does not anticipate the Project will affect any historic properties significant to the Nation. Therefore, the Nation does not request consultation for this Project.

If you have any questions, please call me at (315) 829-8463.

Thank you,

Jesse Bergevin | Historic Resources Specialist
Oneida Indian Nation | 2037 Dream Catcher Plaza, Oneida, NY 13421-0662
jbergevin@oneida-nation.org | Blockedwww.oneidaindiannation.com
315.829.8463 Office | 315.829.8473 Fax



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

August 04, 2020

Consultation Code: 05E1NY00-2020-SLI-3929

Event Code: 05E1NY00-2020-E-11773

Project Name: Whitney Point Lake, NY Crib Wall Repair

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2020-SLI-3929

Event Code: 05E1NY00-2020-E-11773

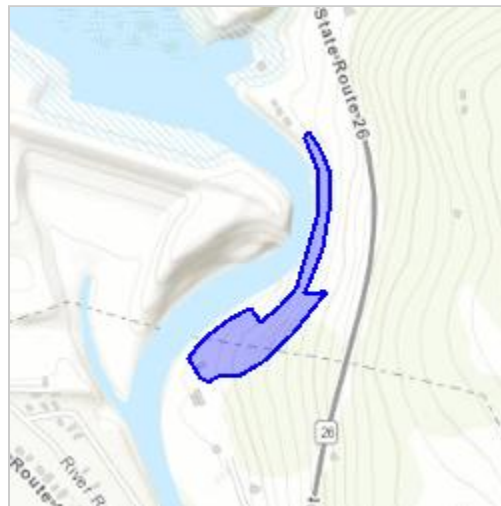
Project Name: Whitney Point Lake, NY Crib Wall Repair

Project Type: DAM

Project Description: USACE is preparing an EA to assess the impacts of four potential measures to remediate a deteriorating crib wall. including no action, repair/replacement in-kind, a structural alternative, and an earth fill/buttress (buttress). Based on preliminary evaluations, an earth fill and rip-rap buttress alternative appears likely to best meet the project purpose and need. This alternative involves construction of an approximately 1600 linear-foot buttress in front of the crib wall, where a gravel maintenance road currently exists, and relocation of the maintenance road above the crib wall. The preliminary project design calls for use of earth fill excavated from an adjacent borrow area (forested area on the southeast of the LOD) for the project construction. The staging area is on the south side of the LOD, immediately to the east of the spillway. Construction is expected to occur in 2021.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.33909268541377N75.96433616517083W>



Counties: Broome, NY

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov
<https://www.fws.gov/northeast/NYFO/>

In Reply Refer To:

July 26, 2022

Project Code: 2022-0067468

Project Name: Whitney Point Lake, NY Crib Wall Repair

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Project Code: 2022-0067468
Project Name: Whitney Point Lake, NY Crib Wall Repair
Project Type: New Constr - Above Ground
Project Description: USACE is preparing an EA to assess the impacts of four potential measures to remediate a deteriorating crib wall. including no action, repair/replacement in-kind, a structural alternative, and an earth fill/buttress (buttress). Based on preliminary evaluations, an earth fill and rip-rap buttress alternative appears likely to best meet the project purpose and need. This alternative involves construction of an approximately 1600 linear-foot buttress in front of the crib wall, where a gravel maintenance road currently exists, and relocation of the maintenance road above the crib wall. The preliminary project design calls for use of earth fill excavated from an adjacent borrow area (forested area on the southeast of the LOD) for the project construction. The staging area is on the south side of the LOD, immediately to the east of the spillway. Construction is expected to occur in 2021.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.33909268541377,-75.96433616517083,14z>



Counties: Broome County, New York

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Agency: Army Corps of Engineers

Name: Megan Spindler

Address: 2 Hopkins Plaza

City: Baltimore

State: MD

Zip: 21201

Email: megan.l.spindler@usace.army.mil

Phone: 4102079987

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

September 22, 2020

Chris Johnson
U.S. Army Corps of Engineers - Baltimore District
2 Hopkins Place
Baltimore, NY 21201

Re: Whitney Point Crib Wall Remediation
County: Broome Town/City: Triangle

Dear Mr. Johnson :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits, at dep.r7@dec.ny.gov.

Sincerely,



Heidi Krahlting
Environmental Review Specialist
New York Natural Heritage Program



The following state-listed animals have been documented in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 7 Office at dep.r7@dec.ny.gov, 315-426-7438.

| <i>COMMON NAME</i> | <i>SCIENTIFIC NAME</i> | <i>NY STATE LISTING</i> | <i>FEDERAL LISTING</i> |
|--------------------|------------------------|-------------------------|------------------------|
|--------------------|------------------------|-------------------------|------------------------|

The following species has been documented in a stretch of the Otselic River adjacent to the project site.

Freshwater Mussels

| | | | |
|----------------------|-----------------------------|------------|------|
| Brook Floater | <i>Alasmidonta varicosa</i> | Threatened | 7818 |
|----------------------|-----------------------------|------------|------|

The following species has been documented in the Tioughnioga River within 0.5 mile of the project site.

| | | | |
|----------------------|-----------------------------|------------|-------|
| Green Floater | <i>Lasmigona subviridis</i> | Threatened | 14578 |
|----------------------|-----------------------------|------------|-------|

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



The following rare animal has been documented in the vicinity of the project site.

We recommend that potential impacts of the proposed project on this species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animal, while not listed by New York State as Endangered or Threatened, is rare in New York and is of conservation concern.

| <i>COMMON NAME</i> | <i>SCIENTIFIC NAME</i> | <i>NY STATE LISTING</i> | <i>HERITAGE CONSERVATION STATUS</i> |
|---------------------------|--------------------------|-------------------------|-------------------------------------|
| Freshwater Mussels | | | |
| Yellow Lampmussel | <i>Lampsilis cariosa</i> | Unlisted | Imperiled in NYS |

Documented in the Tioughnioga River within 0.5 mile of the project site. 2014-09-10.

4736

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



September 2, 2020

Megan Spindler, Planning Division
U.S. Army Corps of Engineers
2 Hopkins Plaza, 10th Floor
Baltimore, MD 21201

Dear Ms. Spindler:

**RE: NEPA NOTICE FOR PREPARATION OF ENVIRONMENTAL ASSESSMENT
WHITNEY POINT LAKE CRIB WALL REMEDIATION PROJECT
VILLAGE OF WHITNEY POINT / TOWN OF TRIANGLE, BROOME COUNTY
NEPA #20-009**

The New York State Department of Transportation (NYSDOT) has received notice for the initiation of the preparation of an Environmental Assessment for the subject project in compliance with the National Environmental Policy Act. Please continue to involve NYSDOT with regard to notification and review of environmental determinations, site plans and project documents, especially activities that pertain to, or impact, State Route 26.

Note that any work within the state-right-of-way will require a Highway Work Permit prior to commencement. Additionally, a copy of the draft Environmental Assessment and findings, and Environmental Impact Statement if required, shall be submitted for NYSDOT's review and comment. A copy of USACE's final Environmental Assessments and findings, and Environmental Impact Statement if required, shall also be submitted prior to issuing Highway Work Permit(s).

Please note that these comments are preliminary. Additional comments may be provided as site plans, environmental determinations, and other project documents are made available to NYSDOT in the future.

If you have any questions regarding permit requirements, please visit <https://www.dot.ny.gov/permits>, or call Cathy Niederriter in the Regional Permits Office at (607) 721-8082. If you have questions regarding this response, please contact Kathryn Mangan in the Regional Planning and Program Management Office at (607) 721-8254.

Sincerely,

Pamela M. Eshbaugh, P.E.
Regional Planning & Program Manager

PME/KAM/jmt

ec: R. Sperski, Broome County Resident Engineer
C. Bump, Broome County Assistant Resident Engineer
T. Klein, Broome County Assistant Resident Engineer
S. Murphy, Chair, Regional Site Plan Committee
S. Cammisa, Regional Environmental Manager
C. Niederriter, Regional Permit Coordinator
T. Signorelli, Regional Traffic Engineer
D. Pencek, Assistant to the Regional Director
J. Newby, Regional Planning and Program Management Office
J. Taylor, Regional Planning and Program Management Office

c: Blue
NEPA File: 20-009